



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MJR # 3285

DATE FILMED 11/2/91 CAMERA NO. 2

CAMERAMAN AS

91040874636



FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

4 February 1991

MEMORANDUM

TO: LAWRENCE M. NOBLE  
GENERAL COUNSEL

THROUGH: JOHN C. SURINA  
STAFF DIRECTOR

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

SUBJECT: REFERRAL OF MONTHLY UNAUTHORIZED COMMITTEES  
FOR FAILING TO FILE THE 1990 12 DAY PRE-GENERAL  
REPORT BY ELECTION DAY

Attached is a listing of thirty-five (35) monthly unauthorized committees which failed to file the 1990 12 Day Pre-General Report by Election Day, November 6, 1990.

For your information, each committee was sent Prior Notice of the due date of the report on October 1, 1990 (Attachment 36). Twenty-nine (29) of the committees were sent Non-Filer Notices on November 15, 1990 (Attachment 37). Six (6) of the committees

were not sent Non-Filer Notices because their 12 Day Pre-General Reports were filed by November 15, 1990.

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

Attachment

91040874637

9 1 0 4 0 3 7 4 6 3 8

C00212308

Duchossois Industries Inc. Political  
Action Committee

91NF-27



91040374639

**DUCHOSSOIS INDUSTRIES INC. POLITICAL ACTION COMMITTEE**

(Attachment 11a - 11c)

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	LOCATION
						TYPE OF FILER
DUCHOSSOIS INDUSTRIES INC POLITICAL ACTION COMMITTEE						ID #C00212308 NON-PARTY QUALIFIED
CONNECTED ORGANIZATION: DUCHOSSOIS INDUSTRIES INC						
	1989 FEBRUARY MONTHLY	2,761	1,000	1JAN89 - 31JAN89	9	89FEC/525/2970
	MARCH MONTHLY	3,172	0	1FEB89 - 28FEB89	8	89FEC/529/2269
	APRIL MONTHLY	3,037	0	1MAR89 - 31MAR89	9	89FEC/592/1520
	APRIL MONTHLY - AMENDMENT	-	-	1MAR89 - 31MAR89	1	89FEC/609/3100
	REQUEST FOR ADDITIONAL INFORMATION	-	-	1MAR89 - 31MAR89	1	89FEC/609/1676
	MAY MONTHLY	2,579	2,000	1APR89 - 30APR89	10	89FEC/595/3988
	MAY MONTHLY - AMENDMENT	-	-	1APR89 - 30APR89	1	89FEC/609/3098
	REQUEST FOR ADDITIONAL INFORMATION	-	-	1APR89 - 30APR89	1	89FEC/609/1675
	JUNE MONTHLY	2,849	5,500	1MAY89 - 31MAY89	13	89FEC/597/4737
	JUNE MONTHLY - AMENDMENT	-	-	1MAY89 - 31MAY89	1	89FEC/609/3096
	REQUEST FOR ADDITIONAL INFORMATION	-	-	1MAY89 - 31MAY89	1	89FEC/609/1674
	JULY MONTHLY	2,975	1,000	1JUN89 - 30JUN89	12	89FEC/601/5075
	JULY MONTHLY - AMENDMENT	-	-	1JUN89 - 30JUN89	1	89FEC/609/3094
	REQUEST FOR ADDITIONAL INFORMATION	-	-	1JUN89 - 30JUN89	1	89FEC/609/1673
	AUGUST MONTHLY	2,804	2,500	1JUL89 - 31JUL89	12	89FEC/607/5227
	AUGUST MONTHLY - AMENDMENT	-	-	1JUL89 - 31JUL89	2	89FEC/609/3091
	SEPTEMBER MONTHLY	2,767	1,700	1AUG89 - 31AUG89	12	89FEC/609/3078
	OCTOBER MONTHLY	2,699	0	1SEP89 - 30SEP89	12	89FEC/613/0358
	NOVEMBER MONTHLY	2,699	1,000	1OCT89 - 31OCT89	12	89FEC/614/5424
	DECEMBER MONTHLY	2,699	2,000	1NOV89 - 31NOV89	12	89FEC/617/0956
	YEAR-END	2,061	0	1DEC89 - 31DEC89	10	89FEC/620/0501
	1990 FEBRUARY MONTHLY	2,018	0	1JAN90 - 31JAN90	11	90FEC/629/1882
	MARCH MONTHLY	3,761	1,450	1FEB90 - 28FEB90	13	90FEC/631/0668
	APRIL MONTHLY	2,748	7,000	1MAR90 - 31MAR90	13	90FEC/638/0737
	MAY MONTHLY	2,727	2,500	1APR90 - 30APR90	15	90FEC/643/2923
	MAY MONTHLY - AMENDMENT	2,727	2,500	1APR90 - 30APR90	5	90FEC/644/0792
	REQUEST FOR ADDITIONAL INFORMATION	-	-	1APR90 - 30APR90	1	90FEC/642/2133
	JUNE MONTHLY	2,788	2,500	1MAY90 - 31MAY90	14	90FEC/643/2667
	JULY MONTHLY	2,649	5,000	1JUN90 - 30JUN90	15	90FEC/650/2839
	NET LETTER INFORMATIONAL NOTICE	-	-	1JUN90 - 30JUN90	1	90FEC/655/0525
	AUGUST MONTHLY	2,811	2,500	1JUL90 - 31JUL90	14	90FEC/652/3115
	SEPTEMBER MONTHLY	2,774	2,250	1AUG90 - 31AUG90	15	90FEC/658/2182
	REQUEST FOR ADDITIONAL INFORMATION	-	-	1SEP90 - 30SEP90	1	90FEC/679/3901
	OCTOBER MONTHLY	2,713	8,000	1SEP90 - 30SEP90	15	90FEC/654/1067
*	OCTOBER MONTHLY - AMENDMENT	-	-	1SEP90 - 30SEP90	2	90FEC/680/1017
	PRE-GENERAL	2,713	5,500	1OCT90 - 17OCT90	10	90FEC/671/2814
	NOTICE OF FAILURE TO FILE	-	-	1OCT90 - 17OCT90	1	90FEC/670/5161
	NOVEMBER MONTHLY	-	-	1OCT90 - 31OCT90	15	90FEC/671/0743
*	POST-GENERAL	10,013	2,000	1NOV90 - 25NOV90	11	90FEC/673/5406
*	DECEMBER MONTHLY	-	-	1NOV90 - 30NOV90	10	90FEC/678/5311
*	YEAR-END	2,617	4,000	1DEC90 - 31DEC90	10	91FEC/683/4962
	TOTAL	73,834	60,400		335	TOTAL PAGES

