



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MJR # 3326

DATE FILMED 12/17/91 CAMERA NO. 2

CAMERAMAN AS

91740881098



FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

January 17, 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 UNAUTHORIZED COMMITTEES FOR LATE/NON-
FILING OF THE 1990 OCTOBER QUARTERLY REPORT

Attached is a listing of thirteen (13) unauthorized committees which failed to file the 1990 October Quarterly Report by Election Day, November 6, 1990. Three (3) of the committees (Black Political Action Committee

failed to file the report within thirty (30) days from the date of the Non-Filer Notice.

For your information, each committee was sent prior notice of the due date of the report on September 21, 1990 (Attachment 11). Non-Filer Notices were sent to the committees on November 7, 1990 (Attachment 12).

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

Attachment

91040881099

C00191015

Black Political Action Committee

91NF-3

- Referred for failure to file the 1989 Mid-Year Report (#89NF-109, open MUR 3001)
- Referred for failure to file the 1989 Year End and 1990 April Quarterly Reports (#90NF-1, 90NF-12, open MUR 3103)
- Referred for failure to file the 1990 July Quarterly Report (#90NF-17, open MUR 3185)

91040881100

9 1 0 4 0 8 8 1 1 0 1

page 1

COMMITTEE ID, NAME AND ADDRESS

CONTACTS
WITH FILER ATCH

REPORTS FILED/
RESPONSES

.....
C00191015
BLACK POLITICAL ACTION COMMITTEE (BLACK PAC)
TREASURER'S NAME: WILLIAM A KEYES
POST OFFICE DRAWER 6865
MCLEAN VA 22106
.....

12/14/90

2c

None

91040881102

BLACK POLITICAL ACTION COMMITTEE (BLACK PAC)

(Attachments 2a - 2c)

FEDERAL ELECTION COMMISSION
1989-1990

DATE 9JAN91

COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

PAGE 10

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION	TYPE OF FILER
BLACK POLITICAL ACTION COMMITTEE (BLACK PAC)							ID #C00191015 NON-PARTY QUALIFIED
	CONNECTED ORGANIZATION: NONE						
	1989 STATEMENT OF ORGANIZATION - AMENDMENT			31JAN89	2	89FEC/583/1607	
	NOTICE OF FAILURE TO FILE			1JAN89 -30JUN89	1	89FEC/608/1271	
	NOTICE OF FAILURE TO FILE			1JUL89 -31DEC89	1	90FEC/629/3234	
1990	NOTICE OF FAILURE TO FILE			1JAN90 -31MAR90	1	90FEC/639/0926	
	NOTICE OF FAILURE TO FILE			1APR90 -30JUN90	1	90FEC/651/3793	
	NOTICE OF FAILURE TO FILE			1JUL90 -30SEP90	1	90FEC/670/2971	
	NOTICE OF FAILURE TO FILE			1OCT90 -26NOV90	1	90FEC/679/2890	
	TOTAL	0	0	0	0	8	TOTAL PAGES

No reports have been filed.

91040881103

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

DATE 9JAN91

PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
				TYPE OF FILER		
BLACK POLITICAL ACTION COMMITTEE (BLACK PAC)				ID #C00191015 NON-PARTY QUALIFIED		
CONNECTED ORGANIZATION: NONE						
	1987 MID-YEAR REPORT	421,818	355,176	1JAN87 -30JUN87	43	87FEC/481/5236
	MID-YEAR REPORT - AMENDMENT	421,818	355,446	1JAN87 -30JUN87	7	87FEC/496/0455
	MID-YEAR REPORT - AMENDMENT	421,818	355,446	1JAN87 -30JUN87	7	88FEC/528/5421
	REQUEST FOR ADDITIONAL INFORMATION			1JAN87 -30JUN87	2	87FEC/492/5125
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN87 -30JUN87	3	87FEC/495/1158
	YEAR-END	114,367	98,142	1JUL87 -31DEC87	28	88FEC/503/5168
	YEAR-END - AMENDMENT	114,367	98,142	1JUL87 -31DEC87	6	88FEC/518/2030
	YEAR-END - AMENDMENT	114,367	98,142	1JUL87 -31DEC87	6	88FEC/524/1270
	YEAR-END - AMENDMENT	114,367	98,142	1JUL87 -31DEC87	7	88FEC/528/5439
	REQUEST FOR ADDITIONAL INFORMATION			1JUL87 -31DEC87	2	88FEC/513/1138
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL87 -31DEC87	3	88FEC/516/1122
1988	STATEMENT OF ORGANIZATION - AMENDMENT			31JAN88	1	88FEC/503/5167
	STATEMENT OF ORGANIZATION - AMENDMENT			18MAR88	1	88FEC/513/2203
	STATEMENT OF ORGANIZATION - AMENDMENT			15APR88	2	88FEC/520/1074
	MISCELLANEOUS REPORT TO FEC			29OCT88	2	88FEC/564/0859
	APRIL QUARTERLY	43,663	56,773	1JAN88 -31MAR88	15	88FEC/520/1077
	APRIL QUARTERLY - AMENDMENT	43,663	56,773	1JAN88 -31MAR88	6	88FEC/528/5428
	REQUEST FOR ADDITIONAL INFORMATION			1JAN88 -31MAR88	2	88FEC/525/3805
	JULY QUARTERLY	50,179	46,071	1APR88 -30JUN88	19	88FEC/535/4207
	OCTOBER QUARTERLY	54,260	62,328	1JUL88 -30SEP88	29	88FEC/554/1279
	POST-GENERAL	58,574	60,056	1OCT88 -28NOV88	27	88FEC/568/3558
	YEAR-END	14,444	12,607	29NOV88 -31DEC88	13	89FEC/583/1623
	YEAR-END - AMENDMENT	14,444	12,607	29NOV88 -31DEC88	3	89FEC/590/1565
	REQUEST FOR ADDITIONAL INFORMATION			29NOV88 -31DEC88	1	89FEC/588/2994
	TOTAL	757,305	0 691,423 0		235	TOTAL PAGES

91040881104

All reports have been reviewed.

