



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3398

DATE FILMED 6/3/92 CAMERA NO. 1

CAMERAMAN E.E.S.

92040903225



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 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

92040903226

15.

16.

17.

18. C00040659 . National Association of Federal Credit Unions Political Action Committee (NAFCUPAC) 91NF-88

19.

20.

21.

22.

23.

24.

25.

26.

27.

92040903227

C0003

COMMITTEE ID, NAME AND ADDRESS

CONTACTS
WITH FILER ATCH

REPORTS FILED/
RESPONSES

8
2
2
3
0
4
2
9

00040659

NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS POLITICAL ACTION COMMITTEE (NAFCUPAC)

TREASURER'S NAME: WILLIAM J DONOVAN

1118 N 10TH ST

ARLINGTON

VA 22201

None

Attachments 18a-18d

1990 30 Day Post-

General Report

filed 12/6/90

92040903229

**National Association of Federal Credit Unions Political
Action Committee (NAFCUPAC)**

(Attachments 18a - 18d)

00139

| COMMITTEE | DOCUMENT | RECEIPTS | DISBURSEMENTS | COVERAGE DATES | # OF PAGES | MICROFILM LOCATION TYPE OF FILER |
|---|------------------------------------|----------|---------------|-----------------------------------|------------|----------------------------------|
| NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS POLITICAL ACTION COMMITTEE (NAFCUPAC) | | | | ID 8C00040659 NON-PARTY QUALIFIED | | |
| CONNECTED ORGANIZATION: CREDIT UNIONS; NAT'L ASS'N OF FEDERAL | | | | | | |
| | 1989 MID-YEAR REPORT | 29,072 | 18,592 | 1JAN89 -30JUN89 | 11 | 89FEC/604/0937 |
| | YEAR-END | 19,444 | 16,030 | 1JUL89 -31DEC89 | 4 | 90FEC/619/0881 |
| | YEAR-END - AMENDMENT | 10,308 | 16,141 | 1JUL89 -31DEC89 | 6 | 90FEC/628/2095 |
| | REQUEST FOR ADDITIONAL INFORMATION | | | 1JUL89 -31DEC89 | 1 | 90FEC/625/2074 |
| | 1990 APRIL QUARTERLY | 8,250 | 5,416 | 1JAN90 -31MAR90 | 6 | 90FEC/636/1006 |
| | JULY QUARTERLY | 22,983 | 14,033 | 1APR90 -30JUN90 | 9 | 90FEC/646/2075 |
| | OCTOBER QUARTERLY | 9,602 | 6,407 | 1JUL90 -30SEP90 | 6 | 90FEC/660/2633 |
| | POST-GENERAL | 653 | 4,830 | 1OCT90 -30NOV90 | 3 | 90FEC/674/4604 |
| | YEAR-END | 1,161 | 0 | 1DEC90 -31DEC90 | 2 | 91FEC/684/4179 |
| | TOTAL | 82,029 | 0 65,461 | 0 | 48 | TOTAL PAGES |

92040903230

All reports have been reviewed

Cash-on-hand as of 12/31/90: \$49,316.21

Debts owed to Committee as of 12/31/90: -0-

Debts owed by Committee as of 12/31/90: -0-

DETAILED SUMMARY PAGE
of Receipts and Disbursements
(Page 2, FEC FORM 278)