ALL REPORTS HAVE BEEN REVIEWED EXCEPT THOSE INDICATED BY AN ASTERISK (\*) AT LEFT  
ENDING CASH ON HAND AS OF 12/31/90: 24,492.00  
OUTSTANDING DEBTS OWED BY THE COMMITTEE AS OF 12/31/90: 0.00

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**BOOK OF RECEIPTS AND DISBURSEMENTS**  
For Other Than An Authorized Committee  
(Summary Page)

ATTACHMENT 11b

USE FEC MAILING LABEL OR PRINT

1. NAME OF COMMITTEE (to be printed)  
**Juchessois Industries, Inc., Political Action Comm.**

ADDRESS (number and street)  Check a different than previously reported  
**845 Larch Avenue**

CITY STATE and ZIP CODE  
**Elmhurst, IL 60126**

90 NOV 29 11:10:29

2. FEC IDENTIFICATION NUMBER  
**CO0212308**

3.  This committee qualified as a multicandidate committee DURING THIS Reporting Period on \_\_\_\_\_ (date)

**4. TYPE OF REPORT**

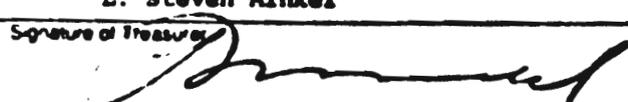
- (a)  April 15 Quarterly Report  
 July 15 Quarterly Report  
 October 15 Quarterly Report  
 January 31 Year End Report  
 July 31 Mid Year Report (Non-election Year Only)  
 Termination Report
- Monthly Report Due On:  
 February 28  June 30  October 30  
 March 30  July 30  November 30  
 April 30  August 30  December 30  
 May 30  September 30  January 31
- Twelfth day report preceding \_\_\_\_\_ (Type of Election)  
election on \_\_\_\_\_ in the State of \_\_\_\_\_
- Thirteenth day report following the General Election on \_\_\_\_\_ in the State of \_\_\_\_\_
- (b) Is this Report an Amendment?  YES  NO

9 2 0 3 6 7 1 1 7 4 3

SUMMARY		COLUMN A	COLUMN B
5. Covering Period <u>October 1</u> through <u>October 31, 1990</u>		This Period	Calendar Year-to-Date
6. (a)	Cash on Hand January 1, 19 <u>90</u> . . . . .		\$ 26,453.37
(b)	Cash on Hand at Beginning of Reporting Period . . . . .	\$ 20,447.83	
(c)	Total Receipts (from Line 18) . . . . .	\$ 10,013.68	\$ 35,208.14
(d)	Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 30,461.51	\$ 61,661.51
7.	Total Disbursements (from Line 28) . . . . .	\$ 6,500.00	\$ 37,700.00
8.	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 23,961.51	\$ 23,961.51
9.	Debts and Obligations Owed TO the Committee (itemize all on Schedule C and/or Schedule D)	\$	For further information contact:
10.	Debts and Obligations Owed BY the Committee (itemize all on Schedule C and/or Schedule D)	\$	Federal Election Commission 999 E Street, NW Washington, DC 20463 Tel: Free 800 424 9530 Local 202 376 3120