Ending cash-on-hand as of 12/31/88 \$76,941

Outstanding debts and obligations owed by the committee as of 12/31/88 \$91,786

TELECON

ANALYST: Ed Ryan

CONVERSATION WITH: William A. Keyes, Treasurer (703) 442-7510

COMMITTEE: Black Political Action Committee (BLack Pac) (C00191015)

DATE: 12/14/90

SUBJECT(S): October 15 Quarterly non-filer

I placed a telephone call to the residence of Mr. William A. Keyes, Treasurer of Black Political Action Committee(Black Pac). I told Mr. Keyes that I was calling to inform him that we had not received any reports from Black Pac for 1989 and 1990 and that he should file these reports as soon as possible. He said he had been out of town and had a stack of mail that he was planning to go through this weekend. He said after he goes ~~THROUGH~~ ^{THROUGH} his mail he should have a better idea as to what should be filed. I agreed and told him if he had any questions he could reach me on Wednesday December 19, 1990 after 12:00 noon. He said he would call if he any questions.

[^]
HAD

91040881105

QUARTERLY REPORT NOTICE

ATTACHMENT 11
(Page 1 of 2)

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

September 21, 1990

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
October Quarterly	07/01/90**--09/30/90	10/15/90	10/15/90

WHO MUST FILE

PARTY COMMITTEES AND PACS (NONCONNECTED COMMITTEES AND SEPARATE SEGREGATED FUNDS) filing on a quarterly basis must file a Quarterly Report in October.

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 Summary Page of Form 3X. 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

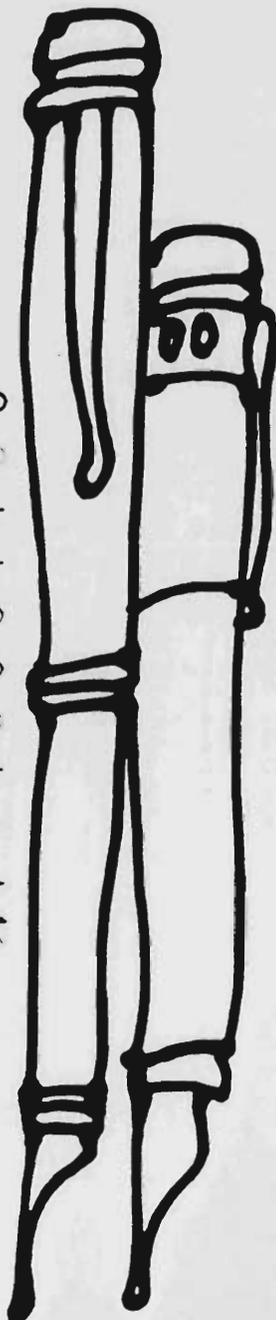
Committees which make an independent expenditure of \$1,000 or more, after the 20th day, but more than 24 hours before an election, must report it within 24 hours.

*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.

(over)

9.104081106



PARTIES AND PACS

OCTOBER QUARTERLY

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-PEC FORMS WILL BE REQUIRED TO REFILE.

91040881107

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

November 7, 1990

**TREASURER
COMMITTEE
STREET
CITY, STATE ZIP**

Identification Number: ID NUMBER

Reference: October Quarterly Report (7/1/90-9/30/90)

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

91040881108

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral 91NF 2-14
Staff Member: Todd Hageman

SOURCE: INTERNALLY GENERATED

RESPONDENTS:

Black Political Action Committee (Black PAC) and
William A. Keyes, as treasurer (91NF-3)

91040881109

10/1/91 10:10:10

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

INTERNAL REPORTS CHECKED: Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the above thirteen committees to the Office of the General Counsel on January 17, 1991. The basis for the attached referral is the committees' failure to file the 1990 October Quarterly Report or to do so in a timely fashion.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act, as amended, ("the Act"), provides that for unauthorized committees filing quarterly, such committees shall file quarterly reports, in a calendar year in which a regularly scheduled general election is held. 2 U.S.C. § 434(a)(4)(A)(i). Quarterly Reports are to be filed no later than the 15th day after the last day of each calendar quarter. Thus, the due date for the 1990 October Quarterly Report was October 15, 1990. Each of the respondent committees, with the exception of Black Political Action Committee (Black PAC) which has failed to file its report, filed the 1990 October Quarterly Report in an untimely manner. See attached Factual and Legal Analyses for each respective committee. On September 21, 1990 RAD sent the respondent committees and their treasurers prior notice for the October Quarterly Report due date. See Attachment 1 at pages 73 and 74. On November 7, 1990, Non-Filer

91040881110

Notices were sent to the respondent committees and their treasurers. Id. at 75.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

91040881111

PAGES 4 THROUGH 14 DO NOT PERTAIN TO THESE RESPONDENTS.

91040881112

IV. RECOMMENDATIONS

1. Open Matters Under Review with respect to the following committees and find reason to believe the following committees and their treasurers violated 2 U.S.C. § 434(a)(4)(A)(i):

a.

b. Black Political Action Committee and William A. Keyes, as treasurer (91NF-3)

c.

d.

e.

f.

g.

h.

i.

j.

k.

91040881113

l.

m.

