



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 3297

DATE FILMED 9/5/91 CAMERA NO. 3

CAMERAMAN AS

71,40,51,57



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

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1 4 0 3 5 1 2 0 9

C00003863

Marine Engineers Beneficial Association  
Retirees Group Fund (AKA MEBA Retirees  
Group Fund)

91NF-40



**MARINE ENGINEERS BENEFICIAL ASSOCIATION RETIREES GROUP FUND  
AKA (MEBA RETIREES GROUP FUND)**

(Attachment 24a - 24d)

10405110

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	PAGES	TYPE OF FUND
MARINE ENGINEERS BENEFICIAL ASSOCIATION RETIRED OFFICERS AND THEIR DEPENDENTS CLASS NUMBER 1000000100 MEMBERSHIP GUARANTEED						
COMMITTED ORGANIZATION: MARINE ENGINEERS BENEFICIAL ASS'N						
	1989 FEBRUARY MONTHLY	15,061	0	13JAN89 - 01JAN89	2	09FED/000/0000
	MARCH MONTHLY	15,197	730	13FEB89 - 02FEB89	2	09FED/000/0000
	MARCH MONTHLY - AMENDMENT	-	-	17FEB89 - 03FEB89	2	09FED/000/0000
	APRIL MONTHLY	15,636	1,941	14MAR89 - 01MAR89	5	09FED/000/0000
	MAY MONTHLY	15,173	118,389	14APR89 - 03APR89	4	09FED/000/0000
	JUNE MONTHLY	14,970	2,119	14MAY89 - 01MAY89	5	09FED/000/0000
	JUNE MONTHLY - AMENDMENT	-	-	14MAY89 - 01MAY89	4	09FED/000/0000
	REQUEST FOR ADDITIONAL INFORMATION	-	-	14MAY89 - 01MAY89	1	09FED/000/0000
	JULY MONTHLY	14,758	2,362	13JUN89 - 03JUN89	7	09FED/000/0000
	AUGUST MONTHLY	14,658	557	13JUL89 - 01JUL89	6	09FED/000/0000
	AUGUST MONTHLY - AMENDMENT	-	-	13JUL89 - 01JUL89	3	09FED/000/0000
	REQUEST FOR ADDITIONAL INFORMATION	-	-	13JUL89 - 01JUL89	1	09FED/000/0000
	SEPTEMBER MONTHLY	14,658	654	14AUG89 - 01AUG89	12	09FED/000/0000
	SEPTEMBER MONTHLY - AMENDMENT	-	-	14AUG89 - 01AUG89	3	09FED/000/0000
	OCTOBER MONTHLY	14,658	80,000	13SEP89 - 03SEP89	14	09FED/000/0000
	NOVEMBER MONTHLY	14,439	5,431	10OCT89 - 01OCT89	18	09FED/000/0000
	DECEMBER MONTHLY	14,439	359	14NOV89 - 01NOV89	12	09FED/000/0000
	AMENDMENT	14,207	6,868	13NOV89 - 01NOV89	12	09FED/000/0000
	1989 JANUARY MONTHLY	14,658	0	10JAN89 - 01JAN89	2	09FED/000/0000
	FEBRUARY MONTHLY	14,678	0	10FEB89 - 01FEB89	2	09FED/000/0000
	MARCH MONTHLY	14,207	359	10MAR89 - 01MAR89	2	09FED/000/0000
	APRIL MONTHLY	14,133	88,079	14APR89 - 03APR89	4	09FED/000/0000
	MAY MONTHLY	14,133	4,656	14MAY89 - 01MAY89	1	09FED/000/0000
	JUNE MONTHLY	13,888	2,184	10JUN89 - 03JUN89	4	09FED/000/0000
	AUGUST MONTHLY	13,800	0	13JUL89 - 01JUL89	7	09FED/000/0000
	SEPTEMBER MONTHLY	13,800	408	14AUG89 - 01AUG89	11	09FED/000/0000
	OCTOBER MONTHLY	13,800	71,337	10OCT89 - 03OCT89	15	09FED/000/0000
	NOVEMBER MONTHLY	13,800	0	10NOV89 - 01NOV89	11	09FED/000/0000
	DECEMBER MONTHLY	13,800	0	10DEC89 - 01DEC89	1	09FED/000/0000
	1990 JANUARY MONTHLY	13,800	0	10JAN90 - 01JAN90	18	09FED/000/0000
	FEBRUARY MONTHLY	13,800	1,000	10FEB90 - 01FEB90	17	09FED/000/0000
	MARCH MONTHLY	13,800	2,411	07NOV90 - 01FEB90	20	09FED/000/0000
TOTAL		344,573	2,364,000		249	TOTAL 04/000