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

Type or Print Name of Treasurer  
**L. Steven Minkel**

Signature of Treasurer:  Date: **11/19/90**

# REPORT OF RECEIPTS AND EXPENDITURES ATTACHMENT 11c

For Other Than An Authorized Committee  
(Summary Page)

90 NOV 27 AM 11:05

<b>1. NAME OF COMMITTEE (in full)</b> Duchossois Industries, Inc., Political Action Comm.	<b>2. FEC IDENTIFICATION NUMBER</b> CO0212308
<b>ADDRESS (number and street)</b> <input type="checkbox"/> Check if different than previously reported 645 Larch Avenue	<b>3. <input type="checkbox"/> The committee qualified as a multicandidate committee during THIS Reporting Period</b> (Date)
<b>CITY, STATE and ZIP CODE</b> Elmhurst, IL 60126	

### 4. TYPE OF REPORT

- (a)  April 15 Quarterly Report
- July 15 Quarterly Report
- October 15 Quarterly Report
- January 31 Year End Report
- July 31 Mid Year Report (Non-election Year Only)
- Termination Report
- Monthly Report Due On:
- |                                      |                                       |                                      |
|--------------------------------------|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> February 28 | <input type="checkbox"/> June 30      | <input type="checkbox"/> October 30  |
| <input type="checkbox"/> March 31    | <input type="checkbox"/> July 31      | <input type="checkbox"/> November 30 |
| <input type="checkbox"/> April 30    | <input type="checkbox"/> August 31    | <input type="checkbox"/> December 31 |
| <input type="checkbox"/> May 31      | <input type="checkbox"/> September 30 | <input type="checkbox"/> January 31  |
- Twelfth day report preceding Federal (Type of Election)  
 election on 11/6/90 in the State of Illinois
- Thirtieth day report following the General Election on \_\_\_\_\_ in the State of \_\_\_\_\_
- (b) Is this Report an Amendment?  YES  NO

SUMMARY	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>October 1</u> through <u>October 17, 1990</u>		
6. (a) Cash on Hand January 1, 19 <u>90</u>	\$ 26,453.37	
(b) Cash on Hand at Beginning of Reporting Period	\$ 20,447.83	
(c) Total Receipts (from Line 1b)	\$ 2,713.68	\$ 27,908.14
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 23,161.51	\$ 54,361.51
7. Total Disbursements (from Line 2b)	\$ 5,500.00	\$ 36,700.00
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 17,661.51	\$ 17,661.51
9. Debts and Obligations Owed TO the Committee (Itemize as on Schedule C and/or Schedule D)	\$	
10. Debts and Obligations Owed BY the Committee (Itemize as on Schedule C and/or Schedule D)	\$	

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

Type or Print Name of Treasurer: L. Steven Minkel

Signature: Date: 11/21/90

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

	<b>FEC FORM 3X</b> (revised 4/87)
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USE FEC MAILING LABEL OR TYPE ON POST

# GENERAL ELECTION REPORT NOTICE

ATTACHMENT 36  
(Page 1 of 2)

## FEDERAL ELECTION COMMISSION

**PARTIES AND PACs**

**October 1, 1990**

**I. ALL MONTHLY FILERS**

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
Pre-General	10/01/90**-10/17/90	10/22/90	10/25/90
Post-General	10/18/90 - 11/26/90	12/06/90	12/06/90

**II. QUARTERLY FILERS THAT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 17\*\*\***

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
Pre-General	10/01/90**-10/17/90	10/22/90	10/25/90
Post-General	10/18/90 - 11/26/90	12/06/90	12/06/90

**III. QUARTERLY FILERS WHICH DO NOT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 17\*\*\***

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
Post-General	10/01/90**-11/26/90	12/06/90	12/06/90

**WHO MUST FILE**

Party committees and PACs (nonconnected committees and separate segregated funds) must follow the above charts in order to determine whether they must file the pre-general election report. All party committees and PACs, regardless of financial activity, must file the post-general election report.

