



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3501

DATE FILMED 3/13/72 CAMERA NO. 3

CAMERAMAN J.M.H.



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

May 10, 1991

MEMORANDUM

TO: LAWRENCE C. NOBLE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

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

SUBJECT: UNAUTHORIZED QUARTERLY FILERS WHICH FAILED TO FILE
THE 1990 12 DAY PRE-GENERAL REPORT BY ELECTION DAY

The attached list of unauthorized committees consists of thirty-two (32) quarterly filers which failed to file a 1990 12 Day Pre-General Report by Election Day, November 6, 1990.

Unlike the mandatory reporting requirement placed upon monthly filers, 2 U.S.C. §434(a)(4)(A)(ii) requires quarterly filers to submit 12 Day Pre-General Reports only if the committees make contributions to or expenditures on behalf of federal candidates in the general election. All unauthorized committees were sent prior notification regarding the pre- and post-general filing requirements on October 1, 1990 (Attachment 33).

The Party/Non-Party Branch conducted a thorough examination to identify quarterly filers disclosing contributions or expenditures between October 1 and October 17, 1990. The research revealed committees that submitted:

- a) 12 Day Pre-General Reports in an untimely manner; or
- b) 30 Day Post-General Reports indicating that 12 Day Pre-General Reports should have been filed.

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

Attachment

00001

List of Committees and Prior Commission Actions

1.

2. C00065219 Wine Institute Political Action Committee 91NF-72

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00002

COMMITTEE ID, NAME AND ADDRESS

CONTACTS
WITH FILER ASCH

REPORTS FILED/
RESPONSES

C00065219

WINE INSTITUTE POLITICAL ACTION COMMITTEE
TREASURER'S NAME: JOHN A. DE LUCA, TREASURER
425 MARKET STREET SUITE 1000
SAN FRANCISCO CA 94105

None

Attachments 2a-2d

1990 30 Day Post-
General Report
filed 12/3/90

0 2 9 3

Wine Institute Political Action Committee

(Attachments 2a - 2d)

00020

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
						TYPE OF FILER
WINE INSTITUTE POLITICAL ACTION COMMITTEE						ID #C00065219 NON-PARTY QUALIFIED
CONNECTED ORGANIZATION: WINE INSTITUTE						
	1989 MID-YEAR REPORT	8,700	5,504	1JAN89 -30JUN89	7	89FEC/603/5430
	YEAR-END	9,900	14,526	1JUL89 -31DEC89	8	90FEC/620/1854
	1990 APRIL QUARTERLY	0	3,500	1JAN90 -31MAR90	6	90FEC/633/0357
	PRE-PRIMARY	0	3,000	1APR90 -19MAY90	5	90FEC/641/1881
	JULY QUARTERLY	0	0	20MAY90 -30JUN90	4	90FEC/649/0984
	OCTOBER QUARTERLY	66,995	10,000	1JUL90 -30SEP90	11	90FEC/659/5444
	OCTOBER QUARTERLY - AMENDMENT	57,995	10,000	1JUL90 -30SEP90	3	91FEC/680/4196
	REQUEST FOR ADDITIONAL INFORMATION			1JUL90 -30SEP90	1	91FEC/679/3864
	POST-GENERAL	41,420	15,000	1OCT90 -26NOV90	10	90FEC/672/1485
	POST-GENERAL - AMENDMENT	41,420	15,000	1OCT90 -26NOV90	4	91FEC/680/4192
	YEAR-END	1,000	0	27NOV90 -31DEC90	6	91FEC/682/0027
	TOTAL	119,015	0 51,530	0	65	TOTAL PAGES

All Reports Have Been Reviewed.

