



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3344

DATE FILMED 11/5/91 CAMERA NO. 2

CAMERAMAN AS

91040372469

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 14 May 1991

ANALYST: BRIAN J. HANCOCK

I. COMMITTEE: Kansas Democratic State Committee
(C00019380)
Ron Calbert, Treasurer
P.O. Box 1914
Topeka, KS 66601

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(4)(A)(i)
11 CFR §104.5(c)(1)(i)(A)

III. BACKGROUND:

Failure to File the 1990 October Quarterly Report by Election Day, November 6, 1990.

The Kansas Democratic State Committee ("the Committee") failed to file the 1990 October Quarterly Report by Election Day, November 6, 1990. On September 21, 1990, the Committee was notified that the 1990 October Quarterly Report was due on October 15, 1990 (Attachment 2). The Committee submitted the 1990 October Quarterly Report on November 7, 1990 (Attachment 3).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

91040872470

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

Attachment 1 DATE 6MAY91

PAGE 2

| COMMITTEE | DOCUMENT | RECEIPTS | DISBURSEMENTS | COVERAGE DATES | # OF PAGES | MICROFILM LOCATION |
|-----------------------------------|---|----------|---------------|------------------|-----------------|--------------------|
| | | | | | | TYPE OF FILER |
| KANSAS DEMOCRATIC STATE COMMITTEE | | | | ID #C00019380 | PARTY QUALIFIED | |
| CONNECTED ORGANIZATION: SAME | | | | | | |
| 1989 | STATEMENT OF ORGANIZATION - AMENDMENT | | | 26JUL89 | 2 | 89FEC/608/0823 |
| | MID-YEAR REPORT | 22,812 | 21,488 | 1JAN89 -30JUN89 | 24 | 89FEC/602/4109 |
| | MID-YEAR REPORT - AMENDMENT | 22,812 | 21,488 | 1JAN89 -30JUN89 | 6 | 89FEC/616/1956 |
| | REQUEST FOR ADDITIONAL INFORMATION | | | 1JAN89 -30JUN89 | 2 | 89FEC/614/1358 |
| | REQUEST FOR ADDITIONAL INFORMATION 2ND YEAR-END | | | 1JAN89 -30JUN89 | 3 | 89FEC/615/4644 |
| | YEAR-END | 40,156 | 41,324 | 1JUL89 -31DEC89 | 29 | 90FEC/627/4836 |
| 1990 | APRIL QUARTERLY | 27,476 | 16,373 | 1JAN90 -31MAR90 | 12 | 90FEC/636/0653 |
| | JULY QUARTERLY | 16,341 | 27,349 | 1APR90 -30JUN90 | 13 | 90FEC/647/1080 |
| | JULY QUARTERLY - AMENDMENT | 16,341 | 27,349 | 1APR90 -30JUN90 | 3 | 90FEC/670/2774 |
| | OCTOBER QUARTERLY | 54,337 | 53,792 | 1JUL90 -30SEP90 | 13 | 90FEC/676/2778 |
| | PRE-GENERAL | 4,750 | 648 | 1OCT90 -17OCT90 | 4 | 90FEC/676/2782 |
| | POST-GENERAL | 1,728 | 5,648 | 18OCT90 -26NOV90 | 6 | 91FEC/683/1987 |
| | NOTICE OF FAILURE TO FILE | | | 18OCT90 -26NOV90 | 1 | 90FEC/679/2876 |
| | REQUEST FOR ADDITIONAL INFORMATION | | | 18OCT90 -26NOV90 | 1 | 91FEC/689/0849 |
| | REQUEST FOR ADDITIONAL INFORMATION 2ND YEAR-END | | | 18OCT90 -26NOV90 | 2 | 91FEC/691/0600 |
| | YEAR-END | 4,108 | 5,051 | 27NOV90 -31DEC90 | 7 | 91FEC/685/4684 |
| | TOTAL | 171,708 | 0 171,673 | | 128 | TOTAL PAGES |

91040372471

All reports have been reviewed

Ending cash on hand as of 12/31/90: \$61.43

Outstanding debts owed by the committee as of 12/31/90: \$0.00

QUARTERLY REPORT NOTICE

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.