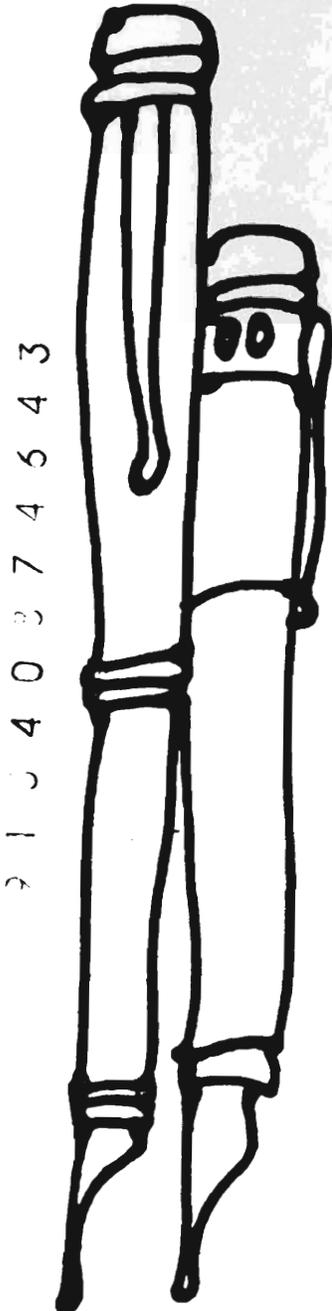
**WHAT MUST BE REPORTED**

All financial activity (not previously reported) that occurred during the reporting period.

\*Reports sent by registered or certified mail must be postmarked by the mailing date. Otherwise, they must be received by the filing date.

\*\*The period begins with the close of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

\*\*\*Committees that made general election contributions or expenditures prior to October 1 which have not been previously reported must also follow the Chart II reporting requirements.



**PARTIES AND PACs**

**GENERAL ELECTION**

**REPORTING FORMS**

Party committees and PACs use Form 3X (enclosed).

**WHERE TO FILE**

Consult the instructions on the back of the Form 3X Summary Page. Note State filing requirements also.

**LABEL**

Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

**LAST-MINUTE INDEPENDENT EXPENDITURES**

Any PAC which makes any independent expenditures aggregating \$1,000 or more during the period beginning October 18 and ending November 4 must report them within 24 hours. Call the FEC for more information.

**COMPLIANCE**

TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

FOR INFORMATION, Call: 202/376-3120 or 800/424-9530

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

RQ-7

November 15, 1990

TREASURER  
COMMITTEE  
STREET  
CITY, STATE ZIP

Identification Number: ID NUMBER

Reference: 12 Day Pre-General Report (10/1/90-10/17/90)

Dear TREASURER:

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 previously notified 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 its relevant portions should also be filed with the Secretary of State or equivalent state officer (see 11 CFR §§108.2, 108.3, 108.4).

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 ANALYST 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

21040374645

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

FIRST GENERAL COUNSEL'S REPORT

**SENSITIVE**

RAD Referral: 91NF 17 - 51  
Staff Member: Noriega E. James

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

RESPONDENTS:

91040374646

Duchossois Industries Inc. Political Action  
Committee and L. S. Minkel, as treasurer  
(91NF-27)

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RELEVANT STATUTES: 434(a)(4)(B)  
INTERNAL REPORTS CHECKED: Referral Materials  
FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the above thirty-five (35) committees and their treasurers to the Office of the General Counsel on February 5, 1991. The basis of the attached RAD referral is the committees' failure to file the

1990 12 Day Pre-General Report in a timely manner, in violation of 2 U.S.C. § 434(a)(4)(B).

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that all unauthorized political committees that file monthly reports, shall file a pre-general election report in lieu of filing the report otherwise due in November of any year in which a regularly scheduled general election is held. 2 U.S.C. § 434(a)(4)(B). According to Section 434(a)(2)(A)(i) the pre-election report must be filed no later than the 12th day before any election, and should be complete as of the 20th day before the election.

With regard to the 1990 general election, unauthorized committees were required to file a 12 Day Pre-General Election Report, covering the pre-election period of October 1 through October 17, by October 25, 1990. The committees referred by RAD failed to file the 1990 Pre-General Report or a report covering the pre-election period by the required deadline. However, seven of the committees filed 1990 November Monthly Reports with coverage dates of October 1 through 31, 1990. These reports

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were received after the due date for the 12 Day Pre-General Report.

On October 1, 1990, prior notification was sent to all unauthorized committees which specifically informed monthly filers of the requirement to file a 12 Day Pre-General Report by October 25, 1990 (Attachment 1, pages 177 - 178). Each committee which failed to submit either a 12 Day Pre-General Report or a November Monthly Report was sent a Non-Filer Notice on November 15, 1990 (Attachment 1, page 179).

Accordingly, the Office of the General Counsel recommends that the Commission open Matters Under Review and find reason to believe that 34 of the 35 previously referenced committees and their treasurers (See Recommendation I) violated 2 U.S.C. § 434(a)(4)(B) by failing to file timely the 1990 12 Day Pre-General Report.

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

This Office also recommends that the Commission offer to enter into conciliation with the respondents prior to a finding of probable cause to believe.

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PAGES 7 THROUGH 27 DO NOT PERTAIN TO THESE RESPONDENTS.

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**IV. RECOMMENDATIONS**

1. Open Matters Under Review, find reason to believe that the following committees and their treasurer violated 2 U.S.C. § 434(a)(4)(B) and enter into conciliation prior to a finding of probable cause to believe:

A.

