



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3389

DATE FILMED 11/2/91 CAMERA NO. 2

CAMERAMAN AS

91040874171



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
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

91040374172

List of Committees and Prior Commission Actions

4. C00215590 American Systems Corporation Political 91NF-74
Action Committee (ASC-PAC)

91040874173

COMMITTEE ID, NAME AND ADDRESS

CONTRACTS
WITH FILER A/FCH

REPORTS FILED/
RESPONSES

40374174

00213590	None	Attachments 4a-4d
AMERICAN SYSTEMS CORPORATION POLITICAL ACTION COMMITTEE (ASC-PAC)		
TREASURER'S NAME: JACK BAKER		
4200 PARK MEADOW DRIVE		
HANTILLY	VA 22021	1990 30 Day Post- General filed 12/4/90

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**American Systems Corporation Political
Action Committee (ASC-PAC)**

(Attachments 4a - 4d)

FEDERAL ELECTION COMMISSION
1979-1990

DATE 12/6/91

COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
						TYPE OF FILER
AMERICAN SYSTEMS CORPORATION POLITICAL ACTION COMMITTEE (ASC-PAC)				ID 0000215590		NON-PARTY QUALIFIED
DIRECTED ORGANIZATION: AMERICAN SYSTEMS CORPORATION						
	1989 MID-YEAR REPORT	20,079	3,543	1JAN89 - 30JUN89	6	90FED/603/5432
	YEAR-END	14,939	13,662	1JUL89 - 31DEC89	13	90FED/621/2351
	1990 APRIL QUARTERLY	5,507	11,039	1JAN90 - 31MAR90	6	90FED/625/4100
	JULY QUARTERLY	7,370	2,800	1APR90 - 30JUN90	5	90FED/626/1127
	OCTOBER QUARTERLY	7,329	5,000	1JUL90 - 30SEP90	11	90FED/628/1294
	POST-GENERAL	2,148	3,700	1OCT90 - 3NOV90	10	90FED/670/4990
	YEAR-END	3,123	0	4NOV90 - 31DEC90	9	91FED/651/1535
	TOTAL	66,345	0 37,744		60	TOTAL PAGES

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All reports have been reviewed.

Cash-on-hand as of 12/31/90: \$35,728

Debts and obligations owed by the committee as of 12/31/90: \$-0-

Debts and obligations owed to the committee as of 12/31/90: \$-0-

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee (Summary Page)

90 DEC -6 AM 11:27

SEE FEC MAILING LABEL ON PAGE

1. NAME OF COMMITTEE (in full)
American Systems Corporation - PAC

ADDRESS (number and street) Check if different than previously reported
14200 Park Meadows Dr

CITY, STATE and ZIP CODE
Charlottesville, VA 22901

2. FEC IDENTIFICATION NUMBER
100216590

This committee qualified as a multicandidate committee during this Reporting Period (date)

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 28 June 28 October 28
 - March 28 July 28 November 28
 - April 28 August 28 December 28
 - May 28 September 28 January 28

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

Tenth day report following the General Election on
11/5/90 in the State of **Virginia**

(B) Is this Report an Amendment? YES NO

SUMMARY

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	<u>10/1/90</u> through <u>11/5/90</u>		
6. (a) Cash on Hand January 1, 19 <u>90</u>			\$ 28,988.96
(b) Cash on Hand at Beginning of Reporting Period		\$ 34,156.68	
(c) Total Receipts (from Line 18)		\$ 2,148.66	\$ 26,155.66
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ 36,305.34	\$ 55,144.62
7. Total Disbursements (from Line 28)		\$ 3,700.00	\$ 22,539.28
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 32,605.34	\$ 32,605.34
9. Debts and Obligations Owed TO the Committee (itemize all on Schedule C and/or Schedule D)		\$	For further information contact:
10. Debts and Obligations Owed BY the Committee (itemize all on Schedule C and/or Schedule D)		\$	Federal Election Commission 909 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 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
John F Baker

Signature of Treasurer *J.F. Baker* Date **12/3/90**

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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DETAILED SUMMARY PAGE
 of Receipts and Disbursements
 Page 2, FEC FORM 20