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

a.

b. Black Political Action Committee (Black PAC) and William A. Keyes, as treasurer (91NF-3)

c.

d.

e.

f.

g.

h.

i.

j.

k.

l.

91040881114

m.

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

Lawrence M. Noble
General Counsel

5/28/91
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Referral Materials
2. Factual and Legal Analyses
3. Proposed Conciliation Agreements

91040881115

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Twelve Committees and their) RAD Referrals
treasurers) #91NF 2-14

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on June 4, 1991, do hereby certify that the Commission decided by a vote of 4-0 to take the following actions with respect to RAD Referrals #91NF 2-14:

1. Open Matters Under Review with respect to the following committees and find reason to believe the following committees and their treasurers violated 2 U.S.C. § 434(a)(4)(A)(i):
 - a. Black Political Action Committee and William A. Keyes, as treasurer (91NF-3)
 - b.
 - c.

(continued)

91040881116

**Federal Election Commission
Certification for RAD Referrals
91NF 2-14
June 4, 1991**

Page 2

d.

e.

f.

g.

h.

i.

j.

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

a. Black Political Action Committee
and William A. Keyes, as treasurer
(91NF-3)

b.

(continued)

91040881117

Federal Election Commission
Certification for RAD Referrals
91NF 2-14
June 4, 1991

c.

d.

e.

f.

g.

h.

i.

j.

91040881118

(continued)

3.

4. Approve the Factual and Legal Analyses, proposed conciliation agreements, and appropriate letters as recommended in the General Counsel's report dated May 28, 1991, subject to any change required by the actions noted above.

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

Attest:

6/6/91
Date

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

91040881119



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 14, 1991

Black Political Action Committee
(Black PAC)
Mr. William A. Keyes, Treasurer
P.O. Box 6865
McLean, VA 22106

RE: MUR 3326

Dear Mr. Keyes:

On June 4, 1991, the Federal Election Commission found that there is reason to believe Black Political Action Committee (Black PAC) ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), 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.

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.

91040881120

Mr. Keyes
Page 2

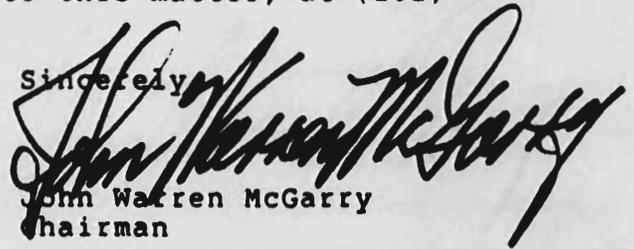
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 Tammy Kapper, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,



John Warren McGarry
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

91040881121

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

**RESPONDENT: Black Political Action Committee
(Black PAC) and William A.
Keyes, as treasurer**

MUR: 3326

The Federal Election Campaign Act, as amended, ("the Act"), provides that for unauthorized committees filing quarterly, such committees shall file quarterly reports, in a calendar year in which a regularly scheduled general election is held. 2 U.S.C. § 434(a)(4)(A)(i). Quarterly Reports are to be filed no later than the 15th day after the last day of each calendar quarter. Thus, the due date for the 1990 October Quarterly Report was October 15, 1990. Black Political Action Committee (Black PAC) and William A. Keyes, as treasurer, failed to file its 1990 October Quarterly Report. Therefore, there is reason to believe Black Political Action Committee (Black PAC) and William A. Keyes, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).

9104081122

STATEMENT OF DESIGNATION OF COUNSEL

NDR 3103; 3185; 3314; [REDACTED]

NAME OF COUNSEL: J. Curtis Herge, Esq.

ADDRESS: Herge, Sparks, Christopher & Biondi
8201 Greensboro Drive, Suite 200
McLean, Virginia 22102

TELEPHONE: (703) 848-4700

91 JUN 14 AM 11:21

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.

6/14/91
Date

[Signature]
Signature

RESPONDENT'S NAME: Black Political Action Committee and William A. Keyes, its Treasurer

ADDRESS: Post Office Drawer 6865
McLean, Virginia 22106

HOME PHONE: (703) 442-7388

BUSINESS PHONE: _____

91040881123

91 JUN 14 PM 3:06



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 5, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. Curtis Herge, Esquire
Herge, Sparks, Christopher & Biondi
8201 Greensboro Drive, Suite 200
McLean, VA 22102

RE: MUR 3326
Black Political Action
Committee and William A.
Keyes, as treasurer

Dear Mr. Herge:

On June 14, 1991, Black Political Action Committee and William A. Keyes, as treasurer, were notified that the Federal Election Commission determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On that same date they 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, the Commission has not received a response to the proposed agreement. The 30 day period for negotiations will soon expire. Unless we receive a response from you within five days, this Office will consider these negotiations terminated and will proceed to the next stage of the enforcement process.

Should you have any questions, please contact 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

9104081124

06-1895

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH

JUL 15 AM 11:37

HERGE, SPARKS, CHRISTOPHER & BIONDI

ATTORNEYS AT LAW

SUITE 200

8201 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22102

(703) 848-4700

J CURTIS HERGE
ROBERT R SPARKS, JR.
A MARK CHRISTOPHER
GEORGE V BIONDI
DIANE H MAHSHIE
MATTHEW SCOTT MCCONNELL

TELECOPIER NUMBER
(703) 893-7371

July 11, 1991

Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D. C. 20463

Attention of Tamara Kapper

Re: MURs 3103, 3185, 3314 and [redacted]
Black Political Action
Committee and William A. Keyes,
as Treasurer

91 JUL 16 AM 11:11
FEDERAL ELECTION COMMISSION

Dear Ms. Lerner:

Thank you for your letter, dated June 24, 1991, with which you enclosed copies of the most recent correspondence sent by the Commission to our clients, Black Political Action Committee and William A. Keyes, Treasurer of the Committee, related to MURs 3103, 3185, 3314 and 3326. Our clients extend their most sincere apology to the Commission for their failure to file the requisite reports in a timely manner and for their failure to have responded more timely to the Commission's correspondence about these compliance proceedings. As we will explain, these failings were due to a tragic set of circumstances; however, our clients now wish to resolve these proceedings as expeditiously as possible.