B.

C.

D.

E.

F.

G.

H.

I.

J.

K. Duchossois Industries Inc. Political Action  
Committee and L. S. Minkel, as treasurer (91NF-27)

L.

M.

N.

O.

P.

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2.

3. Approve the attached Factual and Legal Analyses and proposed conciliation agreements and the appropriate letters.

Lawrence M. Noble  
General Counsel

Date 5/2/91

BY:   
Lois G. Lerner  
Associate General Counsel

Attachments:

- 1. RAD Referral
- 2. Factual and Legal Analysis (34)
- 3. Conciliation Agreement (34)

91040374656

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Thirty-five (35) Committees and ) RAD Referrals  
 ) #91NF 17-51  
their treasurers )

CERTIFICATION

I, Marjorie W. Emmons, do hereby certify that  
the Commission took the following actions with respect  
to the above-captioned referrals:

1. Decided by a vote of 6-0 to
  - a) Open Matters Under Review, find reason to believe that the following committees and their treasurer violated 2 U.S.C. § 434(a)(4)(B) and enter into conciliation prior to a finding of probable cause to believe:
    - A.
    - B.
    - C.

(continued)

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D.

E.

F.

G.

H.

I.

J. Duchossois Industries Inc.  
Political Action Committee and  
L. S. Minkel, as treasurer  
(91NF-27)

K.

(continued)

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Federation Election Commission  
Certification: RAD 91NF 17-51  
May 14, 1991

Page 3

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Federal Election Commission  
Certification: RAD 91NF 17-51  
May 14, 1991

Page 4

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(continued)

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GG.

b)

c) Approve the Factual and Legal Analyses  
and proposed conciliation agreements  
and the appropriate letters as  
recommended in the General Counsel's  
Report dated May 2, 1991.

(continued)

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Federal Election Commission  
Certification: RAD 91NF 17-51  
May 14, 1991

Page 6

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

Attest:

5-17-91  
Date

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

91040374662



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 28, 1991

L. S. Minkel, Treasurer  
Duchossois Industries Inc.  
Political Action Committee  
845 Larch Avenue  
Elmhurst, Il 60126

RE: MUR 3285  
Duchossois Industries Inc. Political  
Action Committee and  
L. S. Minkel, as treasurer

Dear Mr. Minkel:

On May 14, 1991, the Federal Election Commission found that there is reason to believe Duchossois Industries Inc. Political Action Committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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

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

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

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L. S. Minkel, Treasurer

Page 2

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

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

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

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

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

Sincerely,

*Joan D. Aikens*

Joan D. Aikens  
Vice Chairman

Enclosures

Factual and Legal Analysis  
Procedures  
Designation of Counsel Form  
Conciliation Agreement

9 1 0 4 0 3 7 4 6 6 4

FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS

MUR: 3285

RESPONDENTS: Duchossois Industries Inc. Political Action  
Committee and L. S. Minkel, as treasurer

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that all unauthorized political committees that file monthly reports, shall file a pre-general election report in lieu of filing the report otherwise due in November of any year in which a regularly scheduled general election is held. 2 U.S.C. § 434(a)(4)(B). According to Section 434(a)(2)(A)(i) the pre-election report must be filed no later than the 12th day before any election, and should be complete as of the 20th day before the election.

With regard to the 1990 general election, unauthorized committees were required to file a 12 Day Pre-General Election Report, covering the pre-election period of October 1 through October 17, by October 25, 1990. The above referenced committee failed to file the 1990 Pre-General Report or a report covering the pre-election period by the required deadline. Therefore, there is reason to believe the Duchossois Industries Inc. Political Action Committee and L. S. Minkel, as treasurer, violated 2 U.S.C. § 434(a)(4)(B) by failing to timely file the 1990 12 Day Pre-General Report.

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**SKADDEN, ARPS, SLATE, MEAGHER & FLOM**

1440 NEW YORK AVENUE, N.W.  
WASHINGTON, D.C. 20005-2107

(202) 371-7000

FAX (202) 393 5760

DIRECT DIAL  
(202) 371-

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June 12, 1991

BY HAND

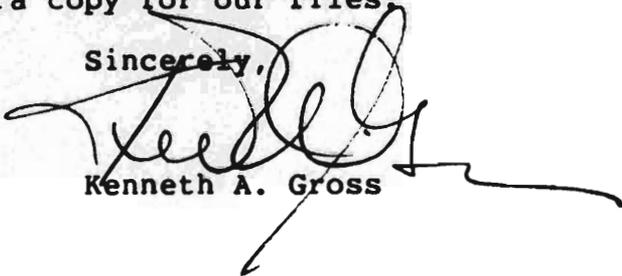
Lawrence Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, Northwest  
Washington, D.C. 20463

Re: MUR 3285  
Duchossois Industries Inc.  
Political Action Committee

Dear Mr. Noble:

Enclosed please find a signed Statement of Designation of Counsel for the above-referenced MUR. Please date stamp the extra copy for our files.