1040361211

ALL REPORTS HAVE BEEN REVIEWED EXCEPT YEAR END  
 ENDING CASH ON HAND AS OF 12/31/90: 45,137.00  
 OUTSTANDING DEBTS OWED BY THE COMMITTEE AS OF 12/31/90: 0.00

# REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee  
(Summary Page)

RECEIVED  
FEDERAL ELECTION COMMISSION  
ADMINISTRATIVE SERVICES

90 NOV 19 PM 3: 62

USE PEC MAILING LABEL  
OR  
TYPE OR PRINT

NAME OF COMMITTEE OR CLUB  
Marine Engineers Beneficial Association  
Retirees Group Fund

ADDRESS (number and street)  Check if different from previously reported  
444 North Capitol Street N.W. Suite 600

CITY, STATE and ZIP CODE  
Washington D.C. 20001

1 IDENTIFICATION NUMBER  
C-0000-1861

2  This committee qualified as a multi-candidate committee (URING THIS Reporting Period) on N/A (date)

### 4. TYPE OF REPORT

- April 15 Quarterly Report
  - July 15 Quarterly Report
  - October 15 Quarterly Report
  - January 31 Year End Report
  - July 31 Mid Year Report (Non-election Year Only)
  - Termination Report
- Monthly Report Due On:
- February 28  June 30  October 30
  - March 30  July 29  November 30
  - April 30  August 29  December 30
  - May 30  September 29  January 31
- Tenth day report preceding \_\_\_\_\_ (Type of Election)  
election on \_\_\_\_\_ in the State of \_\_\_\_\_
- Thirtieth day report following the General Election on \_\_\_\_\_ in the State of \_\_\_\_\_

(a) Is this Report an Amendment?  YES  NO

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5	Covering Period <u>10-1-90</u> through <u>10-31-90</u>		
6	(a) Cash on Hand January 1, 19 <u>90</u>		\$ 48,582.28
	(b) Cash on Hand at Beginning of Reporting Period	\$ 8,472.94	
	(c) Total Receipts (from Line 18)	\$ 13,631.71	\$ 139,779.17
	(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 22,104.65	\$ 188,361.45
7	Total Disbursements (from Line 28)	\$ 1,390.05	\$ 167,646.85
8	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 20,714.60	\$ 20,714.60
9	Debits and Obligations Owed TO the Commission (see 28 on Schedule C and/or Schedule D)	\$ -0-	For further information contact: Federal Election Commission 999 E Street NW Washington, DC 20463 Toll Free 800 424 9630 Local 202 376 3188
10	Debits and Obligations Owed BY the Commission (see 28 on Schedule C and/or Schedule D)	\$ -0-	

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

Raoul A. Amador

Signature of Treasurer

Date

11-19-90

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

4015412  
70036711354



# MEBA Retirees Group Fund

444 North Capital Street • Washington, D.C. 20001 • 202 334-8585

November 27, 1990

Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

Dir Sirs,

Enclosed is our 12 Day Pre-General Report (10/1/90-10/17/90),  
with we failed to supply to you do to an oversight on our part.