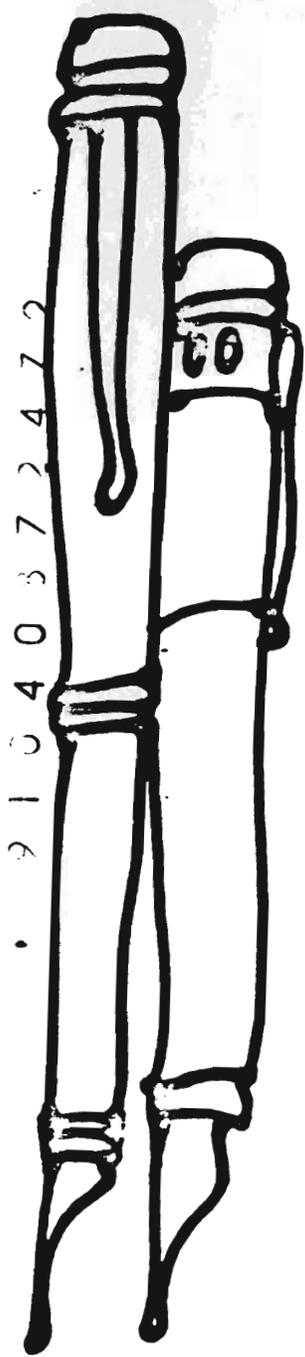
LAST-MINUTE INDEPENDENT EXPENDITURES

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)



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-FEC
FORMS WILL BE REQUIRED TO REFILE.

91040872473

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

REPORT OF RECEIPTS AND DISBURSEMENTS **AND DELIVERED**

For Other Than An Authorized Committee
(Summary Page)

USE PREPARED LABEL OR TYPE OR PRINT

| | |
|--|--|
| C00019380 091790 P 210 RON CALBERT KANSAS DEMOCRATIC STATE COMMITTEE YES P.O. BOX 1914 TOPEKA KS 66601 | 90 NOV -7 AM 9:51 2. FEC IDENTIFICATION NUMBER 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 Monthly Report Due On:
- July 15 Quarterly Report February 20 June 20 October 20
 October 15 Quarterly Report March 20 July 20 November 20
 January 31 Year End Report April 20 August 20 December 20
 July 31 Mid Year Report (Non-election Year Only) May 20 September 20 January 31
- Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____
- Thirtieth day report following the General Election on _____ in the State of _____
- (b) Is this Report an Amendment? YES NO

3703460730722747-94

| SUMMARY | | |
|---|-------------------------|---|
| 5. Covering Period <u>1 July 1990</u> through <u>30 September 1990</u> | COLUMN A This Period | COLUMN B Calendar Year-to-Date |
| 6. (a) Cash on Hand January 1, 19 90 | | \$ 183.83 |
| (b) Cash on Hand at Beginning of Reporting Period | \$ 278.06 | |
| (c) Total Receipts (from Line 10) | \$ 54,337.79 | \$ 98,155.26 |
| (d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B) | \$ 54,615.85 | \$ 98,339.09 |
| 7. Total Disbursements (from Line 20) | \$ 53,792.47 | \$ 97,515.71 |
| 8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)) | \$ 823.38 | \$ 823.38 |
| 9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) | \$ -0- | For further information contact: Federal Election Commission 900 E Street, NW Washington, DC 20463 Toll Free 800-426-9530 Local 202-376-3120 |
| 10. Debts and Obligations Owed BY the Committee (Itemize all 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: **Ron Calbert, Treasurer; Kay M. Mattner, Asst. Treasurer**

Signature of Treasurer: *Kay M. Mattner* Date: **11/05/90**

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §4179

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

FIRST GENERAL COUNSEL'S REPORT

RAD Referral # 91NF-103
Staff Member: Gary Veron

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

**RESPONDENTS: Kansas Democratic State Committee and
Ron Calbert, as treasurer**

**RELEVANT STATUTES: 2 U.S.C. § 434(a)(4)(A)(i)
11 C.F.R. § 104.5(c)(1)(i)(A)**

INTERNAL REPORTS CHECKED: Referral Material

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Office of the General Counsel received a referral from the Reports Analysis Division on May 15, 1991. Attachment 1. The basis of the referral is the failure of the Kansas Democratic State Committee and Ron Calbert, as treasurer (the "Committee"), to file a timely 1990 October Quarterly Report.