Sincerely,



Kenneth A. Gross

Enclosure

91 JUN 12 PM 5:02

RECEIVED  
FEDERAL ELECTION COMMISSION

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**STATEMENT OF DESIGNATION OF COUNSEL**

**MUR** 3285

**NAME OF COUNSEL:** Kenneth A. Gross, Esq.

**ADDRESS:** Skadden, Arps, Slate, Meagher & Flom

1440 New York Avenue, N.W.

Washington, DC 20005

**TELEPHONE:** 202-371-7000

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

June 11, 1991

**Date**

*Kethan B. Leonard*  
**Signature**

**RESPONDENT'S NAME:** Duchossois Industries, Inc. Political

**ADDRESS:** Action Committee and L. S. Minkel,  
as Treasurer

845 Larch Avenue

Elmhurst, IL 60126

**HOME PHONE:** \_\_\_\_\_

**BUSINESS PHONE:** 708-279-3600

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**SKADDEN, ARPS, SLATE, MEAGHER & FLOM**

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June 13, 1991

BY FAX

Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, Northwest  
Washington, D.C. 20463  
ATTN: Tamara Kapper

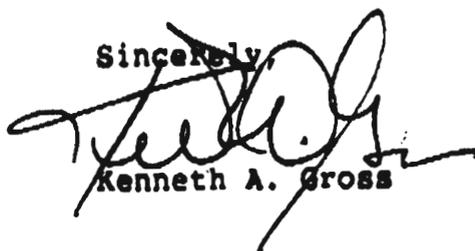
Re: MUR 3285  
Duchossois Industries Inc.  
Political Action Committee

Dear Mr. Noble:

This letter will confirm my June 13, 1991 conversation with Ms. Kapper concerning the above referenced matter. On June 11, 1991, the respondent authorized my representation in this matter and the 15 days to respond to the Commission's reason to believe finding appears to expire on June 15, 1991. Therefore, I request a 15 day extension of time to respond to the Commission's finding.

Thank you for your consideration of this request.

Sincerely,

  
Kenneth A. Gross

91 JUN 14 AM 11:03

FEDERAL ELECTION COMMISSION

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 17, 1991

Kenneth A. Gross, Esquire  
Skadden, Arps, Slate,  
Meagher & Flom  
1440 New York Avenue, N.W.  
Washington, D.C. 20005-2107

RE: MUR 3285  
Duchossois Industries Inc.  
Political Action Committee  
and L.S. Minkel, as  
treasurer

Dear Mr. Gross:

This is in response to your letter dated June 13, 1991, which we received on that same date, requesting an extension of 15 days to respond to the Commission's reason to believe finding in MUR 3285. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on July 1, 1991.

If you have any questions, please contact Tamara Kapper, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble  
General Counsel

BY: Robert W. Bonham III  
Assistant General Counsel

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SKADDEN, ARPS, SLATE, MEAGHER & FEDERAL ELECTION COMMISSION  
OFFICE SERVICES BRANCH

1440 NEW YORK AVENUE, N.W.  
WASHINGTON, D.C. 20005-2107

91 JUL -2 PM 2:09

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DIRECT DIAL  
(202) 371

(202) 371-7000

July 1, 1991

Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, Northwest  
Washington, D.C. 20463  
Attention: Tamara Kapper

Re: MUR 3285  
Duchossois Industries Inc.  
Political Action Committee

RECEIVED  
FEDERAL ELECTION COMMISSION  
COUNSEL  
91 JUL -2 PM 10:01

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Dear Mr. Noble:

This case involves an unusual situation. The Federal Election Commission ("FEC") alleges that Duchossois Industries Inc. Political Action Committee ("Duchossois PAC") violated 2 U.S.C. § 434(a)(4)(B) because it did not file a 12 day pre-general election report prior to the 1990 general election. Duchossois PAC, a monthly filer, filed a November 20 monthly report (covering activity in October) and did not file a pre-general election report because it had no federal activity to report during the pre-general election period. Between October 1 and October 17, 1990, the pre-general election period, Duchossois PAC made only two disbursements, both to Illinois state candidates, Citizens for Ryan and Citizens for Edgar. In fact, during the last quarter of 1990, Duchossois PAC made only one contribution to a federal candidate, Senator Alan Dixon, and Senator Dixon was not up for reelection in 1990. That contribution was made on November 12, 1990.