Ending Cash Balance as of 12/31/90: \$75,482.22

Debts and Obligations Owed To the Committee as of 12/31/90: \$0.00

Debts and Obligations Owed By the Committee as of 12/31/90: \$0.00

REPORT OF RECEIPTS AND DISBURSEMENTS

Other Than All In-Person Campaigns
(Summary Report)

FEC-724

98 DEC -3 PM 1:26

SEE FEC DISBURSEMENT TYPE ON FRONT

1. NAME OF COMMITTEE (or CA)
WINE INSTITUTE POLITICAL ACTION COMMITTEE

ADDRESS (number and street) Check if different than previously reported
425 Market Street, Suite 1000

CITY, STATE and ZIP CODE
San Francisco, CA 94105

2. FEC IDENTIFICATION NUMBER
6 00065219

This committee qualified as a non-federally financed committee (NFFC) under the Reporting Period

3. 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 20 June 20 October 20
 - March 20 July 20 November 20
 - April 20 August 20 December 20
 - May 20 September 20 January 21

Tenth day report preceding _____ (Type of Election)
 election on _____ in the State of _____

Tenth day report following the General Election on
11/6/98 in the State of **California**

(4) 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>11/26/90</u>		
6. (a) Cash on Hand January 1, 19 <u>90</u>			\$ 6567.22
(b) Cash on Hand at Beginning of Reporting Period		\$ 57062.22	
(c) Total Receipts (from Line 10)		\$ 41420.00	\$ 109415.00
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ 98482.22	\$ 114982.22
7. Total Disbursements (from Line 20)		\$ 15000.00	\$ 31500.00
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 83482.22	\$ 83482.22
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		\$ 0	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)		\$ 0	

For further information contact:
 Federal Election Commission
 990 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
RONALD DISLER

Signature of Treasurer

Date
11/30/90

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

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FEC FORM 3X
 (revised 4/87)
 00022

9 0 0 3 6 7 2 7 1 2 7 0 0 0

DETAILED SUMMARY PAGE

U.S. Election Code Requirements
Page 8, FEC FORM 284

Name of Committee (in full)	Report Covering the Period	
MINE INSTITUTE POLITICAL ACTION COMMITTEE	From: 10/1/90	To: 11/26/90
I. RECEIPTS	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(1) Solicited (see Schedule B)	28420	104579.10
(2) Unsolicited	0	335.90
(3) Total of contributions from individuals	28420	104915.00
(b) Political Party Committees	0	0
(c) Other Political Committees (such as PACs)	3000	3500.00
(d) TOTAL CONTRIBUTIONS (add 11(a)(1), (2), (b), and (c))	41420	108415.00
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES	0	0
13. ALL LOANS RECEIVED	0	0
14. LOAN REPAYMENTS RECEIVED	0	0
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	0	0
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	0	0
17. OTHER RECEIPTS (Dividends, Interest, etc.)	0	0
18. TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)	41420	108415.00
II. DISBURSEMENTS		
19. OPERATING EXPENDITURES	0	0
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES	0	0
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	15000	31500.00
22. INDEPENDENT EXPENDITURES (see Schedule E)	0	0
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 441a(d)) (see Schedule F)	0	0
24. LOAN REPAYMENTS MADE	0	0
25. LOANS MADE	0	0
26. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	0	0
(b) Political Party Committees	0	0
(c) Other Political Committees (such as PACs)	0	0
(d) TOTAL CONTRIBUTION REFUNDS (add 26(a), (b), and (c))	0	0
27. OTHER DISBURSEMENTS	0	0
28. TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	15000	31500.00
III. NET CONTRIBUTIONS OPERATING EXPENDITURES		
29. TOTAL CONTRIBUTIONS (other than loans) (from Line 11(d))	41420	108415.00
30. TOTAL CONTRIBUTION REFUNDS (from Line 26(d))	0	0
31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)	41420	108415.00
32. TOTAL OPERATING EXPENDITURES (from Line 19)	0	0
33. OFFSETS TO OPERATING EXPENDITURES (from Line 15)	0	0
34. NET OPERATING EXPENDITURES (subtract Line 33 from 32)	0	0

00023

93036721687

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use spaces provided for each category of the Detailed Summary Page	PAGE 1 OF 2
	FOR LINE NUMBER

