FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3197

DATE FILMED 9/5/91 CAMERA NO. 3

CAMERAMAN AS

91040511177

OGC8GC 8444

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 OCT 28 AM 8:37

MUR 3197

1437 Roselli Drive
Livermore, CA 94550
October 24, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 OCT 29 PM 12:46

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

Re: 9th Congressional District, California

To Whom It May Concern:

It has come to my attention that Victor Romero, the Republican candidate for the above mentioned District, has posted signs all over the District which do not state the name of the committee responsible for printing and posting them.

I understand this is in violation of FEC rules.

I would appreciate your taking action on this situation.

Thank you.

Sincerely,

Clarence R Klein

Clarence R. Klein

State of California }
County of Alameda } ss.

On October 24, 1990, before me the undersigned, a Notary Public for the State of California, personally appeared Clarence R. Klein, personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed it. Gaye C. Hyde

GAYE C. HYDE
NOTARY PUBLIC
Alameda County, California
My commission expires Sept. 3, 1994

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 1, 1990

Clarence R. Klein
1437 Roselli Drive
Livermore, CA 94550

Dear Mr. Klein:

This is to acknowledge receipt on October 29, 1990, of your letter dated October 24, 1990. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter was not properly sworn to.

You must swear before a notary that the contents of your complaint are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred. A statement by the notary that the complaint was sworn to and subscribed before him/her will be sufficient. We are sorry for the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

If you have any questions concerning this matter, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

cc: Respondent

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 1, 1990

Victor A. Romero
5506 Sunol Blvd #202
Pleasanton, CA 94566

Dear Mr. Romero:

On October 29, 1990, the Federal Election Commission received a letter alleging that you violated sections of the Federal Election Campaign Act of 1971, as amended. As indicated from the copy of the enclosed letter addressed to the complainant, those allegations do not meet certain specified requirements for the proper filing of a complaint. Thus, no action will be taken on this matter unless the allegations are refiled meeting the requirements for a properly filed complaint. If the matter is refiled, you will be notified at that time.

This matter will remain confidential for 15 days to allow for the correction of the defects. If the defects are not cured and the allegations are not refiled, no additional notification will be provided and the file will be closed.

If you have any questions, please call Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
Copy of Improper Complaint
Copy of letter to the Complainant

9 1 0 4 0 3 5 1 1 3 0

00C 8874

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 DEC -7 AM 11:07

1437 Roselli Dr.
Livermore, CA 94550
November 28, 1990

MUR 3197

Mr. Lawrence Noble, General Counsel
Federal Election Commission
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 DEC -7 PM 12:54

Dear Mr. Noble:

I have received your letter dated November 1, 1990, stating that my October 24, 1990, letter was notarized but not sworn to.

The contents of the complaint in the statement I made to you on October 24, 1990, I now swear are true to the best of my knowledge.

Sincerely,

Clarence R. Klein

Clarence R. Klein

State of California
County of Alameda } ss.

Clarence R. Klein, being duly sworn, deposes and says: That the statements in this document document are true.

Subscribed and sworn to before me on November 28, 1990.

GAYE C. HYDE
NOTARY PUBLIC
Alameda County, California
My commission expires Sept. 3, 1994

Gaye C. Hyde

Gaye C. Hyde

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1990

Clarence R. Klein
1437 Roselli Drive
Livermore, CA 94550

RE: MUR 3197

Dear Mr. Klein:

This letter acknowledges receipt on December 7, 1990, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Victor A. Romero, Victor Romero for Congress and William E. Cox, as treasurer. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original submission. We have numbered this matter MUR 3197. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-5110.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

91040361132

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1990

William E. Cox, Treasurer
Victor Romero for Congress
4466 Black Avenue
Suite G
Pleasanton, CA 94566

RE: MUR 3197

Dear Mr. Cox:

The Federal Election Commission received a complaint which alleges that Victor Romero for Congress ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3197. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be notarized. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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 matter to be made public. 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.

2 1 0 4 0 3 6 1 1 3 3

If you have any questions, please contact Noriega James, the staff member assigned to this matter at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

: Victor A. Romero

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1990

Victor A. Romero
5506 Sunol Blvd #202
Pleasanton, CA 94566

RE: MUR 3197

Dear Mr. Romero:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3197. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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 matter to be made public. 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.

91040361165

If you have any questions, please contact Noriega James, the staff member assigned to this matter at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

11040351136

Donnald K. Anderson
Clerk

OGC 0025

Patricia A. Bias, Director
Office of Records and Registration

Office of the Clerk
U.S. House of Representatives
Washington, DC 20515-6601

3/91

91 FEB -6 PM 4:35

February 6, 1991

TO: Lawrence M. Noble, General Counsel
Federal Election Commission

FROM: Patricia A. Bias, Director
Records and Registration

RE: Vic Romero for Congress

Enclosed please find a letter from the Vic Romero for Congress Committee which was received by this office.