Sincerely,

Raoul A. Anador  
Treasurer

11J36, 1533115

# REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee  
(Summary Page)

90 NOV 26 11:23 38

USE FEC MAILING LABEL OR TYPE OR PRINT

1. NAME OF COMMITTEE (in full) Marine Engineers Beneficial Association Retirees Group Fund		2. FEC IDENTIFICATION NUMBER C - 0000 3863
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported 444 North Capitol Street NW Suite 800		
CITY, STATE and ZIP CODE Washington, DC 20001		3. <input type="checkbox"/> This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date)

## 4. TYPE OF REPORT

- (a)  April 15 Quarterly Report  
 July 15 Quarterly Report  
 October 15 Quarterly Report  
 January 31 Year End Report  
 July 31 Mid Year Report (Non-election Year Only)  
 Termination Report
- Monthly Report Due On:  
 February 20     June 20     October 20  
 March 20     July 20     November 20  
 April 20     August 20     December 20  
 May 20     September 20     January 31
- Twelfth day report preceding General (Type of Election)  
 election on 11/06/90 in the State of DC
- Thirtieth day report following the General Election on \_\_\_\_\_ in the State of \_\_\_\_\_
- (b) Is this Report an Amendment?  YES  NO

## SUMMARY

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	<u>10/01/90</u> through <u>10/17/90</u>		
6. (a)	Cash on Hand January 1, 19 <u>90</u> . . . . .		\$ 48,582.28
(b)	Cash on Hand at Beginning of Reporting Period . . . . .	\$ 8,472.94	
(c)	Total Receipts (from Line 1B) . . . . .	\$ 13,631.71	\$ 139,779.17
(d)	Subtotal (add Lines 6(a) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 22,104.65	\$ 188,361.45
7.	Total Disbursements (from Line 2B) . . . . .	\$ - 0 -	\$ 146,256.80
8.	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 22,104.65	\$ 22,104.65
9.	Debits and Obligations Owed TO the Committee (Items all on Schedule C and/or Schedule D)	\$ - 0 -	
10.	Debits and Obligations Owed BY the Committee (Items all on Schedule C and/or Schedule D)	\$ - 0 -	

For further information contact:  
 Federal Election Commission  
 999 E Street, NW  
 Washington, DC 20463  
 Toll Free 800-424-9630  
 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  
 Paul A. Anador

Signature of Treasurer  


Date  
 11/26/90

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

11036715332

# 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.

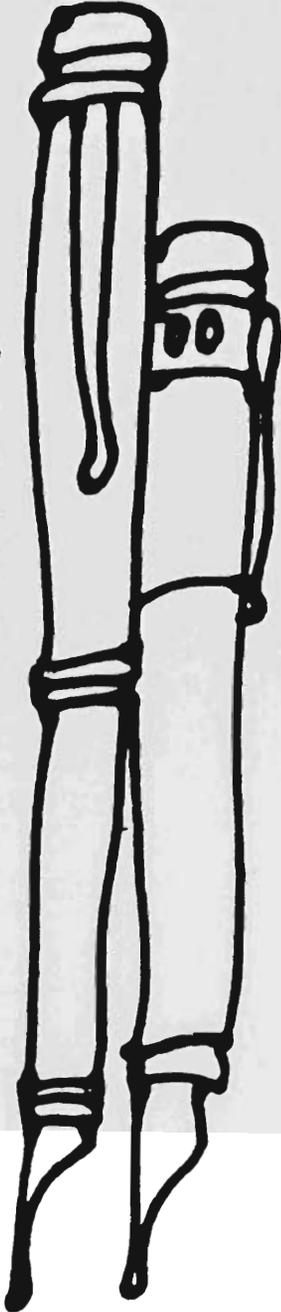
#### WHAT MUST BE REPORTED

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.



4051215

**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.

4051216

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



SECRET

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:

21040051218

71040.51219

Marine Engineers Beneficial Association  
Retirees Group Fund (AKA MEBA Retirees Group  
Fund) and Raoul A. Amador, as treasurer  
(91NF-40)

1040051220

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.

1104051222

**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.

405123

PAGES 7 THROUGH 27 DO NOT PERTAIN TO THESE RESPONDENTS.

1 4 0 5 1 2 2 4

01040351225

**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.

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Q.

