



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3988
DATE FILMED 1/16/92 CAMERA NO. 1
CAMERAMAN R.J.A.D.

22040391330



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 *JAG*
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

92040391331

List of Committees and Prior Commission Actions

1.

2.

3. C00193854 American Pharmaceutical Association
Political Action Committee

4.

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6.

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12.

13.

14.

9 2 0 4 0 8 9 1 3 3 2

COMMITTEE ID, NAME AND ADDRESS

CONFERENCE
WITH FILE# AFCH

REPORTS FILED/
RESPONSES

333

C00193884

AMERICAN PHARMACEUTICAL ASSOCIATION POLITICAL ACTION COMMITTEE

TREASURER'S NAME: TIMOTHY L. VORDEBAUMER

2215 CONSTITUTION AVENUE, NW

WASHINGTON DC 20037

None

Attachments 1a-1e

1990 30 Day Post-
General and Letter
filed 1/11/91

92040

9 2 0 4 0 3 9 1 3 3 4

**American Pharmaceutical Association Political
Action Committee**

(Attachments 3a - 3e)

00020

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
					TYPE OF FILES	
AMERICAN PHARMACEUTICAL ASSOCIATION POLITICAL ACTION COMMITTEE				ID 6C00193854 NON-PARTY QUALIFIED		
CONNECTED ORGANIZATION: PHARMACEUTICAL ASSOCIATION ; AMERICAN						
1989	APRIL QUARTERLY	22,526	6,119	1JAN89 -31MAR89	5	89FEC/592/4953
	APRIL QUARTERLY - AMENDMENT	21,976	5,569	1JAN89 -31MAR89	5	89FEC/614/3171
	REQUEST FOR ADDITIONAL INFORMATION			1JAN89 -31MAR89	1	89FEC/610/3067
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN89 -31MAR89	2	89FEC/613/0517
	MID-YEAR REPORT	3,527	19,359	1APR89 -30JUN89	8	89FEC/605/5214
	OCTOBER QUARTERLY	5,168	5,605	1JUL89 -30SEP89	6	89FEC/613/2130
	YEAR-END	39,297	10,778	1OCT89 -31DEC89	7	90FEC/621/5094
1990	APRIL QUARTERLY	57,009	12,362	1JAN90 -31MAR90	7	90FEC/637/1647
	JULY QUARTERLY	13,670	21,811	1APR90 -30JUN90	9	90FEC/648/0500
	OCTOBER QUARTERLY	9,021	20,209	1JUL90 -30SEP90	8	90FEC/660/4800
	POST-GENERAL	2,485	6,957	1OCT90 -26NOV90	7	91FEC/681/0308
	NOTICE OF FAILURE TO FILE			1OCT90 -26NOV90	1	90FEC/679/2864
	YEAR-END	11,876	3,002	27NOV90 -31DEC90	6	91FEC/686/4665
	YEAR-END - AMENDMENT	11,876	3,002	27NOV90 -31DEC90	2	91FEC/690/5003
	REQUEST FOR ADDITIONAL INFORMATION			27NOV90 -31DEC90	1	91FEC/689/3681
TOTAL		164,029	0 105,652	0	75	TOTAL PAGES

All Reports Have Been Reviewed Except the Amended Year End Report

Cash on Hand as of 12/31/90= \$95,174

Debts Owed To the Committee as of 12/31/90= \$0

Debts Owed By the Committee as of 12/31/90= \$0

00027

ATTACHMENT 3A



American
Pharmaceutical
Association

225 Constitution Avenue, NW
Washington, DC 20037
(202) 678-4410 FAX: (202) 783-1151

The National Professional
Society of Pharmacists

JAN 11 PM 3:58

APHA

January 11, 1991

Brian Hancock
Reports Analysis Division
Federal Election Commission
Washington, DC 20463

Dear Mr. Hancock:

Attached is a copy of the American Pharmaceutical Association-
Political Action Committee report of receipts and disbursements
for 10/1/90 through 11/26/90. Thank you for explaining the
requirements for filing of this report. We apologize for our
late filing of this report.

Please let me know if there is anything further that may be
required in connection with this report.