Name of Committee (in full)		Report Covering the Period	
American System Corporation - PAC		From 10-1-90	To 11-6-90
		COLUMN A	COLUMN B
		Total This Period	Calendar Year-To-Date
I. RECEIPTS			
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees:			
(A) Itemized (use Schedule A)		1,877.03	13,727.33
(B) Unitemized		271.63	12,065.33
(B2) Total of contributions from individuals		2,148.66	25,792.66
(b) Political Party Committees			
(c) Other Political Committees (such as PACs)			
(d) TOTAL CONTRIBUTIONS (add 11(a)(B), (b), and (c))		2,148.66	25,792.66
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES			
13. ALL LOANS RECEIVED			
14. LOAN REPAYMENTS RECEIVED			
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)			
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES			360.00
17. OTHER RECEIPTS (Dividends, Interest, etc.)			
18. TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)		2,148.66	26,155.66
II. DISBURSEMENTS			
19. OPERATING EXPENDITURES			259.28
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES			
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES			
22. INDEPENDENT EXPENDITURES (use Schedule E)		3,700.00	22,285.00
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 441a(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)		3,700.00	22,544.28
III. NET CONTRIBUTIONS/OPERATING EXPENDITURES			
29. TOTAL CONTRIBUTIONS (other than loans) (from Line 11(d))		2,148.66	25,792.66
30. TOTAL CONTRIBUTION REFUNDS (from Line 26(d))			
31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)		2,148.66	25,792.66
32. TOTAL OPERATING EXPENDITURES (from Line 19)		=	259.28
33. OFFSETS TO OPERATING EXPENDITURES (from Line 15)		=	
34. NET OPERATING EXPENDITURES (subtract Line 33 from 32)		=	259.28

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SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedules for each category of the Detailed Summary Page

PAGE 1 OF 1
FOR LINE NUMBER

All information copied from such Reports and Statements may not be sold or used by any person for the purpose of collecting 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 Systems Corporation - PAC

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Friends of Los Asph R.O. Box 16002 Alexandria, VA 22302	Rep of Congress D-1, WZ Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Reception	10/2/90	500.00
B. Full Name, Mailing Address and ZIP Code Gore for Senate P.O. Box 9682 Rosslyn, VA 22209	U-S Senate D-TN Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Reception	10/2/90	1000.00
C. Full Name, Mailing Address and ZIP Code Dornan in '90 P.O. Box 3800 Garden Grove, CA 92640	Rep of Congress R-38, CA Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Reception	10/2/90	350.00
D. Full Name, Mailing Address and ZIP Code Friends of Tom Dasg 40 Mr Bert Conklin 1500 Planning Research Dr McLean, VA 22102	Purpose of Disbursement Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Reception	10/3/90	200.00
E. Full Name, Mailing Address and ZIP Code D. French Slaughter Jr. P.O. Box 1000 Culpeper, VA 22701	Rep of Congress R-7, VA Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Reception	10/1/90	150.00
F. Full Name, Mailing Address and ZIP Code People for Pete Domenici 425 25th ST NE Washington, DC 20002	U.S. Senate R-NM Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Reception	10/1/90	1000.00
G. Full Name, Mailing Address and ZIP Code Jon Kyl Re-election Committee R.O. Box 10246 Phoenix, AZ 85064	Rep of Congress R-4, AZ Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Reception	10/1/90	500.00
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)

3,700.00

TOTAL This Period (do not page this line number only)

3,700.00

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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 Systems Corporation Political Action
Committee and Jack Baker, as treasurer

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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

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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.

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PAGES 6 THROUGH 23 DO NOT PERTAIN TO THESE RESPONDENTS.

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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.

D. American Systems Corporation Political Action Committee and Jack Baker, as treasurer

E.

F.

G.

H.

I.

J.

K.

L.

M.

N.

O.

P.

Q.

R.

S.

T.

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U.

V.

W.

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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 GJK*
Associate General Counsel

Attachments

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

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BEFORE THE FEDERAL ELECTION COMMISSION

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

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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.

(continued)

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

Page 2

D. American Systems Corporation
Political Action Committee
and Jack Baker, as treasurer;

E.

F.

G.

H.

I.

J.

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(continued)

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

Page 3

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(continued)

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 13, 1991

CLOSED

Jack Baker, Treasurer
American Systems Corporation
Political Action Committee
14200 Park Meadow Drive
Chantilly, Virginia 22021

RE: MUR 3389
American Systems Corporation
Political Action Committee and Jack
Baker, as treasurer

Dear Mr. Baker:

On August 27, 1991, the Federal Election Commission found that there is reason to believe American Systems Corporation Political Action Committee and Jack Baker, 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.