Even though Duchossois PAC had no federal pre-general election activity, the Commission has found reason to believe that the Duchossois PAC failed to file a 12 day pre-election report in a timely fashion. Even a filer who is keenly aware of the reporting requirements under the Federal Election Campaign Act would reasonably believe that a 12 day pre-general election report is triggered only if a PAC makes contributions to federal

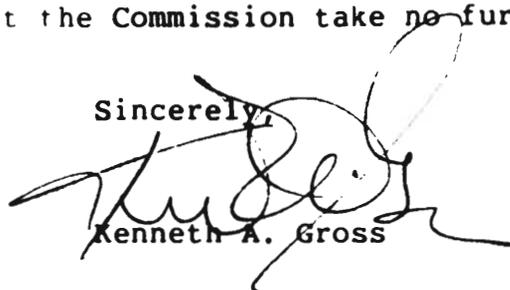
Lawrence M. Noble, Esq.  
July 1, 1991  
Page Two

candidates during the pre-general election period. It appears, however, that only quarterly filers need not file a pre-general election report in the absence of federal activity. Monthly filers are treated differently in that they are required to file a 12 day pre-election report even if they have no federal pre-general election activity. Nowhere in the the legislative history to the statute, the regulations, or the explanation and justification for the regulations is there a rationale for this differing treatment.

Contributing to the confusion caused by the different rules for quarterly and monthly filers, on June 18, 1990, the treasurer of the Duchossois PAC erroneously received a notice from the FEC which should have been sent to quarterly filers, not monthly filers. That notice indicated that only committees that had pre-election activity were required to file 12 day pre-election reports. (Copy of notice enclosed.) That was the last notice the treasurer of the Duchossois PAC has a record of receiving prior to the 1990 general election.

The Duchossois PAC realizes that it should have filed a 12 day pre-general election report and will do so in the future whether or not it conducts federal activity during the pre-election period. Essentially, a quirk in the statute has unfairly ensnared this small PAC into a compliance action. Based on these unusual and compelling circumstances and the fact that no harm occurred because the PAC engaged in no federal activity during the pre-election period, the Duchossois PAC and its treasurer respectfully requests that the Commission take no further action in this matter.

Sincerely,



Kenneth A. Gross

Attachment

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● QUARTERLY ●  
**REPORT NOTICE**

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

June 21, 1990

JUN 13 1990

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
July Quarterly	04/01/90**-06/30/90	07/15/90	07/15/90

**WHO MUST FILE**

PARTY COMMITTEES AND PACS (NONCONNECTED COMMITTEES AND SEPARATE SEGREGATED FUNDS) filing on a quarterly basis must file a quarterly report in July.

**WHAT MUST BE REPORTED**

Disclose all financial activity (not previously reported) that occurred during the reporting period.

**REPORTING FORMS**

Party committees and PACs use Form 3X (enclosed).

**WHERE TO FILE**

Consult the instructions on the back of the Form 3X Summary Page. Note state filing requirements also.

**LABEL**

Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

**PRE-ELECTION REPORTING**

Committees which make contributions or expenditures (including independent expenditures) in connection with a candidate's primary election, must also file a 12-day Pre-Election Report if the activity was not previously reported. See the January Record.

**LAST-MINUTE INDEPENDENT EXPENDITURES**

Committees which make an independent expenditure of \$1,000 or more, after the 20th day, but more than 24 hours before an election, must report it within 24 hours.

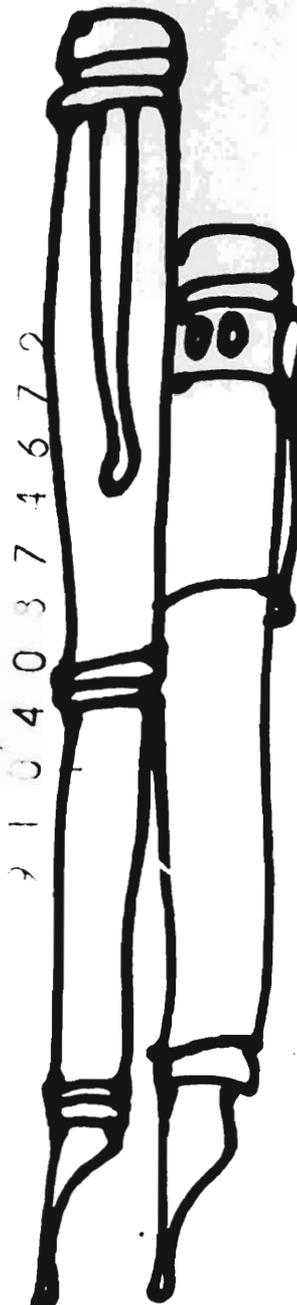
**COMPLIANCE**

TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

Reports sent by registered or certified mail will be considered filed on the date of the U.S. postmark. Reports hand delivered or mailed first class must be received by the filing date.