II. FACTUAL AND LEGAL ANALYSIS

For the Factual and Legal Analysis, see Attachment 2.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

91040372475

91040372476

IV. RECOMMENDATIONS

- 1. Open a MUR.
- 2. Find reason to believe the Kansas State Democratic Committee and Ron Calbert, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) and enter into conciliation prior to a finding of probable cause to believe.
- 3. Approve the attached Factual and Legal Analysis and conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

4/14/91
Date

BY: 
Lois G. Werner
Associate General Counsel

Attachments

- 1. Referral Materials
- 2. Factual and Legal Analysis
- 3. Proposed Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

(MUR 3344)

In the Matter of)
)
Kansas Democratic State Committee) RAD Referral #91NF-103
and Ron Calbert, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 17, 1991, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral #91NF-103:

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1. Open a MUR.
2. Find reason to believe the Kansas State Democratic Committee and Ron Calbert, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the Factual and Legal Analysis and conciliation agreement, and the appropriate letter, as recommended in the General Counsel's Report dated June 14, 1991.

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

Attest:

6/17/91
Date

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

Received in the Secretariat: Thurs., June 13, 1991 1:00 p.m.
Circulated to the Commission: Thurs., June 13, 1991 4:00 p.m.
Deadline for vote: Mon., June 17, 1991 4:00 p.m.

dr



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 25, 1991

Ron Calbert, Treasurer
Kansas Democratic State Committee
P.O. Box 1914
Topeka, KS 66601

RE: MUR 3344
Kansas Democratic State Committee
and Ron Calbert, as treasurer

Dear Mr. Calbert:

On June 17, 1991, the Federal Election Commission found that there is reason to believe the Kansas Democratic State Committee ("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.

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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.

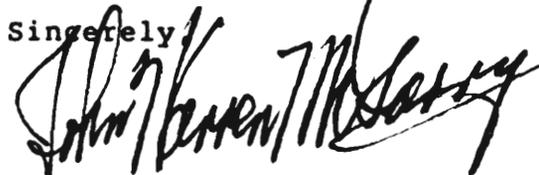
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 Gary Veron, 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

91040372479

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Kansas Democratic State Committee **MUR:** 3344
and Ron Calbert, as treasurer

The Federal Election Campaign Act of 1971, as amended (the "Act"), requires treasurers of unauthorized political committees to file periodic reports of receipts and disbursements on a quarterly or monthly basis during calendar years in which a regularly scheduled general election is held. 2 U.S.C.

§ 434(a)(4). Committees opting to file on a quarterly basis are required to file quarterly reports on or before the 15th day after the last day of each calendar quarter, except the last report for the year which is due on or before January 31 of the following year. 2 U.S.C. § 434(a)(4)(A)(i).

The Kansas Democratic State Committee is an unauthorized political committee which has elected to report on a quarterly basis. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), the due date for the Committee's 1990 October Quarterly Report was October 15, 1990.

The Committee was notified on September 21, 1990 that the 1990 October Quarterly Report was due on October 15, 1990. The Committee then submitted the 1990 October Quarterly Report on November 7, 1990, one day after Election Day, November 6, 1990.

Therefore, there is reason to believe that the Kansas Democratic State Committee and Ron Calbert, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).

91040872480

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH

91 JUL 15 PM 2:23

THE LAW FIRM OF
TENOPIR & HUERTER
420 SOUTHEAST 29TH, UPPER LEVEL
TOPEKA, KANSAS 66605
TEL. 913/233-9467

OGC 1888

LAWRENCE L. TENOPIN
JOSEPH P. HUERTER

91 JUL 16 AM 11:14

July 11, 1991

Ms. Lois G. Lerner
Assoc. General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR3344 Kansas Democratic State Committee and Ron
Calbert, as treasurer.

Dear Ms. Lerner:

I represent the Kansas Democratic State Committee as general
counsel, and we are in receipt of your June 25, 1991, letter
outlining a violation of the Federal Election Campaign Act
and enclosing a proposed conciliation agreement.

There is no question that our filing of the October, 1990,
report was untimely, and, in theory, we are willing to enter
into a conciliation agreement to resolve this matter.

1. The Kansas Democratic State Committee maintains a permanent staff of four and one-half positions, with one of those devoted completely to bookkeeping and report preparing. In 1990, the state committee staff which is normally hard pressed to meet the various federal and state reporting requirements, found themselves in the unanticipated position of being responsible for not only the state party reports, but also for assisting in party-related state PAC reports and, most time consuming of all, all reports required for the gubernatorial candidate.
2. Final state reports for all of those committees were due contemporaneously with the FEC report, and the staff found itself in the position of simply not having enough hours in the day to complete all reports in a timely manner.
3. Since the various state reports showed substantially more activity, it was decided to pursue those reports' completion first.
4. It became apparent immediately prior to the October 15, 1990, deadline that the state committee staff would be unable to meet the filing deadline for the F.E.C. report, and our executive director, Kay Mettner, contacted someone in the office of the Federal Election Commission to inform your office of that problem.