Since this document concerns a response to a complaint against this committee, I am forwarding it to your office to handle in a manner consistent with Commission procedures.

For your information, this material was inadvertently microfilmed and included in our computer index; however, it has since been deleted from our public records. If it is determined that this document should be filed with the Clerk of the House, please return the original document with instructions for microfilming.

Thank you for your attention to this matter.

Enclosure

cc: Doug Patton
Steve Ross

REPUBLICAN CONGRESSIONAL CANDIDATE, NINTH DISTRICT, CALIFORNIA

REGULAR MAIL

JAN 25 1991

OFFICE OF RECORDS & REGISTRATION
JAN 30 AM 8:00
OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

MUR 3197

133167

January 25, 1991

Federal Election Commission
Office of Records & Registration
1036 Longworth House Office Building
Washington, D.C. 20515-6612

Attention: Lawrence M. Noble
General Counsel

Dear Mr. Noble:

This letter is in response to your letter regarding a complaint filed against my campaign concerning the printing of campaign signs. I spoke to your staff member, James Noriega, today, January 25, 1991, at 9:30 a.m. (pacific time) regarding this complaint. Mr. Noriega has requested that I inform you as to the circumstances as to how the signs were purchased.

Sal J. Guzzetta & Assoc., Campaign Consultant, used his sources for the purchase of all campaign materials, i.e. letterhead, buttons, and signs. The material was delivered to our headquarters and stored until the proper time to display the signs, in our district it was 30 days prior to election day. All of the printed material was printed with the disclosure statement, (letterhead), with the exclusion of the signs. This error was not brought to my attention until we received your complaint and at that time (after the election) the signs were either taken down or those that were not put-up were destroyed. It was unfortunate that this error was made in printing, and in the future we will be using extreme care in the material printed for use in our campaign.

If you should require any further information please feel free to call my office at (415)462-2885. Thank you for your time and effort in this matter.

Yours truly,

Victor A. Romero

Victor A. Romero

P.O. BOX 1438, PLEASANTON, CA 94566
PHONE 415 462 2885 FAX 415 462 2911

AUTHORIZED AND PAID FOR BY THE VICTOR ROMERO CAMPAIGN COMMITTEE, WILLIAM E. COX, TREASURER CONTRIBUTIONS ARE NOT TAX DEDUCTIBLE

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

91 MAR 26 PM 4:09

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

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MUR #3197
DATE COMPLAINT RECEIVED
BY OGC: 12/7/90
DATE OF NOTIFICATION TO
RESPONDENTS: 12/14/90
STAFF MEMBER: Noriega E. James

COMPLAINANT: Clarence R. Klein

RESPONDENTS: Victor Romero for Congress and William E. Cox, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 441d(a)
11 C.F.R. § 110.11(a)(1)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

On December 7, 1990, the Commission received a signed and sworn complaint from Clarence R. Klein (the "Complainant") against Victor A. Romero, Victor Romero for Congress and William E. Cox, as treasurer (the "Respondents"). The Complainant alleged that Respondents "posted signs all over the (9th Congressional District of California) which do not state the name of the committee responsible for printing and posting them." Complainant, however, did not enclose any copies of material referenced in the complaint. Respondents were notified of the complaint and submitted a written response on January 30, 1991.

II. FACTUAL AND LEGAL ANALYSIS

The Act requires an appropriate disclaimer for

7140351139

communications that expressly advocate the election or defeat of a clearly identified candidate, or that solicit contributions through any broadcasting station, newspaper, magazine, or any other type of general public political advertising. 2 U.S.C. § 441d. The type of disclaimer required depends upon the source of the communication. If it is paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, the disclaimer shall clearly state that the communication has been paid for by such authorized political committee. 2 U.S.C. § 441d(a)(1).

Commission regulations further require that such a disclaimer appear and be presented in a clear and conspicuous manner to give the reader adequate notice of the identity of the persons who paid for and, where required, who authorized the communication. The disclaimer is not required to be placed on the front face or page of such communication, as long as it appears within it. 11 C.F.R. § 110.11(a)(1).

In his written response to the complaint and in telephone conversations with staff of this Office, Victor Romero acknowledged that the appropriate disclaimer had been inadvertently omitted from campaign signs. He stated the "printing" error was not brought to his attention until he received the complaint in this matter and that "extreme care"

would be used in the future.[1] See Attachment 1.