| Name of Committee (in full) | Report Covering the Period | |
|--|----------------------------|------------------------------|
| | From: 10-1-90 | To: 11-30-90 |
| National Association of Federal Credit Union Political Action Committee & RECEIPTS | COLUMN A | COLUMN B |
| | Total This Period | Calendar Year-To-Date |
| I. CONTRIBUTIONS (other than loans) FROM: | | |
| (a) Individuals/Persons Other Than Political Committees | | |
| (1) Itemized (see Schedule A) | 0.00 | 7,567.00 |
| (2) Unitemized | 653.50 | 32,213.37 |
| (3) Total of contributions from individuals | 653.50 | 39,780.37 |
| (b) Political Party Committees | | |
| (c) Other Political Committees (such as PACs) | | |
| (d) TOTAL CONTRIBUTIONS (add 11(a)(1), (2), and (3)) | 653.50 | 39,780.37 |
| 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 | | |
| 17. OTHER RECEIPTS (Dividends, Interest, etc.) | 0.00 | 1,709.35 |
| 18. TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17) | 653.50 | 41,489.72 |
| II. DISBURSEMENTS | | |
| 19. OPERATING EXPENDITURES | 0.00 | 759.77 |
| 20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES | | |
| 21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES | 4,750.00 | 29,600.00 |
| 22. INDEPENDENT EXPENDITURES (use Schedule E) | | |
| 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 | 100.00 | 370.00 |
| (b) Political Party Committees | | |
| (c) Other Political Committees (such as PACs) | | |
| (d) TOTAL CONTRIBUTION REFUNDS (add 26(a), (b), and (c)) | 100.00 | 370.00 |
| 27. OTHER DISBURSEMENTS | | |
| 28. TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26(d) and 27) | 4,850.00 | 29,970.00 |
| III. NET CONTRIBUTIONS/OPERATING EXPENDITURES | | |
| 29. TOTAL CONTRIBUTIONS (other than loans) (from Line 11(d)) | 653.50 | 39,780.37 |
| 30. TOTAL CONTRIBUTION REFUNDS (from Line 26(d)) | 100.00 | 370.00 |
| 31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29) | 553.50 | 39,410.37 |
| 32. TOTAL OPERATING EXPENDITURES (from Line 19) | 0.00 | 759.77 |
| 33. OFFSETS TO OPERATING EXPENDITURES (from Line 15) | | |
| 34. NET OPERATING EXPENDITURES (subtract Line 33 from 32) | 0.00 | 759.77 |

3 J O 3 6 7 4 4 6 0 5

APR

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use spaces authorized for each category of the Detailed Summary Page

PAGE 1 OF 1
FOR LINE NUMBER

Any 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)

National Association of Federal Credit Unions/Political Action Committee

2040902306

| A. Full Name, Mailing Address and ZIP Code | Purpose of Disbursement | Date (month, day, year) | Amount of Each Disbursement This Period |
|--|--|-------------------------|---|
| Pennylvanians for Kanjerski 10 E. South Street, Bldg. So. Main Street Wilkes-Barre, PA 18701 | Paul Kanjerski (D-PA) Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) | 10/1/90 | 500.00 |
| B. Full Name, Mailing Address and ZIP Code Committee to Re-elect Tom Lantos Suite 820, 400 El Camino Road San Mateo, CA 94402 | Tom Lantos (D-CA) Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) | 10/3/90 | 500.00 |
| C. Full Name, Mailing Address and ZIP Code Moyer For Congress Suite 625 4351 Garden City Dr. Landover, MD 20785 | Steny Moyer (D-MD) Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) | 10/4/90 | 500.00 |
| D. Full Name, Mailing Address and ZIP Code Jim Saxton for Congress 115 High Street Mt. Holly, NJ 08060 | Jim Saxton (R-NJ) Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) | 10/17/90 | 500.00 |
| E. Full Name, Mailing Address and ZIP Code Committee to Re-elect Wayne Owens Rm. 2311, 125 S. State Street Salt Lake City, UT 84138 | Wayne Owens (D-UT) Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) | 10/19/90 | 250.00 |
| F. Full Name, Mailing Address and ZIP Code Dyson for Congress 1 Plaza E. Salisbury, MD 21801 | Roy Dyson (D-MD) Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) | 10/24/90 | 500.00 |
| G. Full Name, Mailing Address and ZIP Code Toby Roth for Congress 505 Regency Office Bldg. 333 Main Street Green Bay, WI 54301 | Toby Roth (R-WI) Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) | 10/24/90 | 500.00 |
| H. Full Name, Mailing Address and ZIP Code Bill McCollum for Congress Suite 301, 1801 Lee Road Winter Park, FL 32789 | Bill McCollum (R-FL) Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) | 10/29/90 11/2/90 | 300.00 200.00 |
| I. Full Name, Mailing Address and ZIP Code Dixon for Senate Committee 3996 Kluczynski Federal Bldg. 230 S. Dearborn Street Chicago, IL 60604 | Alan Dixon (D-IL) Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) | 11/27/90 | 1,000.00 |