The period begins with the close of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

FOR INFORMATION, call (202)376-3120 or 1(800)424-9530



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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 3285
	)	
Duchossis Industries Inc.	)	
Political Action Committee	)	
and L.S. Minkel, as treasurer	)	

**SENSITIVE**

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 14, 1991, the Federal Election Commission (the "Commission") found reason to believe the Duchossis Industries Inc. Political Action Committee and L.S. Minkel, as treasurer ("DIPAC"), violated 2 U.S.C. § 434(a)(4)(B) for the failure to timely file their 1990 12 Day Pre-General Report.

II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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**III. RECOMMENDATIONS**

1. **Reject the counterproposal of Duchossois Industries Inc. Political Action Committee and L.S. Minkel, as treasurer.**
2. **Approve the attached proposed conciliation agreement.**
3. **Approve the appropriate letter.**

**Lawrence M. Noble  
General Counsel**

**Date** 10/9/91

**BY:**   
**Lois G. Lerner  
Associate General Counsel**

**Attachments**

1. **Counterproposal dated 9/19/91**
2. **Final Proposed Conciliation Agreement**

**Staff Assigned: Tamara Kapper**

21040374676



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE  
GENERAL COUNSEL

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

DATE: OCTOBER 15, 1991

SUBJECT: MUR 3285 - GENERAL COUNSEL'S REPORT  
DATED OCTOBER 9, 1991.

The above-captioned document was circulated to the Commission on THURSDAY, OCTOBER 10, 1991 at 4:00 P.M.

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

Commissioner Aikens	<u>XXX</u>
Commissioner Elliott	<u>          </u>
Commissioner Josefiak	<u>          </u>
Commissioner McDonald	<u>          </u>
Commissioner McGarry	<u>          </u>
Commissioner Thomas	<u>XXX</u>

This matter will be placed on the meeting agenda for TUESDAY, OCTOBER 22, 1991.

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 3285  
Duchossois Industries, Inc. )  
Political Action Committee and )  
L.S. Minkel, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on October 22, 1991, do hereby certify that the Commission decided by a vote of 5-0 to reject the recommendations contained in the General Counsel's October 9, 1991 report and instead take the following actions in MUR 3285:

1. Accept the counterproposal of Duchossois Industries Inc. Political Action Committee and L.S. Minkel, as treasurer.
2. Close the file.
3. Direct the Office of General Counsel to send an appropriate letter pursuant to the above actions.

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

Attest:

10-23-91  
Date

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

91040374678



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 29, 1991

**CLOSED**

Kenneth A. Gross, Esquire  
Skadden, Arps, Slate,  
Meagher & Flom  
1440 New York Avenue, N.W.  
Washington, D.C. 20005-2107

RE: MUR 3285  
Duchossois Industries Inc.  
Political Action Committee  
and L.S. Minkel, as treasurer

Dear Mr. Gross:

On October 22, 1991, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your clients' behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel. Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

91040374679

Kenneth Gross, Esq.  
Page 2

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Tamara Kapper, the staff member assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble  
General Counsel

BY: Lois G. Lerner  
Associate General Counsel

Enclosure  
Conciliation Agreement

91040374680

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR: 3285  
Duchossois Industries Inc. Political )  
Action Committee and L.S. Minkel; )  
as treasurer )

CONCILIATION AGREEMENT

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

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

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

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

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

2. L.S. Minkel is the treasurer of Duchossois Industries Inc. Political Action Committee.

3. Section 434(a)(4)(B) of the Federal Election Campaign Act of 1971, as amended (the "Act"), provides that all unauthorized political committees that file monthly reports shall file a pre-general election report in lieu of filing the report otherwise due in November of any year in which a regularly scheduled general election is held. According to Section 434(a)(2)(A)(i), the pre-election report must be filed no later than the 12th day before any election, and should be complete as of the 20th day before the election.

4. Respondents were required to file the 12 Day Pre-General Election Report, covering the pre-election period of October 1 through October 17, by October 25, 1990. Respondents failed to file the 1990 12 Day Pre-General Report or a report covering the pre-election

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period until November 20, 1990, 26 days late, disclosing \$2,213 in receipts, no disbursements to federal candidates, and \$5,500 in disbursements to non-federal candidates for the relevant reporting period.

V. Respondents failed to file the 1990 12 Day Pre-General Report in a timely fashion in violation of 2 U.S.C. § 434(a)(4)(B). The respondents contend, however, that the late reporting was inadvertent and no harm was caused because the Duchossois Industries PAC made no contributions to federal candidates during the pre-election period.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Hundred Seventy Five Dollars (\$175.00) 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 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 State District Court for the District of Columbia.

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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. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement 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: *L G Lerner*  
Lois G. Lerner

10/29/91  
Date

FOR THE RESPONDENTS:

BY: *K A Gross*  
Kenneth A. Gross  
Attorney for Duchossois  
Industries, Inc. Political  
Action Committee

9/19/91  
Date



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

THIS IS THE END OF MUR # 3285

DATE FILMED 11/8/91 CAMERA NO. 2

CAMERAMAN AS

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