Therefore, this Office recommends that the Commission find reason to believe that Victor Romero for Congress and William E. Cox, as treasurer violated 2 U.S.C. § 441d(a).

III. **RECOMMENDATIONS**

1. Find reason to believe that Victor Romero for Congress and William E. Cox, as treasurer violated 2 U.S.C. § 441d(a).

2. Approve the appropriate letter and Factual and Legal Analysis.

Lawrence M. Noble
General Counsel

Date 3/25/91

BY: Lois G. Lerner
Associate General Counsel

Attachment
Response to complaint
Factual and Legal Analysis

1. In a telephone conversation with staff from this Office, Mr. Romero stated that he did not know what arrangements had been made for the printing of these materials, nor whether the printing company had been instructed to include a disclaimer on the campaign signs. Therefore, during discovery this Office intends to ask the Committee to provide answers to these and other questions.

FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DONNA ROACH DR
COMMISSION SECRETARY

DATE: MARCH 28, 1991

SUBJECT: MUR 3197 - FIRST GENERAL COUNSEL'S REPORT DATED MARCH 25, 1991.

The above-captioned document was circulated to the Commission on WEDNESDAY, MARCH 27, 1991 at 11:00 A.M.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	
Commissioner Elliott	
Commissioner Josefiak	XXXXX
Commissioner McDonald	
Commissioner McGarry	
Commissioner Thomas	

This matter will be placed on the meeting agenda for TUESDAY, APRIL 9, 1991.

Please notify us who will represent your Division before the Commission on this matter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3197
Victor Romero for Congress and	)	
William E. Cox, as treasurer.	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on April 9, 1991, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 3197:

1. Find reason to believe that Victor Romero for Congress and William E. Cox, as treasurer, violated 2 U.S.C. § 441d(a).

2. Approve the Factual and Legal Analysis as recommended in the General Counsel's report dated March 25, 1991.

3. Direct the Office of General Counsel to send an appropriate letter and a proposed conciliation agreement.

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

Attest:

4-10-91
Date

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

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1991

William E. Cox, Treasurer
Victor Romero for Congress
4466 Black Avenue; Suite G
Pleasanton, CA 94566

RE: MUR 3197
Victor Romero for Congress
and William E. Cox, as
treasurer

Dear Mr. Cox:

On December 14, 1990, the Federal Election Commission notified Victor Romero for Congress ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by Victor A. Romero, the candidate, the Commission, on April 9, 1991, found that there is reason to believe the Committee and you, as treasurer, violated 2 U.S.C. § 441d(a), a provision of 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 receipt of this letter. Where appropriate, statements should be submitted under oath.

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

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, 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 matter to be made public.

If you have any questions, please contact Noriega E. James, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosures
Designation of Counsel Form
Factual & Legal Analysis
Conciliation Agreement

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3197

RESPONDENTS: Victor Romero for Congress and William E. Cox, as treasurer

The Act requires an appropriate disclaimer for communications that expressly advocate the election or defeat of a clearly identified candidate, or that solicit contributions through any broadcasting station, newspaper, magazine, or any other type of general public political advertising. 2 U.S.C. § 441d. The type of disclaimer required depends upon the source of the communication. If it is paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, the disclaimer shall clearly state that the communication has been paid for by such authorized political committee. 2 U.S.C. § 441d(a)(1).

Commission regulations further require that such a disclaimer appear and be presented in a clear and conspicuous manner to give the reader adequate notice of the identity of the persons who paid for and, where required, who authorized the communication. The disclaimer is not required to be placed on the front face or page of such communication, as long as it appears within it. 11 C.F.R. § 110.11(a)(1).

On December 7, 1990, the Commission received a signed and sworn complaint from Clarence R. Klein (the "Complainant") against Victor Romero for Congress and William E. Cox, as treasurer (the "Respondents"). The Complainant alleged that

Respondents "posted signs all over the (9th Congressional District of California) which do not state the name of the committee responsible for printing and posting them." Respondents were notified of the complaint and submitted a written response on January 30, 1991.

In his written response to the complaint and in telephone conversations with staff of this Office, Victor Romero acknowledged that the appropriate disclaimer had been inadvertently omitted from campaign signs. He stated the printing error was not brought to his attention until he received the complaint in this matter and that "extreme care" would be used in the future.