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

WINE INSTITUTE POLITICAL ACTION COMMITTEE

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Committee to Re-elect Barbara Boxer to Congress ID# C 00152002 P.O. Box 4881 San Francisco, CA 94101	Barbara Boxer CA C.D. 8 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/01/90	1,000
		11/02/90	1,000
Rosco for Congress Committee ID# P.O. Box 1494 Santa Rosa, CA 95402	Douglas Rosco CA C.D. 2 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	11/01/90	2,000
Matsui for Congress Committee ID# C0085688 Sacramento, CA 95806	Robert Matsui CA C.D. 3 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	11/02/90	2,000
Fazio for Congress ID# C 00088773 300 Capitol Mall Sacramento, CA 95814	Vic Fazio CA C.D. 4 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	11/02/90	1,000
Friends of Bob Torricelli I.D.# C 00100537 P.O. Box 809 Teaneck, NJ 07666	Robert Torricelli NJ C.D. 9 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	11/02/90	1,000
Pelosi for Congress I.D.# C 00213512 45 Belden Place San Francisco, CA 94104	Nancy Pelosi CA C.D. 4 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	11/02/90	1,000
Pete Stark Re-election Committee I.D.# C 00020974 P.O. Box 801 Pleasanton, CA 94566	Pete Stark CA C.D. 9 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	11/02/90	1,000
Don Edwards Congressional Campaign Fund I.D.# C 00026724 P.O. Box 28127 San Jose, CA 95159	Don Edwards CA C.D. 10 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	11/02/90	1,000
Condit for Congress I.D.# C 00247544 P.O. Box 770 Modesto, CA 95354	Gary Condit CA C.D. 13 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	11/02/90	1,000

SUBTOTAL of Disbursements This Page (optional)

12,000

TOTAL This Period (last page this line number only)

00024

200306721492

RECEIVED
F.E.C.
SECRETARIAT

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

91 AUG 19 PM 4:06

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD Referral: 91NF 71 - 102
Staff Member Jeffrey D. Long

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

RESPONDENTS:

Wine Institute Political Action Committee and John
A. De Luca, as treasurer

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

INTERNAL REPORTS CHECKED: Referral Materials
Disclosure Documents

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Report Analysis Division ("RAD") referred the above thirty-two (32) committees and their treasurers to the Office of the General Counsel on May 10, 1991. The basis for 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)(A)(ii).

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that all unauthorized committees filing quarterly reports shall file a pre-election report before any election in which the committee makes a contribution or expenditure on behalf of a candidate in such election. According to 2 U.S.C. § 434(a)(4)(A)(ii), the pre-election report shall be filed no later than the 12th day before the election and shall be complete as of the 20th day before the election.

With regard to the 1990 general election, unauthorized committees which made contributions or expenditures during the period of October 1 through October 17 were required to file a 12 Day Pre-General Election Report covering that period by

October 25, 1990. On October 1, 1990, all unauthorized committees were sent prior notification regarding the filing of the pre-general and post-general reports, which specifically informed quarterly filers of the requirement to file a pre-general report if contributions or expenditures were made during the period between October 1 and October 17, 1990. (Attachment 1, page 253).

Of the thirty-two referred committees, twenty-four of the committees disclosed on their 30 Day Post-General Reports contributions or expenditures for the period between October 1 and October 17, 1990, indicating that the 12 Day Pre-General Reports should have been filed. The remaining eight of the referred committees filed the 12 Day Pre-General Reports but not in a timely manner.¹ Accordingly, the Office of the General Counsel recommends that the Commission open Matters Under Review and find reason to believe that the 32 referred committees and their

1.

treasurers violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to file timely the 1990 12 Day Pre-General Report.

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.

IV. RECOMMENDATIONS

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

A.

- B. Wine Institute Political Action Committee and John A. De Luca, as treasurer

C.

D.

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

Lawrence M. Noble
General Counsel

8-19-91
Date

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

Attachments

1. Referral Materials
2. Factual and Legal Analysis (32)
3. Proposed agreements (32)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) RAD Referrals
Thirty-two Committees and their)
) # 91NF 71-102
treasurers.)

(MURK)
3386
70
3417

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on August 27, 1991, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions with respect to RAD Referrals 91NF 71 - 102:

1. Open Matters Under Review, find reason to believe that the following committees and their treasurers violated 2 U.S.C. § 434(a)(4)(A)(ii) and enter into conciliation prior to a finding of probable cause to believe:
 - A.
 - B. Wine Institute Political Action Committee and John A. De Luca, as treasurer;
 - C.