Sincerely,

Brian Hyps

Brian M. Hyps
Associate Director of Government Affairs

P 12 03450:31 91 13 3 3 6

DETAILED SUMMARY PAGE

of Receipts and Disbursements
(Page 2, FEC FORM 311)

Name of Committee (in full)	Report Covering the Period	
American Pharmaceutical Association PAC	from 10/01/90	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	200.00	1,700.00
(b) Nonized (see Schedule A)	1,425.00	75,502.50
(c) Unitemized	1,625.00	77,202.50
(d) Total of contributions from individuals	- 0 -	- 0 -
(e) Political Party Committees	- 0 -	- 0 -
(f) Other Political Committees (such as PACs)	1,625.00	77,202.50
(g) TOTAL CONTRIBUTIONS (add 11(a)-(f), and (g))		
12 TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES		
13 ALL LOANS RECEIVED		
14 LOAN REPAYMENTS RECEIVED		
15 OFFSETS TO OPERATING EXPENDITURES (Gifts, Rebates, etc.)		
16 REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		
17 OTHER RECEIPTS (Dividends, Interest, etc.)	860.49	4,984.51
18 TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)	2,485.49	82,187.01
II. DISBURSEMENTS		
19 OPERATING EXPENDITURES	7.70	40.56
20 TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES		
21 CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	6,950.00	61,300.00
22 INDEPENDENT EXPENDITURES (use Schedule E)		
23 COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 USC 447a(d)) (use Schedule F)		
24 LOAN REPAYMENTS MADE		
25 LOANS MADE		
26 REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees		
(b) Political Party Committees		
(c) Other Political Committees (such as PACs)		
(d) TOTAL CONTRIBUTION REFUNDS (add 26(a), (b) and (c))		
27 OTHER DISBURSEMENTS		
28 TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	6,957.70	61,340.56
III. NET CONTRIBUTIONS OPERATING EXPENDITURES		
29 TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)	1,625.00	77,202.50
30 TOTAL CONTRIBUTION REFUNDS (from Line 26(d))	- 0 -	- 0 -
31 NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)	1,625.00	77,202.50
32 TOTAL OPERATING EXPENDITURES (from Line 19)	7.70	40.56
33 OFFSETS TO OPERATING EXPENDITURES (from Line 15)	- 0 -	- 0 -
34 NET OPERATING EXPENDITURES (subtract Line 33 from 32)	7.70	40.56

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SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedules for each category of the Detailed Summary Page

PAGE 1 OF 2
FORM LINE NUMBER 71

All information copied from such Reports and Statements may not be sold or used by any person for the purpose of obtaining 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)

American Pharmaceutical Association Political Action Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Friend of Ron Packard P.O. Box 2910 Mission Viejo, CA 92690	contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/12/90	250.00
John Doolittle for Congress 411 Sunbury Court Roseville, CA 95661	contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/12/90	250.00
Friends of Phill GRAMM P.O. Box 565087 Dallas, TX 75356	contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/19/90	500.00
Ben Cardin for Congress P.O. Box 65056 Baltimore, MD 21209	contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/19/90	250.00
Friends of Max Baucus 313 3rd Street, NE Washington, DC 20002	contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/19/90	1,000.00
Jim Bates for Congress 5400 E. 8th Street, #203 National City, CA 92050	contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/19/90	500.00
Jan Meyers for Congress P.O. Box 4184 Overland Park, KS 66204	contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/19/90	200.00
Dick Nichols for Congress P.O. Box 411 McPherson, KS 67460	contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/19/90	500.00
Maxine Waters for Congress 1009 W. Manchester Avenue Los Angeles, CA 90024	contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/19/90	500.00

SUBTOTAL of Disbursements This Period (total only)

TOTAL This Period (total only)

00001

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:

American Pharmaceutical Association Political
Action Committee and Timothy L. Vordenbaumen, as
treasurer

92040391340

9 2 0 4 0 8 9 1 3 4 1

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

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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. 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

92040391343

treasurers violated 2 U.S.C. § 434(g)(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.

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9 2 0 4 0 8 9 1 3 4 5

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.

C. American Pharmaceutical Association Political Action Committee
and Timothy L. Vordenbaumen, as treasurer

D.