R.

S.

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V.

W. Marine Engineers Beneficial Association Retirees  
Group Fund (AKA MEBA Retirees Group Fund) and Raoul  
A. Amador, as treasurer (91NF-40)

X.

Y.

Z.

AA.

BB.

CC.

DD.

EE.

21540761221

FF.

GG.

HH.

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)

40,5128

BEFORE THE FEDERAL ELECTION COMMISSION

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

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 concili-  
ation prior to a finding of probable  
cause to believe:

A.

B.

C.

(continued)

21540361229

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

Page 2

D.

E.

F.

G.

H.

I.

J.

K.

(continued)

01040351200

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

Page 3

L.

M.

N.

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P.

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R.

S.

21040361261

(continued)

T.

U.

V. Marine Engineers Beneficial  
Association Retirees Group Fund  
(AKA MEBA Retirees Group Fund)  
and Raoul A. Amador, as treasurer  
(91NF-40)

W.

X.

Y.

Z.

AA.

(continued)

1104051202

BB.

CC.

DD.

EE.

FF.

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)

71040361233

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.

104051204

Attest:

5-17-91  
Date

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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 28, 1991

Raoul A. Amador, Treasurer  
Marine Engineers Beneficial Association  
Retirees Group Fund (AKA  
MEBA Retirees Group Fund)  
444 North Capitol Street, Suite 800  
Washington, DC 20001

RE: MUR 3297  
Marine Engineers Beneficial Association  
Retirees Group Fund (AKA MEBA Retirees  
Group Fund) and  
Raoul A. Amador, as treasurer

Dear Mr. Amador:

On May 14, 1991, the Federal Election Commission found that there is reason to believe Marine Engineers Beneficial Association Retirees Group Fund (AKA MEBA Retirees Group Fund) ("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.

104051200

Raoul A. Amador, 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 Xavier K. McDonnell, the attorney 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

71040361236

FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS

MUR: 3297

RESPONDENTS: Marine Engineers Beneficial Association Retirees Group Fund (AKA MEBA Retirees Group Fund) and Raoul A. Amador, as treasurer

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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 Marine Engineers Beneficial Association Retirees Group Fund (AKA MEBA Retirees Group Fund) and Raoul A. Amador, as treasurer, violated 2 U.S.C. § 434(a)(4)(B) by failing to timely file the 1990 12 Day Pre-General Report.

06C 1540  
RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL

DICKSTEIN, SHAPIRO & MORIN 91 JUN 14 PM 2:26

2101 L STREET, N. W.  
WASHINGTON, D. C. 20037  
202 785-9700  
TELEX: 892608 DSM WSH  
FAX: 202 887-0689

VIRGINIA OFFICE  
8300 BOONE BOULEVARD  
SUITE 800  
VIENNA, VIRGINIA 22182  
703 847-9190

NEW YORK OFFICE  
598 MADISON AVENUE  
NEW YORK, N. Y. 10022  
212 632 1900

AUSTIN D SIMON  
DIRECT DIAL  
202 878 2211

June 14, 1991

**BY HAND DELIVERY**

**CONFIDENTIAL TREATMENT REQUESTED**

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

Re: MUR 3297  
Marine Engineers Beneficial Association Retirees  
Group Fund (AKA MEBA Retirees Group Fund) and  
Raoul A. Amador, as Treasurer

Dear Mr. Noble:

On June 5, 1991, the MEBA Retirees Group Fund ("Fund") received a letter from Vice Chairman Aikens concerning the above-identified MUR. As acknowledged in the enclosed Statement of Designation of Counsel, this firm has been asked by the Fund to respond. It is the purpose of this submission to demonstrate that the allegations contained in the factual and legal analysis accompanying that letter warrant no further action by the Federal Election Commission.

As the Commission is well aware, the MEBA Retirees Group Fund has been a duly-registered Political Action Committee for approximately twenty years. The Fund has scrupulously adhered to its reporting obligations. Moreover, it has cooperated fully with the FEC by providing information informally with regard to any questions concerning its reports. The Fund has never previously been found wanting in its strict adherence to the Federal Election Campaign Act and to the Commission's regulations.