At the request of our clients, we have mailed to the Federal Election Commission, under separate cover, the signed originals of the Committee's reports covering the periods January 1, 1989 through December 31, 1989 and January 1, 1990 through December 31, 1990, respectively. A copy of our letter of transmittal and copies of those reports are enclosed herewith for your convenience.

Our clients are confident that the reports they have filed contain an accurate and complete disclosure of all funds received by the Committee and all disbursements made by the

9104088125

Lois G. Lerner, Esq.
July 11, 1991
Page 2

Committee into and from its account during the twenty-four month period. However, it should be noted that we have been unable to confirm or disprove the accuracy of the opening cash on hand balance of \$76,941 as of January 1, 1989. An analysis of the Committee's bank and financial records permits confirmation of \$2,357 of cash on hand as of January 1, 1989 and of \$164 of cash on hand as of December 31, 1990, leaving \$74,584 presently unaccounted for.

9 1 0 4 0 8 8 1 1 2 6

It is our client's belief that the unaccounted for cash is or was in an escrow account maintained and controlled by the Eberle Direct Marketing Group in connection with a direct mail program conducted between mid-1986 and the fall of 1987. That account was established to receive contributions solicited through the mail and to pay expenses of the direct mail program. That program was directed at prospecting for new contributors and was very expensive. The relationship between the Committee and Eberle deteriorated as disputes arose over the conduct of the program and the validity and accuracy of the invoices and accounts of the Eberle Group. In January, 1989, the Eberle Group commenced collection proceedings against the Committee, a protracted dispute which eventually led to the entry of a \$24,000 judgment against the Committee. In the course of that dispute, the deficiencies and discrepancies in the Eberle Group invoices and accounts became apparent and impossible to reconcile. (For example, Dun & Bradstreet Commercial Collections claimed \$34,038.83 as the total due the Eberle Group, the Eberle Group itself claimed \$79,796.33 as the amount due and the attorneys for the Eberle Group claimed that \$76,001.60 was the amount due, the discrepancies in those claims never being rationalized or explained.) Throughout the course of that dispute, no accounting of the escrow account was provided; thus, it is possible, that the unaccounted for cash consisted of funds in the escrow account which were applied by the Eberle Group to the payment of the program's expenses. Counsel has now made demand on the escrow agent for copies of its account ledgers to determine if that was the case. If so, amended reports will be filed by the Committee.

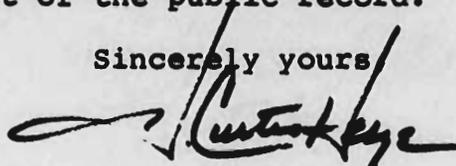
Also enclosed is the executed original Affidavit of William A. Keyes, the Treasurer of Black Political Action Committee. In his Affidavit, Mr. Keyes recites the series of tragedies he experienced in his personal life in 1988, 1989, 1990 and 1991.

Lois G. Lerner, Esq.
July 11, 1991
Page 3

91040881127

To protect the privacy of Mr. Keyes, we request that his Affidavit not be made part of the public record.

Sincerely yours



J. Curtis Herge

:sbl

Enclosures

RECEIVED
F.E.C.
SECRETARIAT

91 NOV -8 PM 3:43

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MURs 3103, 3185, 3314
Black Political Action) and 3326
Committee and William A.)
Keyes, as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

There are currently four MURs regarding the failure of Black Political Action Committee and William A. Keyes, as treasurer ("BLACKPAC"), to file timely disclosure reports.

In MUR 3103, the Commission found probable cause to believe that BLACKPAC violated 2 U.S.C. § 434(a)(4)(A)(i) and (iv) for the failure to file the 1989 Mid-Year and Year End and the 1990 April Quarterly Reports and has authorized, but not yet filed, civil suit. In MUR 3185, the Commission found probable cause to believe that BLACKPAC violated 2 U.S.C. § 434(a)(4)(A)(i) for the failure to file the 1990 July Quarterly Report. In MUR 3314, the Commission found reason to believe that BLACKPAC violated 2 U.S.C. § 434(a)(4)(A)(i) and (iii) for the failure to file the 1990 30 Day Post-General and Year End Reports. Finally, in MUR 3326, the Commission found reason to believe that BLACKPAC violated 2 U.S.C. § 434(a)(4)(A)(i) for the failure to file the 1990 October

91040881128

Quarterly Report. MUR 3185 is in statutory conciliation and MURs 3314 and 3326 are at the preprobable cause stage of conciliation.

91040881129

II. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

91040881130

III. RECOMMENDATIONS

1. Accept the conciliation counteroffer of Black Political Action Committee and William A. Keyes, as treasurer.
2. Close the files in these matters.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

11/8/91
Date

BY: 
Lois G. Lerner
Associate General Counsel

Staff Assigned: Tamara Kapper

91040881131



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20541

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

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

DATE: NOVEMBER 13, 1991

SUBJECT: MURs 3103, 3185, 3314
and 3326 - GENERAL COUNSEL'S REPORT
DATED NOVEMBER 8, 1991.