(continued)

Federal Election Commission
Certification: RAD Referrals
#91NF 71 - 102
August 27, 1991

Page 2

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Federal Election Commission
Certification: RAD Referrals
#91NF 71 - 102
August 27, 1991

Page 3

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Federal Election Commission
Certification: RAD Referrals
#91NF 71 - 102

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(continued)

Federal Election Commission
Certification: RAD Referrals
#91NF 71 - 102
August 27, 1991

Page 5

2. Approve the Factual and Legal Analyses, conciliation agreements, and the appropriate letters as recommended in the General Counsel's report dated August 19, 1991.

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

Attest:

9-4-91
Date

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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 13, 1991

John A. De Luca, Treasurer
Wine Institute Political Action Committee
425 Market Street
Suite 1000
San Francisco, California 94103

RE: MUR 3387
Wine Institute Political Action
Committee and John A. De Luca, as
treasurer

Dear Mr. DeLuca:

On August 27, 1991, the Federal Election Commission found that there is reason to believe Wine Institute Political Action Committee and John A. De Luca, as treasurer ("Committee"), violated 2 U.S.C. § 434(a)(4)(A)(ii), 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.

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.

John A. DeLuca, Treasurer
Page 2

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.

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 Deborah Curry, the staff member assigned to this matter, at (202) 219-3690.

Sincerely,


John Warren McGarry
Chairman

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

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3387

RESPONDENTS: Wine Institute Political Action
Committee and John A. De Luca,
as treasurer

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that all unauthorized committees filing quarterly reports, shall file a pre-election report before any election in which the committee makes a contribution to expenditure on behalf of a candidate in such election. According to 2 U.S.C. § 434(a)(4)(A)(ii), the pre-election report shall be filed no later than the 12th day before the election and which shall be complete as of the 20th day before the election.

With regard to the 1990 general election, unauthorized committees which made contributions or expenditures during the period of October 1 through October 17, were required to file a 12 Day Pre-General Election Report covering that period, by October 25, 1990. On October 1, 1990, all unauthorized committees were sent prior notification regarding the filing of the pre- and post-general reports, which specifically informed quarterly filers of the requirement to file a pre-general if contributions or expenditures were made during the period between October 1 and October 17, 1990.

The Respondents disclosed on their 30 Day Post-General Report contributions or expenditures for the period between October 1 and October 17, 1990, indicating that the 12 Day Pre-General Reports should have been filed. Therefore, there is reason to believe the

Respondents violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to
timely file the 1990 Pre-General Election Report.

STATEMENT OF DESIGNATION OF COUNSEL

066 2821

RECEIVED
FEDERAL ELECTION COMMISSION
MAY 17 1991

MUR: MUR 3387

91 SEP 18 AM 9:50

NAME OF COUNSEL: Donald Disler

ADDRESS: 660 Market Street, Suite 300

San Francisco, CA 94104

TELEPHONE: (415) 392-2800

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.

September 17, 1991
Date

John A. De Luca
Signature

91 SEP 18 PM 3:16

RECEIVED
FEDERAL ELECTION COMMISSION

RESPONDENT'S NAME: John A. De Luca

ADDRESS: Wine Institute Political Action Committee

425 Market Street, Suite 1000

San Francisco, CA 94102

HOME PHONE: (415) 871-0747

BUSINESS PHONE: (415) 512-0151

66-27905

DONALD DISLER
ATTORNEY AT LAW
660 MARKET STREET, SUITE 300
SAN FRANCISCO, CALIFORNIA 94104-5014

TELEPHONE
(415) 392-2800

FACSIMILE
(415) 392-6441

September 19, 1991

John Warren McGarry, Chairman
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Wine Institute Political Action Committee (WIPAC)
ID# C00065219

MUR 3387

Dear Mr. McGarry:

I am the attorney for the Wine Institute Political Action Committee (WIPAC) and also its duly authorized representative to deal with issues relating to MUR 3387. We have received your notice of proceedings against WIPAC and wish to assure you and the members of the commission that the committee and its treasurer desire to enter into a conciliation agreement to settle this matter prior to a finding of probable cause.

The Wine Institute Political Action Committee is a small trade association committee that has always sought to comply with Federal campaign reporting laws in an accurate and timely fashion. I believe your review of our records will show that this committee has a good record of performance and is not an habitual violater.