SUBTOTAL * Disbursements This Page (optional)

TOTAL To be reported on page this line number only

4,750.00

00142

RECEIVED
F.E.C.
SECRETARIAT

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

91 AUG 19 PM 4:06

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

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:

9 2 0 4 0 9 0 3 2 3 3

National Association of Federal Credit Unions
Political Action Committee and William J. Donovan,
as treasurer

9 2 0 4 0 9 0 3 2 2 3 3 4

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

92040903235

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.

9 2 0 4 0 9 0 3 2 3 6

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.

9 2 0 4 0 9 0 3 2 3 7

9 2 0 4 0 9 0 3 2 3 8

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.

E.

F.

G.

H.

I.

J.

K.

L.

M. National Association of Federal Credit Unions Political Action Committee and William J. Donovan, as treasurer

N.

O.

P.

Q.

R.

S.

T.

92040903239

U.

V.

W.

X.

Y.

Z.

AA.

BB.

CC.

DD.

EE.

FF.

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* GLK
Associate General Counsel

Attachments

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

92040903240

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Thirty-two Committees and their)
treasurers.)

RAD Referrals
91NF 71-102

Handwritten:
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.
 - C.

(continued)

92040903241

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

Page 2

D.

E.

F.

G.

H.

I.

J.

K.

L.

92040903242

(continued)

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

Page 3

M. National Association of Federal
Credit Unions Political Action
Committee and William J. Donovan,
as treasurer;

N.

O.

P.

Q.

R.

S.

T.

U.

(continued)

92040903243

V.

W.

X.

Y.

Z.

AA.

BB.

CC.

DD.

EE.

FF.

9
2
0
4
0
9
0
3
2
4
4

(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

92040903245



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 13, 1991

William J. Donovan, Treasurer
National Association of Federal Credit
Unions Political Action Committee
3138 North 10th Street
Arlington, Virginia 22201

RE: MUR 3398
National Association of Federal
Credit Unions Political Action
Committee and William J. Donovan, as
treasurer

Dear Mr. Donovan:

On August 27, 1991, the Federal Election Commission found that there is reason to believe National Association of Federal Credit Unions Political Action Committee and William J. Donovan, 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.

92040903246

William J. Donovan, 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 Cheryl Kornegay, 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

92040903247

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3398

RESPONDENTS: National Association of
Federal Credit Unions Political
Action Committee and William J.
Donovan, 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

92040903248

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.

92040903249

NAFCU/PAC

NAFCU's Committee for Effective Government

91 SEP 23 11 51 20

85-C-2861

September 18, 1991

Ms. Cheryl Kornegay
Enforcement Division
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3398
National Association of Federal Credit Unions Political Action Committee and
William J. Donovan, as Treasurer

Dear Cheryl:

Thank you for taking the time to respond to my questions when I called earlier today. By means of this letter I would like to address three discreet issues: (1) Why no action should be taken in this matter; (2) Proposed revisions to the conciliation agreement; and, (3) civil money penalties.

1. Why no action should be taken in this matter.

The fact that NAFCU/PAC violated 2 U.S.C. 434(a)(4)(A)(ii) is not in dispute. However, there are mitigating factors which would support a determination that no further action should be taken in this matter. These mitigating factors are set forth below:

- (a) In the 15 years of its existence, NAFCU/PAC has never previously failed to file all required reports in a timely manner.
- (b) In this instance there was no intent to conceal information; all of the information that should have been reported by NAFCU/PAC was, in fact, reported in the 30 Day Post-General Report.
- (c) The contributions in question were few in number (4), and modest in amount (\$500).