The above-captioned document was circulated to the Commission on TUESDAY, NOVEMBER 12, 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	_____
Commissioner McDonald	_____XXX_____
Commissioner McGarry	_____
Commissioner Thomas	_____

This matter will be placed on the meeting agenda for TUESDAY, NOVEMBER 19, 1991.

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

2
3
1
1
8
8
0
4
9
1
0
4
0
8
8
2

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MURS 3103, 3185,
Black Political Action Committee) 3314 and 3326
and William A. Keyes, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on November 19, 1991, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions with respect to MURS 3103, 3185, 3314, and 3326:

1. Accept the conciliation counteroffer of Black Political Action Committee and William A. Keyes, as treasurer.
2. Close the file in these matters.
3. Approve the appropriate letter as recommended in the General Counsel's report dated November 8, 1991.

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

Attest:

11-19-91
Date

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

91040881133



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 25, 1991

J. Curtis Herge, Esquire
Herge, Sparks, Christopher & Biondi
8201 Greensboro Drive, Suite 200
McLean, VA 22102

RE: MURs 3103, 3185, 3314 & 3326
Black Political Action Committee
and William A. Keyes, as treasurer

Dear Mr. Herge:

On November 19, 1991, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of violations of 2 U.S.C. §§ 434(a)(4)(A)(i), (iii) and (iv), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

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

Enclosed you will find a copy of the fully executed conciliation agreement for your files. I remind you that the civil penalty is due within 30 days of the conciliation

91040881134

J. Curtis Herge, Esq.
Page 2

agreement's effective date. 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

91040881135

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Black Political Action Committee) MURs 3103, 3185,
and William A. Keyes, as treasurer) 3314 and 3326

CONCILIATION AGREEMENT

9 1 0 4 0 8 8 1 1 3 6

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 Black Political Action Committee and William A. Keyes, as treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(4)(A)(i) and (iii) for the failure to file their 1990 October Quarterly, 30 Day Post-General and Year End Reports. The Commission found reason to believe and, subsequently, probable cause to believe that Black Political Action Committee and William A. Keyes, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) and (iv) for the failure to file their 1989 Mid-Year and Year End Reports and their 1990 April and July Quarterly Reports.

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation prior to a finding of probable cause to believe, and in the case of the failure to file the 1989 Mid-Year and Year End and the 1990 April and July Quarterly Reports, subsequent to a finding of probable cause, 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 into 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. The Black Political Action Committee is a political committee within the meaning of 2 U.S.C. § 431(4).

2. William A. Keyes is the treasurer of the Black Political Action Committee.

3. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iv) in any calendar year, other than an election year, all political committees, other than authorized committees of a candidate, shall file a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year.

4. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i) during an election year all political committees other than authorized committees of a candidate, shall file quarterly reports no later than the 15th day after the last day of each calendar quarter except for the year end report which shall be filed no later than January 31 of the following year.

5. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iii) during an election year all political committees other than

91040881137

authorized committees of a candidate, shall file a post-election report no later than the 20th day after the general election.

6. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iv), Respondents 1989 Mid-Year Report was due on July 31, 1989. Respondents filed the 1989 Mid-Year Report on July 11, 1991, 710 days late disclosing receipts totaling \$20,525 and disbursements totaling 43,447.

7. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iv), Respondents 1989 Year End Report was due on January 31, 1990. Respondents filed the 1989 Year End Report on July 11, 1991, 526 days late disclosing receipts totaling \$18,600 and disbursements totaling \$31,734.

8. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), Respondents 1990 April Quarterly Report was due on April 15, 1990. Respondents filed the 1990 April Quarterly Report on July 11, 1991, 453 days late disclosing receipts totaling \$4,819 and disbursements totaling \$7,307.

9. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), Respondents 1990 July Quarterly Report was due on July 15, 1990. Respondents filed the 1990 July Quarterly Report on July 11, 1991, 362 days late disclosing receipts totaling \$10,569 and disbursements totaling \$3,108.

10. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), Respondents 1990 October Quarterly Report was due on October 15, 1990. Respondents filed the 1990 October

8
3
1
1
8
8
4
0
4
0
1
9

Quarterly Report on July 11, 1991, 270 days late disclosing receipts totaling \$11,219 and disbursements totaling \$22,539.

11. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iii), Respondents 1990 30 Day Post-General Report was due on December 6, 1990. Respondents filed the 1990 30 Day Post-General Report on July 11, 1991, 217 days late disclosing receipts totaling \$8,419 and disbursements totaling \$7,419.

12. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), Respondents 1990 Year End Report was due on January 31, 1991. Respondents filed the 1990 Year End Report on July 11, 1991, 161 days late disclosing receipts totaling \$4,360 and disbursements totaling \$354.

V. 1. Respondents failed to file their 1989 Mid-Year Report in violation of 2 U.S.C. § 434(a)(4)(A)(iv).

2. Respondents failed to file their 1989 Year End Report in violation of 2 U.S.C. § 434(a)(4)(A)(iv).

3. Respondents failed to file their 1990 April Quarterly in violation of 2 U.S.C. § 434(a)(4)(A)(i).

4. Respondents failed to file their 1990 July Quarterly in violation of 2 U.S.C. § 434(a)(4)(A)(i).

5. Respondents failed to file their 1990 October Quarterly Report in violation of 2 U.S.C. § 434(a)(4)(A)(i).

6. Respondents failed to file their 1990 30 Day Post-General Report in violation of 2 U.S.C.

§ 434(a)(4)(A)(iii).