The alleged violation cited in the Commission's letter involves a single periodic report which the Fund filed a total of thirty-five (35) days late. The report was due on approximately October 24, 1990 and was hand-delivered to the FEC on November 28, 1990.

Lawrence M. Noble, Esq.  
June 14, 1991  
Page 2

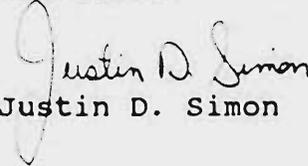
In assessing whether or not this matter should go forward and whether the Commission should seek to brand the Fund as a scofflaw, notwithstanding its unblemished record, we urge you to be mindful of the fact that these circumstances constitute, at most, a technical violation of the Act. The Fund recognizes that it had an obligation to file such reports and has consistently done so without deviation. It is also important that the Commission consider that during the reporting period in question, the Committee made no expenditures or contributions to any candidates standing for election on November 6, 1990. Indeed, the Fund made no disbursements whatever during that period, which perhaps explains why the report was overlooked. Thus, there is no basis for concern that the failure to file this report deprived the Commission or the public of important information with regard to campaign activities prior to the November 6, 1990 election.

Finally, it should also be noted that when notified by the Reports Analysis Division of the inadvertent error, the Fund filed its report within days and did so by hand delivery so as to avoid any further delay in the Commission's receipt of the report.

Simply stated, the Fund made a mistake, at worst. It is the first such mistake the Fund has ever made. The Fund obviously does not either require nor deserve a formal sanction or conciliation to adhere to the FECA and the Commission's regulations. As a political committee which exists solely to serve the political interests of individuals who have retired from long years of service to this Country as marine engineers in the Merchant Marine, we are deeply troubled by what appears to be an unduly harsh response to this isolated episode of fallibility, which has in no way compromised the important function of the Commission.

Accordingly, we urge the Commission to take no further action in this matter.

Sincerely,

  
Justin D. Simon

JDS:emd  
Enclosure

**STATEMENT OF DESIGNATION OF COUNSEL**

**MUR** 3297

**NAME OF COUNSEL:** Justin D. Simon

**ADDRESS:** Dickstein, Shapiro & Morin

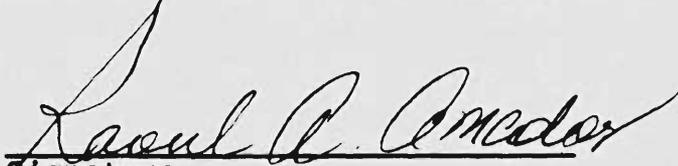
2101 L Street, N.W.

Washington, DC 20037

**TELEPHONE:** (202) 785-9700

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.

6/13/91  
**Date**

  
**Signature**

**RESPONDENT'S NAME:** Raoul Amador

**ADDRESS:** MEBA Retirees Group Fund

444 N. Capitol Street, N.W.

Washington, DC 20001

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

**BUSINESS PHONE:** (202) 347-8585

7104051240

08C 2063

DICKSTEIN, SHAPIRO & MORIN

2101 L STREET, N. W.  
WASHINGTON, D. C. 20037

202 785-9700

TELEX: 892608 DSM WSH

FAX: 202 887-0689

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SUITE 800  
VIENNA, VIRGINIA 22182  
703 847-8180

NEW YORK OFFICE  
598 MADISON AVENUE  
NEW YORK, N. Y. 10022  
212 832-1900

JUSTIN D SIMON  
DIRECT DIAL  
202 828 2211

VIA FEDERAL EXPRESS

August 1, 1991

Xavier K. McDonnell, Esq.  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 3297  
Marine Engineers Beneficial Association Retirees  
Group Fund and Raoul A. Amador, Treasurer

Dear Mr. McDonnell:

I am enclosing an executed pre-probable cause Conciliation Agreement on behalf of my clients, the Marine Engineers Beneficial Association Retirees Group Fund and Raoul A. Amador. I have been authorized to sign this agreement and understand from you that that is acceptable.