91 SEP 23 11:11:35



92040903250

Ms. Cheryl Kornegay
September 18, 1991
Page two

- (d) It was NAFCU/PAC's own good faith reporting on the 30 Day Post-General Report that brought the violation to light.
- (e) The failure of NAFCU/PAC to submit a required report in a timely manner is a clear aberration; over the years NAFCU/PAC has established a clear pattern of timely and thorough submission of all required reports.

In light of the mitigating factors set forth above, and cognizant of the well-established precedent of the Commission to, when circumstances warrant, waive further action despite finding reason to believe that reporting violations have occurred [See Pacific Pac (MUR 3075); Scott for Congress (MUR 3082); Steve Neal for Congress (MUR 3179); Friends of Larry Pressler (MUR 3195); etc.], we would suggest and request that no further action be taken in this matter.

9 2 0 4 0 9 0 3 2 5 1

Ms. Cheryl Kornegay
September 18, 1991
Page three

9 2 0 4 0 9 0 3 2 5 2

Thank you for your consideration of these matters. I look forward to your reply.

Best personal regards,



William J. Donovan
Treasurer

WJD:dt

STATEMENT OF DESIGNATION OF COUNSEL

NR 3398

NAME OF COUNSEL: William J. Donovan

ADDRESS: National Assn. of Federal Credit Unions
3138 North 10th Street
Arlington, VA 22201

TELEPHONE: (703) 522-4770

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.

Sept. 18, 1991
Date


Signature

RESPONDENT'S NAME: William J. Donovan

ADDRESS: National Assn. of Federal Credit Unions
3138 North 10th Street
Arlington, VA 22201

HOME PHONE: (703) 276-8344

BUSINESS PHONE: (703) 522-4770

92040903253

RECEIVED
F.E.C.
SEP 12 1991

SEP 12 PM 3:13

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Association of Federal) MUR 3398
Credit Unions Political Action)
Committee and William J. Donovan,)
as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On August 27, 1991 the Commission found reason to believe that the National Association of Federal Credit Unions and William J. Donovan, as treasurer ("Committee"), violated 2 U.S.C. § 434(a)4(A)(ii).

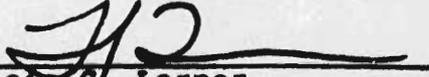
92040903254

Accordingly, this Office recommends that the Commission accept the attached conciliation agreement and close the file in this matter.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the National Association of Federal Credit Unions Political Action Committee and William J. Donovan, treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

5/11/92 BY: 
Date Associate General Counsel

Attachment:
Conciliation Agreement

Staff assigned: Cheryl S. Kornegay

92040903255



FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

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

DATE: MAY 14, 1992

SUBJECT: MUR 3398 - GENERAL COUNSEL'S REPORT
DATED MAY 11, 1992

92040903256

The above-captioned document was circulated to the Commission on TUESDAY, MAY 12, 1992 4:00 p.m.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

- Commissioner Aikens _____
- Commissioner Elliott _____
- Commissioner McDonald _____
- Commissioner McGarry _____
- Commissioner Potter XXX
- Commissioner Thomas _____

This matter will be placed on the meeting agenda for TUESDAY, MAY 19, 1992

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

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Association of Federal Credit) MUR 3398
Unions Political Action Committee and)
William J. Donovan, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on May 19, 1992, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 3398:

1. Accept the conciliation agreement with the National Association of Federal Credit Unions Political Action Committee and William J. Donovan, treasurer, as recommended in the General Counsel's report dated May 11, 1992.
2. Close the file.
3. Approve the appropriate letter as recommended in the General Counsel's report dated May 11, 1992.