9
1
0
4
0
8
8
1
1
3
9

7. Respondents failed to file their 1990 Year End Report in violation of 2 U.S.C. § 434(a)(4)(A)(i).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of fifteen thousand dollars (\$15,000), pursuant to 2 U.S.C. § 437g(a)(5)(A), such penalty to be paid as follows:

1. One initial payment of \$5,000 due within 30 days of the effective date of this agreement;

2. Thereafter, beginning on the first day of the following calendar month, ten (10) consecutive monthly installment payments of \$1,000 each;

3. Each such installment shall be paid on the first day of the month in which it becomes due;

4. 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

91040881140

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.

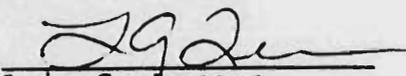
IX. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

11/25/91
Date

FOR THE RESPONDENTS:


Name: WILLIAM A. KEYES
Position: **TREASURER**

10/25/91
Date

91040881141



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3526

DATE FILMED 12/17/91 CAMERA NO. 2

CAMERAMAN AS

91040881142



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3103, 3185, 3314 (3326)

2/19/92

92040392137



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

January 14, 1992

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

William A. Keyes, Treasurer
Black Political Action Committee
Post Office Drawer 6865
McLean, VA 22106

RE: MURs 3103, 3185, 3314 & 3326
Black Political Action
Committee and William A.
Keyes, as treasurer

Dear Mr. Keyes:

On November 25, 1991, the Federal Election Commission and Black Political Action Committee (the "Committee") and you, as treasurer, entered into a conciliation agreement in settlement of violations of 2 U.S.C. §§ 434(a)(4)(A)(i), (iii) and (iv). According to the agreement, you were required to pay a civil penalty of \$15,000. The conciliation agreement provided for installment payments, with your first payment due on December 25, 1991, and additional payments due on the first day of each successive month, until November, 1992.

According to Commission records, your first payment of \$5,000 has not been received. Please be advised that, pursuant to 2 U.S.C. § 437g(a)(5)(D), violation of any provision of the conciliation agreement may result in the institution of a civil suit for relief in the United States District Court. Unless we receive the payment from you in five days, this Office will recommend that the Commission file suit to remedy this violation.

If you believe the Commission's records are in error, or if you have any questions, please contact me at (202) 219-3690.

Sincerely,

Tamara Kapper
Paralegal

cc: J. Curtis Herge, Esq. ,

92040892138



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3103, 3185, 3314, 3326.

3/31/92

92040901115



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463



March 16, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Black Action Committee
William A. Keyes, Treasurer
Post Office Drawer 6865
McLean, Virginia 22106

RE: 3103, 3185, 3314,
and 3326

Dear Mr. Keyes:

On November 25, 1991, the Federal Election Commission and Black Action Committee and you, as treasurer, entered into a conciliation agreement in settlement of violations of 2 U.S.C. 434(a)(4)(A)(i). According to the agreement, you were required to pay a civil penalty of \$15,000.00. The conciliation agreement provided for one initial payment of \$5,000.00 due within thirty days of the effective date of the agreement. Thereafter, beginning on the first day of each month, ten (10) consecutive monthly installments in the amount of \$1,000.00 each should be forwarded to the Commission.

According to Commission records, no payments have been received. Please be advised pursuant to 2 U.S.C. 437g(a)(5)(D) that violation of any provision of the conciliation agreement may result in the institution of a civil suit for relief in the United States District Court. Unless we receive the payments from you in five days, this Office will recommend that the Commission file suit to remedy this violation.

If you believe the Commission's records are in error, or if you have any questions, please contact me at (202)-219-3690.

Sincerely,

Teresa A. Hennessy
Teresa A. Hennessy
Assistant
General Counsel

92040901116



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3103 3185 3314 (3326)

6/10/92

9204091J106



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Closed

May 5, 1992

William A. Keyes, Treasurer
Black Political Action Committee
Post Office Drawer 6865
McLean, VA 22106

RE: MURs 3103, 3185, 3314 & 3326
Black Political Action
Committee and William A.
Keyes, as treasurer

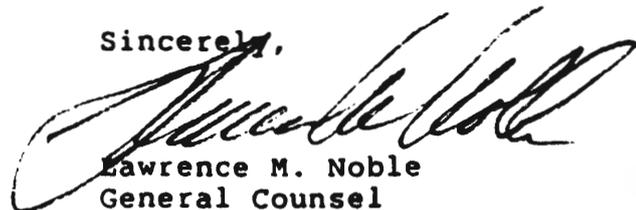
Dear Mr. Keyes:

On November 25, 1991, the Federal Election Commission and Black Political Action Committee and you, as treasurer, entered into a conciliation agreement in settlement of violations of 2 U.S.C. §§ 434(a)(4)(A)(i), (iii) and (iv), provisions of the Federal Election Campaign Act of 1971, as amended, in connection with the captioned matter.

As a result of your failure to pay the civil penalty as required by the conciliation agreement, the Commission has authorized the General Counsel to institute a civil action for relief in the United States District Court.

Should you have any questions, or should you wish to settle this matter prior to suit, please contact Stephen Hershkowitz, Assistant General Counsel, at (202) 219-3400, within five days of your receipt of this letter.

Sincerely,



Lawrence M. Noble
General Counsel

cc: Stephen Hershkowitz

92040910107

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MURS 3103, 3185,
) 3314 and 3326
Black Political Action Committee)
and William A. Keyes, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on April 28, 1992, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions with respect to MURS 3103, 3185, 3314, and 3326:

1. Authorize the Office of the General Counsel to file a civil suit for relief in United States District Court against Black Political Action Committee and William A. Keyes, as treasurer.
2. Approve the appropriate letter as recommended in the General Counsel's report dated April 20, 1992.