While I continue to believe that the imposition of any civil penalty in this instance is both unnecessary and unduly harsh, my clients recognize and appreciate the efforts of the Commission to make some accommodation which recognizes their previously unblemished record and the salutary purposes of the MEBA Retirees Group Fund. While I understand that this Agreement is still subject to the approval of the Commission, I want to take this opportunity to thank you for your efforts to insure that this matter receives fair consideration by the Commission. As soon as we are notified of the Commission's approval of the Agreement, we will forward a check to the Commission.

Sincerely,

*Justin D Simon*  
Justin D. Simon

JDS:emd  
Enclosure

91 AUG -2 PH 3:26

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FEDERAL

RECEIVED  
F.E.C.  
SECRETARIAT  
COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION  
AUG 13 AM 10:1

**SENSITIVE**

In the Matter of )  
 ) MUR 3297  
Marine Engineers Beneficial Association )  
Retirees Group Fund Committee and )  
Raoul A. Amador, as treasurer )

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

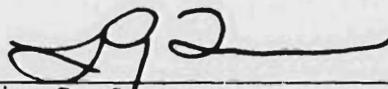
Attached is a signed conciliation agreement with the Marine Engineers Beneficial Association Retirees Group Fund Committee and Raoul A. Amador, as treasurer ("Respondents") in settlement of a violation of Section 434(a)(4)(B). The attached agreement is identical to the one approved by the Commission on July 24, 1991. A check for the civil penalty has not been received.

**II. RECOMMENDATIONS**

1. Accept the attached conciliation agreement with the Marine Engineers Beneficial Retirees Group Fund and Raoul A. Amador, as treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble  
General Counsel

8/12/91  
Date

BY:   
Lois G. Lerner  
Associate General Counsel

**Attachments**

1. Letter from Respondents
2. Conciliation agreement

Staff Assigned: Xavier K. McDonnell

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 Marine Engineers Beneficial Association ) MUR 3297  
 Retirees Group Fund Committee and )  
 Raoul A. Amador, as treasurer. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 15, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3297:

1. Accept the conciliation agreement with the Marine Engineers Beneficial Retirees Group Fund and Raoul A. Amador, as treasurer, as recommended in the General Counsel's Report dated August 12, 1991.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated August 12, 1991.

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

Attest:

8-16-91  
Date

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

Received in the Secretariat: Tues., Aug. 13, 1991 10:15 a.m.  
 Circulated to the Commission: Tues., Aug. 13, 1991 4:00 p.m.  
 Deadline for vote: Thurs., Aug. 15, 1991 4:00 p.m.

bjf

104051243



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 21, 1991

Justin D. Simon, Esquire  
Dickstein, Shapiro & Morin  
2101 L Street, N.W.  
Washington, D.C. 20037

RE: MUR 3297  
Marine Engineers Beneficial  
Association Retirees Group Fund  
and Raoul A. Amador, as treasurer

Dear Mr. Simon:

On August 15, 1991, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

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

Enclosed you will find a copy of the fully executed conciliation agreement for your files. I remind you that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact Xavier K. McDonnell at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

BY: Lois G. Lerner  
Associate General Counsel

Enclosure  
Conciliation Agreement

1040331244

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 )  
Marine Engineers Beneficial ) MUR 3297  
Association Retirees Group Fund )  
(AKA MEBA Retirees Group Fund) and )  
Raoul A. Amador, 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 Marine Engineers Beneficial Association Retirees Group Fund (AKA MEBA Retirees Group Fund) and Raoul A. Amador, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(4)(B).

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

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

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

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

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

1. Marine Engineers Beneficial Association Retirees Group Fund (AKA MEBA Retirees Group Fund) is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Raoul A. Amador is the treasurer of Marine Engineers

1104031245

Beneficial Association Retirees Group Fund (AKA MEBA Retirees Group Fund).