301

00:4 11 2 20 10
00:4 11 4:00

Charles Warren McGarry
Federal Election Commission
September 19, 1991
Page 2.

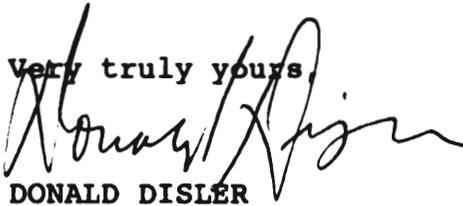
The problem with this report was due to an oversight on my part and the calendaring error indicated above. I have taken steps to insure that my office staff and I exercise additional care to make sure such a mistake does not recur. I am confident that in the future this committee will have no such problem.

I should also like to point out that all information on contributions and expenditures was accurate (if late for a 12-day report).

For purposes of legal sufficiency, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was made at San Francisco, California on September 19, 1991.

Thank you.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Donald Disler".

DONALD DISLER

DD/bh

cc: Wine Institute Political Action Committee

060 3042

DONALD DISLER
ATTORNEY AT LAW
660 MARKET STREET, SUITE 300
SAN FRANCISCO, CALIFORNIA 94104-5014

91 OCT -7 10:00

TELEPHONE
(415) 392-2800

FACSIMILE
(415) 392-6441

October 1, 1991

Jonathan Bernstein, Esq.
Assistant General Counsel
Federal Election Commission
999 E Street
Washington, D.C. 20463

Re: WINE INSTITUTE POLITICAL ACTION COMMITTEE
ID# C00065219

MUR: 3387

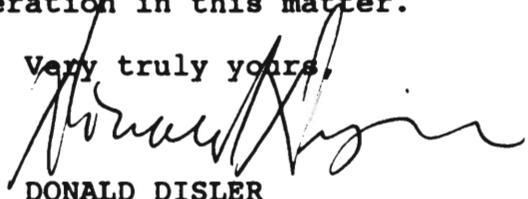
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 OCT -7 PM 4:07

Dear Mr. Bernstein:

Following up on our telephone conversation today, this is to confirm that the Wine Institute Political Action Committee desires to settle this matter

Thank you for your cooperation in this matter.

Very truly yours,



DONALD DISLER

DD/bh
Encls.
cc1: John A. DeLuca
cc2: Val Ireton

66-3152

DONALD DISLER
ATTORNEY AT LAW
660 MARKET STREET SUITE 300
SAN FRANCISCO, CALIFORNIA 94104-5014

TELEPHONE
(415) 392-2800

FACSIMILE
(415) 392-6441

October 11, 1991

Jonathan Bernstein, Esq.
Assistant General Counsel
Federal Election Commission
999 E Street
Washington, D.C. 20463

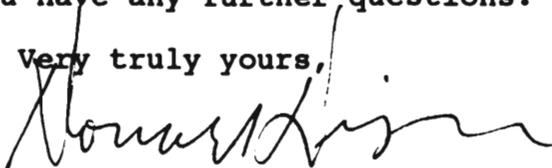
Re: WINE INSTITUTE POLITICAL ACTION COMMITTEE
ID# C00065219
MUR 3387

Dear Mr. Bernstein:

In accordance with my letter to you dated October 1, 1991, I am enclosing a check payable to the Federal Election Commission in the amount of \$1,000.00 to conclude MUR 3387.

Please let me know if you have any further questions.

Very truly yours,



DONALD DISLER

DD/bh
Encls.
cc1: Val Ireton

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE GENERAL COUNSEL
91 OCT 17 AM 10:46

504

DISLER & ASSOCIATES
ATTORNEYS AT LAW
GENERAL ACCOUNT
(415) 392-2800
660 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94104

IN PAYMENT FOR
WINE INSTITUTE PAC
000065219

11-24/075
1210

5682

PAY *One thousand and 00/100* DOLLARS

DATE	TO THE ORDER OF
<i>10/11/91</i>	<i>FEDERAL ELECTION COMMISSION</i>

MUR 3387

CHECK AMOUNT
1000

Donna/Whitman

WELLS FARGO BANK
MARKET MONTGOMERY OFC ONE MONTGOMERY ST SAN FRANCISCO, CA 94104

⑈005682⑈ ⑆26000248⑆0075 075499⑈

RECEIVED

F.E.C.