91040372481

5. Ms. Mettner's understanding of that conversation was that the delayed report would cause no major problems.

6. If Ms. Mettner had been led to believe that the party was facing a significant penalty (with our current budget situation

she might have been able to take extraordinary measures such as hiring an additional temporary staff person dedicated completely to finishing this report. That may not have resulted in a timely report, but it most likely would have resulted in a report filed only a couple of days late instead of one filed three weeks late. (The state committee staff is now painfully aware of the possible penalties for an untimely filing, and since it is unlikely that the staff will be in the same sort of position of responsibility for a gubernatorial candidate in the future, we believe this to be the final similar occurrence.)

Sincerely,



Lawrence L. Tenopir
General Counsel
Kansas Democratic Party

LLT:gm

91040372482

06C 2083

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

STATEMENT OF DESIGNATION OF COUNSEL

91 AUG -5 AM 11:52

MUR 3344
 NAME OF COUNSEL: Garry Jenopis
 ADDRESS: 420 S.E. 29th
Upperlevel
Topeka, Kz 66604
 TELEPHONE: 913-233-9497

91 AUG -5 PM 3:45

RECEIVED
FEDERAL ELECTION COMMISSION
COUNSEL

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.

7/31/91
Date

Randall K. Felt
Signature

RESPONDENT'S NAME: Randy Rathburn
 ADDRESS: 106 W. Douglas
Topeka, Kz 67202
 HOME PHONE: 316-683-5207
 BUSINESS PHONE: 316-245-9621

Election 2/24/90 as Treasurer

91040872483

THE LAW FIRM OF
TENOPIR & HUERTER
420 SOUTHEAST 29TH, UPPER LEVEL
TOPEKA, KANSAS 66605
TEL. 913/233-9467

0662848
RECEIVED LAWRENCE L. TENOPIR
FEDERAL ELECTION COMMISSION
MAIN COPY UNIT

91 SEP 20 AM 10:47

September 16, 1991

Ms. Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

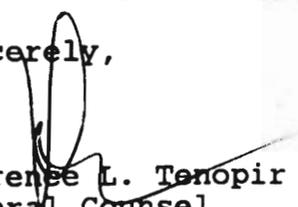
RE: MUR 3344
Kansas Democratic State Committee
& Randall K. "Randy" Rathbun, as
Treasurer

Dear Ms. Lerner:

Enclosed please find the conciliation agreement signed by me
as attorney for the parties.

Please advise as to how payment should be made.

Sincerely,


Lawrence L. Tenopir
General Counsel
Kansas Democratic Party

91 SEP 20 PM 4:10

RECEIVED
FEDERAL ELECTION COMMISSION
MAIN COPY UNIT

91040872484

BEFORE THE FEDERAL ELECTION COMMISSION SEP 25 AM 9:10

In the Matter of)
) MUR 3344
The Kansas Democratic State)
Committee and Randall K.)
"Randy" Rathbun, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Lawrence Tenopir, counsel for The Kansas Democratic State Committee and Randall K. "Randy" Rathbun, as treasurer.

The attached agreement contains no changes from the agreement approved by the Commission on August 27, 1991. To date, payment for the civil penalty has not been received.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with The Kansas Democratic State Committee and Randall K. "Randy" Rathbun, as treasurer.
2. Close the file in this matter.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

9/24/91
Date

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

Attachment
Conciliation Agreement

Staff Assigned: Tamara Kapper

91040372485

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
The Kansas Democratic State) MUR 3344
Committee and Randall K.)
"Randy" Rathbun, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 27, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3344:

1. Accept the conciliation agreement with The Kansas Democratic State Committee and Randall K. "Randy" Rathbun, as treasurer.
2. Close the file in this matter.
3. Approve the appropriate letter, as recommended in in the General Counsel's Report dated September 24, 1991.