E.

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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)
)
Thirty-two Committees and their)
treasurers.)
)
RAD Referrals
91NF 71-102

(
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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.
 - C. American Pharmaceutical Association Political Action Committee and Timothy L. Vordenbaumen, as treasurer;

(continued)

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

Page 2

D.

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(continued)

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

Page 3

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92040391350

(continued)

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

Page 4

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(continued)



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 13, 1991

**Timothy L. Vordenbaumen, Treasurer
American Pharmaceutical Association
Political Action Committee
2215 Constitution Avenue, N.W.
Washington, D.C. 20037**

**RE: MUR 3388
American Pharmaceutical Association
Political Action Committee and
Timothy L. Vordenbaumen, as
treasurer**

Dear Mr. Vordenbaumen:

On August 27 1991, the Federal Election Commission found that there is reason to believe American Pharmaceutical Association Political Action Committee and Timothy L. Vordenbaumen, 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.

2040391352

Timothy Vordenbaumen, 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 Dawn Odrowski, 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

22040391353

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3388

RESPONDENTS: American Pharmaceutical Association
Political Action Committee and Timothy L.
Vordenbaumen, 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

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

22040891355

MUR 3388

To: DAWN ODROWSKI
From: BILL HERMELIN
Date: 10/10/91

Attached is

copy of FEC Form 1
filed with the FEC's Reports
and Analysis Division.

I personally want to
apologize for the delay and
confusion generated by APHA
in handling these matters.

Bill Hermelin

American Pharmaceutical Association
2215 Constitution Avenue, NW
Washington, DC 20037

92040891356

STATEMENT OF ORGANIZATION

(See reverse side for instructions)

1. (A) NAME OF COMMITTEE IN FULL <input type="checkbox"/> (Check if name is changed) American Pharmaceutical Association Political Action Committee	2. DATE October 7, 1991
(B) Number and Street Address <input type="checkbox"/> (Check if address is changed) 2215 Constitution Avenue, NW	3. FEDERAL IDENTIFICATION NUMBER 000 193 854
(C) City, State and ZIP Code Washington, DC 20037	4. IS THIS STATEMENT AN AMENDMENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

5. TYPE OF COMMITTEE (Check one)

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate	Candidate Party Affiliation	Office Sought	State/District

- (c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee.
(name of candidate)
- (d) This committee is a _____ committee of the _____ Party.
(National, State or subordinate) (Democratic, Republican, etc.)
- (e) This committee is a separate segregated fund.
- (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship

Type of Connected Organization

- Corporation Corporation w/o Capital Stock Labor Organization Membership Organization Trade Association Cooperative

7. Custodian of Records: Identify by name, address (phone number - optional) and position of the person in possession of committee books and records.

Full Name	Mailing Address	Title or Position
Violetta Peev	American Pharmaceutical Association 2215 Constitution Ave., Wash. DC 20037	Assistant Controller

8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address	Title or Position
Gary Schneider	12910 37th Avenue, North Plymouth, MN 55441	Treasurer

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code

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

TYPE OR PRINT NAME OF TREASURER Gary S. Schneider	SIGNATURE OF TREASURER 	DATE 10/7/91
--	----------------------------	-----------------

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

22040891357

For further information contact:
Federal Election Commission
Telephone 800 424 9520

FEC FORM 1

AMERICAN PHARMACEUTICAL ASSOCIATION

2215 Constitution Avenue, NW
Washington, DC 20037-2985
(202) 628-4410

041190

00010928

10/04/91

INVOICE NUMBER	INVOICE DATE	DESCRIPTION	AMOUNT PAID
9/25 REQ	09/25/91	Conciliation Agreement	500.00

DETACH THIS PORTION AND RETAIN FOR YOUR RECORDS

CHECK NUMBER	CHECK DATE	VENDOR NUMBER
9 41190	10/04/91	00010928



AMERICAN PHARMACEUTICAL ASSOCIATION
The National Professional Society of Pharmacists
2215 Constitution Avenue, NW
Washington, DC 20037-2985
(202) 628-4410

041190

FIRST AMERICAN BANK, N.A.
WASHINGTON, D.C. 20005

15-4
540

PAY
3
2040
TO THE
ORDER
OF

FIVE HUNDRED AND 00/100 DOLLARS

CHECK AMOUNT
*****500.00

TWO SIGNATURES REQUIRED FOR AMOUNTS OVER \$10,000

FEDERAL ELECTION COMMISSION
999 E STREET, N. W.