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

Attest:

4-29-92
Date

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

92040910108



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel
DATE: April 20, 1992
SUBJECT: MURs 3103, 3185, 3314 & 3326: General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of Tuesday, April 28, 1992

Open Session _____

Closed Session XXX

CIRCULATIONS

DISTRIBUTION

48 Hour Tally Vote
Sensitive
Non-Sensitive

Compliance [XX]
Audit Matters []

24 Hour No Objection
Sensitive
Non-Sensitive

Litigation []
Closed MUR Letters []

Information
Sensitive
Non-Sensitive

Status Sheets []
Advisory Opinions []

Other [XX]

Other (see distribution below) []

SENSITIVE - circulate on
blue paper

92040910109

RECEIVED
F.E.C.
CENTRAL

92 APR 21 AM 9:26

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Black Political Action)
Committee and William A.)
Keyes, as treasurer)

MURs 3103, 3185, 3314, 3326

SENSITIVE
EXECUTIVE SESSION
APR 28 1992

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On November 25, 1991, the Federal Election Commission (the "Commission") and Black Political Action Committee and William A. Keyes, as treasurer ("BLACKPAC"), entered into a conciliation agreement in settlement of violations of 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv), for the failure to timely file disclosure reports. According to the agreement, BLACKPAC was required to pay a civil penalty of \$15,000. The conciliation agreement provided for one initial payment of \$5,000 due within thirty days of the effective date of the agreement. Thereafter, beginning on the first day of each month, ten (10) consecutive monthly installments in the amount of \$1,000 were to be forwarded to the Commission. Attachment 1.

On January 8, 1992, staff from this Office contacted Mr. J. Curtis Herge, Counsel for respondents, with regard to respondents' failure to pay the initial payment of \$5,000 as provided for in the conciliation agreement. Mr. Herge stated that he was no longer representing respondents since the settlement of the matter but had been trying unsuccessfully to contact Mr. Keyes to determine if the civil penalty had been paid. Staff from this Office asked Mr. Herge if they should

22040910110

mail a reminder letter regarding the failure to pay the civil penalty to his office or to respondents' address. Mr. Herge requested that the letter be mailed to respondents and to mail a copy of the letter to his office. Attachment 2.

After receiving no response to the first reminder letter, a second reminder letter was mailed to respondents on March 16, 1992. Attachment 3. On April 7, 1992, staff from this Office attempted to contact Mr. Keyes but he has not returned the call. To date, this Office has not received any payments for the civil penalty. Therefore, the Office of the General Counsel recommends that the Commission file a civil suit for relief in United States District Court against Black Political Action Committee and William A. Keyes, as treasurer.

II. RECOMMENDATIONS

1. Authorize the Office of the General Counsel to file a civil suit for relief in United States District Court against Black Political Action Committee and William A. Keyes, as treasurer.
2. Approve the appropriate letter.

Date

4/20/92


Lawrence M. Noble
General Counsel

Attachments

1. Signed Conciliation Agreement, dated 11/25/91
2. Reminder Letter, dated 1/14/92
3. Reminder Letter, dated 3/16/92

Staff Assigned: Tamara Kapper

9204091011

Kuppel



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

November 25, 1991

J. Curtis Herge, Esquire
Herge, Sparks, Christopher & Biondi
8201 Greensboro Drive, Suite 200
McLean, VA 22102

RE: MURs 3103, 3185, 3314 & 3326
Black Political Action Committee
and William A. Keyes, as treasurer

Dear Mr. Herge:

On November 19, 1991, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of violations of 2 U.S.C. §§ 434(a)(4)(A)(i), (iii) and (iv), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

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

Enclosed you will find a copy of the fully executed conciliation agreement for your files. I remind you that the civil penalty is due within 30 days of the conciliation

92040910112

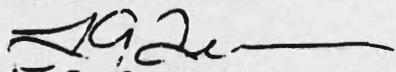
(2)

J. Curtis Herge, Esq.
Page 2

agreement's effective date. 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

92040910113

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Black Political Action Committee)	MURs 3103, 3185,
and William A. Keyes, as treasurer)	3314 and 3326

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 Black Political Action Committee and William A. Keyes, as treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(4)(A)(i) and (iii) for the failure to file their 1990 October Quarterly, 30 Day Post-General and Year End Reports. The Commission found reason to believe and, subsequently, probable cause to believe that Black Political Action Committee and William A. Keyes, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) and (iv) for the failure to file their 1989 Mid-Year and Year End Reports and their 1990 April and July Quarterly Reports.

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation prior to a finding of probable cause to believe, and in the case of the failure to file the 1989 Mid-Year and Year End and the 1990 April and July Quarterly Reports, subsequent to a finding of probable cause, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding, and

92040910114

(4)

this agreement has the effect of an agreement entered into 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. The Black Political Action Committee is a political committee within the meaning of 2 U.S.C. § 431(4).

2. William A. Keyes is the treasurer of the Black Political Action Committee.

3. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iv) in any calendar year, other than an election year, all political committees, other than authorized committees of a candidate, shall file a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year.

4. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i) during an election year all political committees other than authorized committees of a candidate, shall file quarterly reports no later than the 15th day after the last day of each calendar quarter except for the year end report which shall be filed no later than January 31 of the following year.

5. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iii) during an election year all political committees other than

92040910115

5

authorized committees of a candidate, shall file a post-election report no later than the 20th day after the general election.

6. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iv), Respondents 1989 Mid-Year Report was due on July 31, 1989. Respondents filed the 1989 Mid-Year Report on July 11, 1991, 710 days late disclosing receipts totaling \$20,525 and disbursements totaling 43,447.

7. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iv), Respondents 1989 Year End Report was due on January 31, 1990. Respondents filed the 1989 Year End Report on July 11, 1991, 526 days late disclosing receipts totaling \$18,600 and disbursements totaling \$31,734.

8. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), Respondents 1990 April Quarterly Report was due on April 15, 1990. Respondents filed the 1990 April Quarterly Report on July 11, 1991, 453 days late disclosing receipts totaling \$4,819 and disbursements totaling \$7,307.

9. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), Respondents 1990 July Quarterly Report was due on July 15, 1990. Respondents filed the 1990 July Quarterly Report on July 11, 1991, 362 days late disclosing receipts totaling \$10,569 and disbursements totaling \$3,108.

10. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), Respondents 1990 October Quarterly Report was due on October 15, 1990. Respondents filed the 1990 October

92040910116

Quarterly Report on July 11, 1991, 270 days late disclosing receipts totaling \$11,219 and disbursements totaling \$22,539.

11. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iii), Respondents 1990 30 Day Post-General Report was due on December 6, 1990. Respondents filed the 1990 30 Day Post-General Report on July 11, 1991, 217 days late disclosing receipts totaling \$8,419 and disbursements totaling \$7,419.

12. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), Respondents 1990 Year End Report was due on January 31, 1991. Respondents filed the 1990 Year End Report on July 11, 1991, 161 days late disclosing receipts totaling \$4,360 and disbursements totaling \$354.

V. 1. Respondents failed to file their 1989 Mid-Year Report in violation of 2 U.S.C. § 434(a)(4)(A)(iv).

2. Respondents failed to file their 1989 Year End Report in violation of 2 U.S.C. § 434(a)(4)(A)(iv).

3. Respondents failed to file their 1990 April Quarterly in violation of 2 U.S.C. § 434(a)(4)(A)(i).

4. Respondents failed to file their 1990 July Quarterly in violation of 2 U.S.C. § 434(a)(4)(A)(i).

5. Respondents failed to file their 1990 October Quarterly Report in violation of 2 U.S.C. § 434(a)(4)(A)(i).

6. Respondents failed to file their 1990 30 Day Post-General Report in violation of 2 U.S.C. § 434(a)(4)(A)(iii).

92040910117

(1)

7. Respondents failed to file their 1990 Year End Report in violation of 2 U.S.C. § 434(a)(4)(A)(i).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of fifteen thousand dollars (\$15,000), pursuant to 2 U.S.C. § 437g(a)(5)(A), such penalty to be paid as follows:

1. One initial payment of \$5,000 due within 30 days of the effective date of this agreement;

2. Thereafter, beginning on the first day of the following calendar month, ten (10) consecutive monthly installment payments of \$1,000 each;

3. Each such installment shall be paid on the first day of the month in which it becomes due;

4. 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

22040910118

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. Respondents shall have no more than thirty (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

11/25/91
Date

FOR THE RESPONDENTS:

William A. Keyes
Name: WILLIAM A. KEYES
Position: TREASURER

10/25/91
Date

92040910119

Kapper (2)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 14, 1992

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**William A. Keyes, Treasurer
Black Political Action Committee
Post Office Drawer 6865
McLean, VA 22106**

**RE: MURs 3103, 3185, 3314 & 3326
Black Political Action
Committee and William A.
Keyes, as treasurer**

Dear Mr. Keyes:

On November 25, 1991, the Federal Election Commission and Black Political Action Committee (the "Committee") and you, as treasurer, entered into a conciliation agreement in settlement of violations of 2 U.S.C. §§ 434(a)(4)(A)(i), (iii) and (iv). According to the agreement, you were required to pay a civil penalty of \$15,000. The conciliation agreement provided for installment payments, with your first payment due on December 25, 1991, and additional payments due on the first day of each successive month, until November, 1992.

According to Commission records, your first payment of \$5,000 has not been received. Please be advised that, pursuant to 2 U.S.C. § 437g(a)(5)(D), violation of any provision of the conciliation agreement may result in the institution of a civil suit for relief in the United States District Court. Unless we receive the payment from you in five days, this Office will recommend that the Commission file suit to remedy this violation.

If you believe the Commission's records are in error, or if you have any questions, please contact me at (202) 219-3690.

Sincerely,
Tamara Kapper
Tamara Kapper
Paralegal

cc: J. Curtis Herge, Esq.

ATTACHMENT 2
Page 1 of 1

92040910120

Kapper (10)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 16, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Black Action Committee
William A. Keyes, Treasurer
Post Office Drawer 6865
McLean, Virginia 22106

RE: 3103, 3185, 3314,
and 3326

Dear Mr. Keyes:

On November 25, 1991, the Federal Election Commission and Black Action Committee and you, as treasurer, entered into a conciliation agreement in settlement of violations of 2 U.S.C. 434(a)(4)(A)(i). According to the agreement, you were required to pay a civil penalty of \$15,000.00. The conciliation agreement provided for one initial payment of \$5,000.00 due within thirty days of the effective date of the agreement. Thereafter, beginning on the first day of each month, ten (10) consecutive monthly installments in the amount of \$1,000.00 each should be forwarded to the Commission.

According to Commission records, no payments have been received. Please be advised pursuant to 2 U.S.C. 437g(a)(5)(D) that violation of any provision of the conciliation agreement may result in the institution of a civil suit for relief in the United States District Court. Unless we receive the payments from you in five days, this Office will recommend that the Commission file suit to remedy this violation.

If you believe the Commission's records are in error, or if you have any questions, please contact me at (202)-219-3690.

Sincerely,

Teresa A. Hennessy
Teresa A. Hennessy
Assistant
General Counsel

22040910121