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

Attest:

9-27-91
Date

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

Received in the Secretariat: Wed., Sept. 25, 1991 9:10 a.m.
Circulated to the Commission: Wed., Sept. 25, 1991 11:00 a.m.
Deadline for vote: Fri., Sept. 27, 1991 11:00 a.m.

dr

91040372486



**KANSAS
DEMOCRATIC
PARTY**

John T. Bird
State Chairman

Executive Committee

- Rosetta Dorson
- Charlene Potter
- Randy Rathbun
- Ron Svaty
- Betty Ratts
- Rep. Anthony Hensley
- Julia Ann Clem

- 7 Michael Peterson
- 3 Jean Stover
- 8 Tino Monaldo
- 4 Pat Lehman
- 2 Stanley Fowler
- 7 Bobby Seger
- 7 Governor Joan Finney
- 3 Tres. Sally Thompson
- 0 Speaker Marvin Barks
- 4 Senator Gerald Kurr
- 0 Senator Paul Feliciano
- 1 Shirley Jacques
- 0 Dennis Langley
- 1 Dr. Gilbert Parks, MD
- 2 Eva Perera
- 1 Mary Ann Flannery
- 2 Sheila Zischke
- Richard Warr

Ex-Officio•Past Chairs

- Marvin Hinder
- Jack Glaves
- Maurice Martin
- Thomas J. Concom
- Norbert R. Pasching
- Robert L. Brock
- Jim Myers
- Terry Scanlon
- Larry Bengison
- Robert E. Thon
- Pat Lehman
- James W. Parosh

September 24, 1991

Ms. Lois G. Lerner
Associate General Counsel
Federal Election Commission
999 E St., N.W.
Washington DC 20463

RE: MUR 3344
Kansas Democratic State Committee
& Randall K. "Randy" Rathbun, as
Treasurer

Dear Ms. Lerner:

Enclosed please find a check to the Federal Election Commission in the amount of \$900 (nine hundred dollars) per our conciliation agreement.

Sincerely,

John T. Bird, Chairman
Kansas Democratic Party

CLOSED

cc 2989

RECEIVED
FEDERAL ELECTION COMMISSION
91 OCT -2 AM 10:40

FEDERAL
91 OCT -1 PM 1:40



KANSAS DEMOCRATIC PARTY
FEDERAL ACCOUNT
P.O. BOX 1914 PH. 234-0425
TOPEKA, KS 66601

1608⁽⁹⁾

Sept 24 19 91

44-2027 1011

PAY TO THE ORDER OF

Federal Election Commission \$ 900.⁰⁰

NINE HUNDRED DOLLARS AND ⁰⁰/₁₀₀ DOLLARS



North Plaza State Bank
2014 N Topoka Ave • Topeka, Kansas 66608 • (913) 235-0001

FIDIC

MEMO # MUR # 3344

David W. Ferguson, Dir.
D.S.P.

8 1 5 0 1 0 2 0 2 7 6 0 2 7 2 1 6 4 1 6 0 8



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED

October 4, 1991

Larry Tenopir, Esquire
420 S.E. 29th, Upperlevel
Topeka, KS 66604

RE: MUR 3344
Kansas Democratic State Committee
and Randall K. "Randy" Rathbun, as
treasurer

Dear Mr. Tenopir:

On September 27, 1991, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(A)(i), 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 respondents and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

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

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner

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

Enclosure
Conciliation Agreement

21040372489

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
The Kansas Democratic State) MUR 3344
Committee and Randall K.)
"Randy" Rathbun, 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 the Kansas Democratic State Committee and Randall K. "Randy" Rathbun, as treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(4)(A)(i).

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. The Kansas Democratic State Committee is a

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political committee within the meaning of 2 U.S.C. § 431(4) and has elected to file its reports of receipts and expenditures with the Commission on a quarterly basis. The Kansas Democratic State Committee is not the authorized committee of any candidate.

2. Randall K. "Randy" Rathbun is the treasurer of the Kansas Democratic State Committee.

3. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), for years in which a regularly scheduled general election is held, all unauthorized political committees which elect to file reports on a quarterly basis shall file quarterly reports no later than the 15th day after the last day of the calendar quarter, except that the report for the calendar quarter ending December 31 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), Respondents were required to file the 1990 October Quarterly Report no later than October 15, 1990. Respondents filed the 1990 October Quarterly Report on November 7, 1990, one day after Election Day.

V. Respondents failed to file their 1990 October Quarterly Report on or before October 15, 1990 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 nine hundred dollars (\$900), 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

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issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

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

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

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

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

10/4/91
Date

FOR THE RESPONDENTS:

[Signature]
(Name) General Counsel
(Position)

9/16/91
Date

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3344

DATE FILMED 11/5/91 CAMERA NO. 2
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