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

Attest:

5-20-92
Date

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

92040903257



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 2, 1992

CLOSED

William J. Donovan, Treasurer
National Association of Federal Credit Unions
Political Action Committee
3138 North 10th Street
Arlington, Virginia 22201

RE: MUR 3398

Dear Mr. Donovan:

On May 19, 1992, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of the National Association of Federal Credit Unions 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. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Cheryl S. Langston
Attorney

Enclosure:
Conciliation Agreement

8
5
2
3
0
9
4
0
4
2
9

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

National Association of Federal)
Credit Unions Political Action) MUR 3398
Committee and William J. Donovan,)
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 National Association of Federal Credit Unions Political Action Committee and William J. Donovan, as treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(4)(A)(if).

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.

92040903259

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

1. National Association of Federal Credit Unions Political Action Committee is a political committee within the meaning of 2 U.S.C. § 431(4).

2. William J. Donovan is the treasurer of National Association of Federal Credit Unions 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 42

92040903260

days late, and disclosed pre-general election period activity of \$0 in receipts and \$2,000 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 three hundred and fifty dollars (\$350), 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.

92040903261

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.

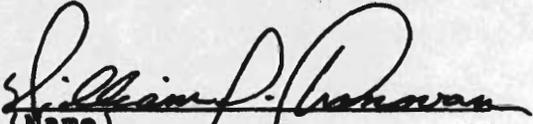
FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Date 6-1-92

FOR THE RESPONDENTS:


(Name)
(Position) TREASURER

Date 4-27-92

92040903262



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3398

DATE FILMED 6-3-92 CAMERA NO. 1

CAMERAMAN E.E.S.

92040903263



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO
THE PUBLIC RECORD IN CLOSED MUR 3398.

6/17/92

32040904874



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

401...
OGC 4874
CLOSED

June 15, 1992

TWO WAY MEMORANDUM

TO: Virginia Whitted
OGC, Docket

FROM: Philomena Brooks *PB*
Accounting Technician

SUBJECT: Account Determination for Funds Received

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
92 JUN 16 PM 3:49

We recently received a check from Yall Assoc.
Georgia Credit Union check number 263, dated
June 11, 1992, and in the amount of \$ 352.00.
Attached is a copy of the check and any correspondence that
was forwarded. Please indicate below the account into which
it should be deposited, and the MUR number and name.

*No Correspondence

TO: Philomena Brooks
Accounting Technician

FROM: Virginia Whitted
OGC, Docket

In reference to the above check in the amount of
\$ 350.00, the MUR number is 3398 and in the name of
NATIONAL ASSOCIATION OF FED.CRED.UN.PAC. The account into
which it should be deposited is indicated below:

- Budget Clearing Account (OGC), 95F3875.16
- Civil Penalties Account, 95-1099.160
- Other: _____

Virginia Whitted
Signature

6/16/92
Date

92040904875

NATIONAL ASSOCIATION OF FEDERAL
CREDIT UNIONS/POLITICAL ACTION COMMITTEE
P.O. BOX 3780
WASHINGTON, D.C. 20007

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

663

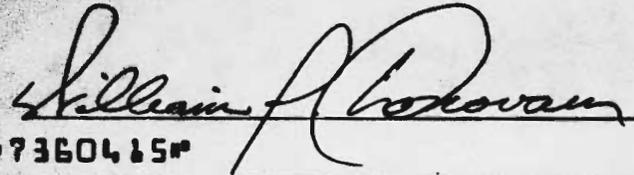
92 JUN 16 PM 3:49 19 92

92-281491
500

Pay to the Order of Federal Election Commission \$ 350.00
Three hundred fifty dollars and 00/100 Dollars

SIGNET BANK
Arlington, VA Virginia

RE: MUR 3398



⑆00000663⑆ ⑆056004089⑆ 651-7360415⑆

9 2 0 4 0 9 0 4 8 7 6