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 period until November 19, 1990, 25 days late, disclosing \$13,631 in receipts and \$0 in disbursements 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).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Five Hundred Dollars (\$500), 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

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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. 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:

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

*8-20-91*  
Date

FOR THE RESPONDENTS:

*Justin D. Lerner*  
Name: Justin D. Lerner Date: *8/1/91*  
Position: Attorney for Respondents

71040051347



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3297

DATE FILMED 7/5/91 CAMERA NO. 3

CAMERAMAN AS

71040,51248



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

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THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3297.

9/12/91

DICKSTEIN, SHAPIRO & MORIN

2101 L STREET, N. W.  
WASHINGTON, D. C. 20037

202 785 9700

TELEX: 892608 DSM WSH

FAX: 202 887-0689

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SUITE 800  
VIENNA, VIRGINIA 22182  
703 847 9190

NEW YORK OFFICE  
598 MADISON AVENUE  
NEW YORK, N. Y. 10022  
212 632 1900

JUSTIN D. SIMON  
DIRECT DIAL  
202 828 2211

August 27, 1991

VIA FEDERAL EXPRESS

Xavier K. McDonnell, Esq.  
Federal Election Commission  
999 E Street, N.W.  
Room 657  
Washington, D.C. 20463

Re: MUR 3297  
Marine Engineers Beneficial Association Retirees  
Group Fund and Raoul A. Amador, Treasurer

Dear Mr. McDonnell:

I have just received a check dated August 26, 1991 in the amount of \$500 made payable to the Federal Election Commission from my client, the MEBA Retirees Group Fund. I am enclosing that check in full payment of the amount due under the Conciliation Agreement which my client entered into with the Commission. With the Commission's receipt of this check, I believe this matter is concluded in all respects.

With regard to the Commission's offer to permit us to make a further submission for the record, I believe that such a submission is unnecessary. Our initial letter of June 14, 1991 clearly stated our position that this entire incident involved, most, an inadvertent technical noncompliance issue which in no way impaired the functions of the Commission or the public's right to know as effectuated by the FECA. While we continue to believe that a mere 25-day delay in the filing of a report covering a period in which our client made no contributions to any candidate for federal office hardly warranted an official inquiry by the

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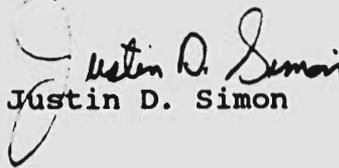
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Xavier K. McDonnell, Esq.  
August 27, 1991  
Page 2

FEC, we are gratified that this matter has been concluded with at least some recognition of our client's previously unblemished record of compliance.

Sincerely,

  
Justin D. Simon

JDS:emd  
Enclosure : Check No. 2780

71040152320



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Aug 29 1991

TWO WAY MEMORANDUM

TO: Fabrae Brunson  
OGC, Docket

FROM: Philomena Brooks  
Accounting Technician

SUBJECT: Account Determination for Funds Received

**CLOSED**

We recently received a check from Maria Petros, check number 2720, dated 8/29/91, and in the amount of \$ 500.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

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TO: Philomena Brooks  
Accounting Technician

FROM: Fabrae Brunson  
OGC, Docket

In reference to the above check in the amount of \$ 500.00, the MUR number is 3297 and in the name of Maria Petros Pump Fund. The account into which it should be deposited is indicated below:

- Budget Clearing Account (OGC), 95F3875.16
- Civil Penalties Account, 95-1099.160
- Other: \_\_\_\_\_

Wtha L. Wilson  
Signature

9-3-91  
Date

MEMA RETIREES GROUP FUND

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2780

August 26, 1991

15-4  
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Pay  
TO THE  
ORDER OF

Federal Election Commission

\$ 500.<sup>00</sup>/<sub>xx</sub>

TREASURY DEPARTMENT  
5010 00 0000 0000 CTS

DOLLARS

**1st AMERICAN**  
FIRST AMERICAN BANK, NA, WASHINGTON, DC

FOR

Charles A. Black  
Frank H. Pennington

⑈002780⑈ ⑈054000043⑈ 3 5 2 4 0 ⑈