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Jack Baker, 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.

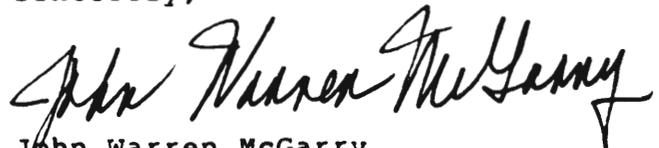
If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, 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 Jim Brown, 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

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3389

RESPONDENTS: American Systems Corporation
Political Action Committee and
Jack Baker, 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.

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ASC AMERICAN SYSTEMS CORPORATION
14200 PARK MEADOW DRIVE, CHANTILLY, VIRGINIA 22021 (703) 968-6300

26 September 1991

Federal Election Commission
Washington, D.C. 20463

Attn: Mr. Jim Brown

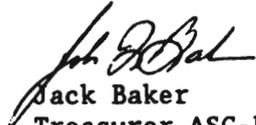
Subj: MUR 3389, American Systems Corporation Political Action Committee and
Jack Baker, as Treasurer.

Dear Mr. Brown:

Please find attached an executed Conciliation Agreement regarding the subject issue. In addition, I have included the specified civil penalty of five hundred dollars (\$500.00).

It is with great difficulty that the ASC-PAC agrees to this penalty. Our PAC is extremely small and the penalty amount is equivalent to our current bi-weekly contributions. Our failure to submit the 1990 Pre-Election report was an inadvertent oversight which we disclosed and acknowledged in our Post General Report forty (40) days later. Furthermore, the penalty seems rather severe when one not only considers our size, but also that such a small number of disbursements were made during the pre-election report period. The ASC-PAC will continue to attempt to prevent further oversights in the future.

Sincerely,


Jack Baker
Treasurer ASC-PAC

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91 SEP 30 AM 10:14

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BEFORE THE FEDERAL ELECTION COMMISSION 91 OCT 3 8 2:41

In the Matter of)
)
American Systems Corporation)
Political Action Committee and) MUR 3389
Jack Baker, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Jack Baker, the treasurer of American Systems Corporation Political Action Committee.

The attached agreement contains no changes from the agreement approved by the Commission on August 27, 1991. A check for the civil penalty has been received.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with American Systems Corporation Political Action Committee and Jack Baker, as treasurer.
2. Close the file.
3. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

10/3/91
Date

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

Attachments

1. Cover letter and signed Conciliation Agreement.
2. Photocopy of civil penalty check.

Staff Assigned: J. Albert Brown

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 American Systems Corporation) MUR 3389
 Political Action Committee and)
 Jack Baker, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 7, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3389:

1. Accept the conciliation agreement with American Systems Corporation Political Action Committee and Jack Baker, as treasurer, as recommended in the General Counsel's Report dated October 3, 1991.
2. Close the file.
3. Approve the appropriate letters, as recommended in the General Counsel's Report dated October 3, 1991.

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

Attest:

10-8-91
 Date

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

Received in the Secretariat: Thurs., Oct. 3, 1991 2:41 p.m.
 Circulated to the Commission: Thurs., Oct. 3, 1991 4:00 p.m.
 Deadline for vote: Mon., Oct. 7, 1991 4:00 p.m.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 15, 1991

Jack Baker, Treasurer
American Systems Corporation
Political Action Committee
14200 Park Meadow Drive
Chantilly, Virginia 22021

RE: MUR 3389
American Systems Corporation
Political Action Committee and
Jack Baker, as treasurer

Dear Mr. Baker:

On October 7, 1991, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your 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.

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 James Brown, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

91040374201

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
American Systems Corporation) MUR 3389
Political Action Committee and)
Jack Baker, 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 American Systems Corporation Political Action Committee and Jack Baker, 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.

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

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

2. Jack Baker is the treasurer of American Systems Corporation 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 40 days late, and disclosed pre-general election period activity of \$701.00 in receipts and \$3,385.00 in disbursements.

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

10-11-91
Date

FOR THE RESPONDENTS:

W B
(Name)
(Position) Treasurer

Date 9/26/91

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3389

DATE FILMED 11/8/91 CAMERA NO. 2

CAMERAMAN AS

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