Therefore, this Office recommends that the Commission find reason to believe that Victor Romero for Congress and William E. Cox, as treasurer violated 2 U.S.C. § 441d(a).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 18, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William E. Cox, Treasurer
Victor Romero for Congress
P.O. Box 1438
Pleasanton, CA 94566

RE: MUR 3197
Victor Romero for Congress
and William E. Cox, as
treasurer

Dear Mr. Cox:

On April 17, 1991, you were notified that the Commission, on April 9, 1991, found that there is reason to believe that Victor Romero for Congress and you, as treasurer, violated 2 U.S.C. § 441d(a), a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, was attached for your information. At the same time 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 Noriega E. James, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

RECEIVED
FEC
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

91 AUG -7 AM 11:11

In the Matter of	)	
	)	
Victor Romero for Congress and William E. Cox, as treasurer	)	MUR 3197
	)	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. **BACKGROUND**

Attached is a signed conciliation proposal submitted in resolution of the above-referenced matter.

II. **RECOMMENDATIONS**

1. Accept the attached conciliation agreement with Victor Romero for Congress and William E. Cox, as treasurer.

2. Close the file.

3. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

8/6/91
Date

BY: LGL
Lois G. Lerner
Associate General Counsel

Attachment
Conciliation Agreement

Staff assigned: Noriega James

7140351179

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Victor Romero for Congress and	)	MUR 3197
William E. Cox, as treasurer.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 9, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3197:

1. Accept the conciliation agreement with Victor Romero for Congress and William E. Cox, as treasurer, as recommended in the General Counsel's Report dated August 8, 1991.

2. Close the file.

3. Approve the appropriate letter, as recommended in the General Counsel's Report dated August 8, 1991.

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

Attest:

8-12-91
Date

Delores Harris
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Wed., August 7, 1991 11:11 a.m.
Circulated to the Commission: Wed., August 7, 1991 4:00 p.m.
Deadline for vote: Fri., August 9, 1991 4:00 p.m.

dr

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

CLOSED

August 19, 1991

William E. Cox, Treasurer
Victor Romero for Congress
5506 Sunol Blvd, Suite 100
Pleasanton, CA 94550

RE: MUR 3197
Victor Romero for Congress
and William E. Cox, as
treasurer

Dear Mr. Cox:

On August 9, 1991, the Federal Election Commission accepted the signed conciliation agreement submitted on your behalf in settlement of a violation of 2 U.S.C. § 441d(a), 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. I remind you that the first installment of the civil penalty is due September 1, 1991. If you have any questions, please contact Noriega E. James, 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
Conciliation Agreement

OBC 1995

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3197
Victor Romero for Congress and	)	
William E. Cox, as treasurer	)	

91 JUL 29 PM 3:27

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Clarence R. Klein. The Federal Election Commission ("Commission") found reason to believe that Victor Romero for Congress and William E. Cox, as treasurer, ("Respondents") violated 2 U.S.C. § 441d(a).

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:

91 JUL 29 PM 1:37

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. Victor Romero for Congress is a political committee within the meaning of 2 U.S.C. § 431(4).

2. William E. Cox is the treasurer of Victor Romero for

Congress.

3. The Act requires an appropriate disclaimer for communications that expressly advocate the election or defeat of a clearly identified candidate, or that solicit contributions through any broadcasting station, newspaper, magazine, or any other type of general public political advertising. 2 U.S.C. § 441d. The type of disclaimer required depends upon the source of the communication. If it is paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, the disclaimer shall clearly state that the communication has been paid for by such authorized political committee. 2 U.S.C. § 441d(a)(1).

4. Respondents posted signs advocating the election of Victor A. Romero, a candidate in the 1990 General Election in California's Ninth Congressional District.

5. The signs did not include disclaimers indicating whether they were paid for by the candidate, his authorized committee, or it agents.

V. Respondents failed to include the appropriate disclaimer on signs advocating the election of Victor A. Romero in violation of 2 U.S.C. § 441d(a).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Two Hundred and Fifty Dollars ($250), pursuant to 2 U.S.C. § 437g(a)(5)(A), such penalty to be paid in two installments of $125 as follows:

1. The first installment payment of $125 is due on

September 1, 1991;

2. The second installment payment of $125 is due on October 1, 1991;

3. In the event that any installment payment is not received by the Commission by the fifth day of the month in which it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the respondents. Failure by the Commission to accelerate the payments with regard to any overdue installment shall not be construed as a waiver of its right to do so with regard to future overdue installments.

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 have executed same and the Commission has approved the entire agreement.

IX. Respondent 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
Lois G. Lerner
Associate General Counsel

8-19-91
Date

FOR THE RESPONDENTS:

Victor A Romero
(Name)
(Position)

7/24/91
Date

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3197

DATE FILMED 9/5/91 CAMERA NO. 3

CAMERAMAN AS