87-08-000000

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Wine Institute Political Action)
Committee and John A. De Luca,)
as treasurer)

MUR 3387

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On August 27, 1991, the Federal Election Commission found reason to believe Wine Institute Political Action Committee and John A. De Luca, as treasurer ("Committee"), violated 2 U.S.C. § 434(a)(4)(ii) by failing to file the 1990 12 Day Pre-General Election Report in a timely manner.

II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

III. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Wine Institute Political Action Committee and John A. De Luca, as treasurer.
2. Close the file.

3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

4/31/92
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Committee's Initial Response
2. Conciliation Agreement
3. Photocopy of civil penalty check

Staff Assigned: Debby Curry

9330

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Wine Institute Political Action) MUR 3387
Committee and John A. De Luca, as)
treasurer.)

CERTIFICATION

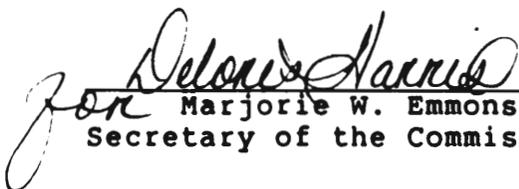
I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 5, 1992, the Commission decided by a vote of 4-0 to take the following actions in MUR 3387:

1. Accept the conciliation agreement with Wine Institute Political Action Committee and John A. De Luca, as treasurer, as recommended in the General Counsel's Report dated January 31, 1992.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated January 31, 1992.

Commissioners Aikens, Elliott, McDonald, and McGarry voted affirmatively for the decision; Commissioners Potter and Thomas did not cast votes.

Attest:

2/5/92
Date


Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Mon., Feb. 3, 1992 10:58 a.m.
Circulated to the Commission: Mon., Feb. 3, 1992 4:00 p.m.
Deadline for vote: Wed., Feb. 5, 1992 4:00 p.m.

bjr



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

February 12, 1992

Donald Disler, Esquire
660 Market Street, Suite 300
San Francisco, CA 94104

RE: MUR 3387
Wine Institute Political Action
Committee and John A. De Luca,
as treasurer

Dear Donald Disler:

On February 5, 1992, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your clients' behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(A)(ii), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to your clients.

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. If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Deborah Curry
Deborah Curry
Attorney

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Wine Institute Political Action) MUR 3387
Committee and John A. De Luca, 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 Wine Institute Political Action Committee and John A. De Luca, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(4)(A)(ii).

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. Wine Institute Political Action Committee is a political committee within the meaning of 2 U.S.C. § 431(4).

2. John A. De Luca is the treasurer of Wine Institute Political Action Committee.

3. The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that all unauthorized committees filing quarterly reports, shall file a pre-election report before any election in which the committee makes a contribution or expenditure on behalf of a candidate in such election. According to 2 U.S.C. § 434(a)(4)(A)(ii), the pre-election report shall be filed no later than the 12th day before the election and which shall be complete as of the 20th day before the election.

4. Respondents disclosed on their 30 Day Post-General Report contributions or expenditures for the period between October 1 and October 17, 1990, indicating that the 12 Day Pre-General Reports should have been filed.

5. Respondents were required to file the 12 Day Pre-General Report, covering the period of October 1 through October 17, by October 25, 1990. Respondents failed to file the 1990 Pre-General Report. Respondents instead filed one report covering the pre- and post-election reporting periods. That report was filed 39 days late, and disclosed pre-general election period activity of \$37,920.00 in receipts and \$1,000.00 in disbursements.

V. Respondents failed to file the 1990 12 Day Pre-General Report in a timely manner in violation of 2 U.S.C. § 434(a)(4)(A)(ii).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of one thousand dollars (\$1,000.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

IX. 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
Associate General Counsel

2-12-92
Date

FOR THE RESPONDENTS:



(Name)
(Position) COUNSEL

October 1, 1991
Date



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE END OF MUR # 3381

DATE FILMED 3/13/92 CAMERA NO. 3

CAMERAMAN T.H.N.