WASHINGTON, DC 20463

Jean Paul Wagner

AUTHORIZED SIGNATURE

⑈00041190⑈ ⑆054000043⑆ 3 006 807⑈

RECEIVED
F.E.C.
SECRETARIAT

SL DEC-9 AM 11:14

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
American Pharmaceutical Association) MUR 3388
Political Action Committee and)
Gary Schneider, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Gary Schneider, the current treasurer of American Pharmaceutical Association Political Action Committee¹ ("Respondents"), relating to a violation of 2 U.S.C. §§ 434(a)(4)(A)(ii).

9 2 0 4 0 3 9 1 3 5 9

1. When responding to the Commission's reason to believe finding in this matter, the Committee notified the Office of General Counsel that Gary Schneider had replaced Timothy L. Vordenbaumen as the Committee's treasurer in March 1991. Although the Committee's amended 1990 Year End report, filed March 21, 1991, reflects this change, the Committee had not filed an amended Statement of Organization at the time of the Commission's reason to believe finding. The Committee filed an amended Statement of Organization reflecting its change in treasurers at the time it sent in the signed conciliation agreement.

Respondents have submitted a check in full payment of the \$500 civil penalty.

This Office recommends that the Commission accept the signed conciliation agreement.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with American Pharmaceutical Association Political Action Committee and Gary Schneider, as treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

12/4/91
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement and amended Statement of Organization
2. Photocopy of civil penalty check

Staff Assigned: Dawn M. Odrowski

22040391360

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
American Pharmaceutical Association) MUR 3388
Political Action Committee and)
Gary Schneider, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 11, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3388:

1. Accept the conciliation agreement with American Pharmaceutical Association Political Action Committee and Gary Schneider, as treasurer, as recommended in the General Counsel's Report dated December 6, 1991.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated December 6, 1991.

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

Attest:

12-11-91
Date

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

Received in the Secretariat: Mon., Dec. 9, 1991 11:14 a.m.
Circulated to the Commission: Mon., Dec. 9, 1991 4:00 p.m.
Deadline for vote: Wed., Dec. 11, 1991 4:00 p.m.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

December 20, 1991

Gary Schneider, Treasurer
American Pharmaceutical Association
Political Action Committee
2215 Constitution Avenue, N.W.
Washington, D.C. 20037

RE: MUR 3388
American Pharmaceutical
Association PAC and its
treasurer

Dear Mr. Schneider:

On December 11, 1991, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on behalf of American Pharmaceutical Political Action Committee, and you, as treasurer, 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.

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,

Dawn M. Odrowski
Attorney

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
American Pharmaceutical Association) MUR 3388
Political Action Committee and)
Gary Schneider, as treasurer)

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 OCT 10 PM 3 28

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 American Pharmaceutical Association Political Action Committee and its 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.

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

1. American Pharmaceutical Association Political Action Committee is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Gary Schneider is the current treasurer of American Pharmaceutical Association Political Action Committee. Timothy L. Vordenbaumen was the treasurer at the time the activity at issue occurred.

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 78

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days late, and disclosed pre-general election period activity of \$0 in receipts and \$500.00 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 five hundred dollars (\$500.00), 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

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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.

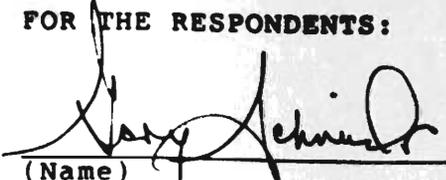
FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: 
Lois G. Garner
Associate General Counsel

12/19/91
Date

FOR THE RESPONDENTS:

 JKES
(Name)
(Position)

7 Oct, 1991
Date

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3388

DATE FILMED ^{1/16/52} ~~1/16/52~~ CAMERA NO. 21

CAMERAMAN A. J. AD.

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