



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3401

DATE FILMED 11/8/91 CAMERA NO. 2

CAMERAMAN AS

91040874066



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  
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

91040374067

**List of Committees and Prior Commission Actions**

2  
1  
0  
4  
0  
3  
7  
4  
0  
6  
8

11. C00048165 ZACOPAC

COMMITTEE ID, NAME AND ADDRESS

CONTACTS  
WITH FILER A/CN

REPORTS FILED/  
RESPONSES

C00048165  
SACOPAC  
TREASURER'S NAME: JOE J LOBARD  
527 LOUNGD  
SAN ANTONIO TX 78221

None

Attachments 11a-11d

1990 30 Day Post-  
General Report  
filed 12/7/90

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91040874070

**ZACOPAC**

**(Attachments 11a - 11d)**

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
				TYPE OF FILER		
ZACOPAC						ID 0C00048165 NON-PARTY QUALIFIED
CONNECTED ORGANIZATION: H B ZACHRY COMPANY						
1989	MID-YEAR REPORT	9,140	6,250	1JAN89 -30JUN89	7	89FEC/601/4411
	YEAR-END	9,234	7,515	1JUL89 -31DEC89	9	90FEC/619/0732
1990	APRIL QUARTERLY	7,523	11,750	1JAN90 -31MAR90	8	90FEC/635/3638
	JULY QUARTERLY	4,007	513	1APR90 -30JUN90	6	90FEC/645/4781
	OCTOBER QUARTERLY	8,634	19,730	1JUL90 -30SEP90	11	90FEC/661/2986
	OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL90 -30SEP90	8	90FEC/671/0673
	REQUEST FOR ADDITIONAL INFORMATION			1JUL90 -30SEP90	5	90FEC/670/3152
	POST-GENERAL	2,532	7,050	1OCT90 -26NOV90	8	90FEC/675/0511
	POST-GENERAL - AMENDMENT	2,532	7,050	1OCT90 -26NOV90	10	91FEC/681/3711
	REQUEST FOR ADDITIONAL INFORMATION			1OCT90 -26NOV90	1	91FEC/680/1468
	YEAR-END	1,244	1,250	27NOV90 -31DEC90	7	91FEC/681/5415
	1 <sup>ST</sup> LETTER INFORMATIONAL NOTICE			27NOV90 -31DEC90	1	91FEC/692/0116
	TOTAL	42,334	0 54,078	0	81	TOTAL PAGES

91040874071

Cash on hand as of 12/31/90: \$80,388.48

All reports have been reviewed.

Debts and obligations owed by the committee: \$0

Debts and obligations owed to the committee: \$0

# REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee  
(Summary Page)



90 DEC -7 AM 10: 31

USE FEC MAILING LABEL  
OR  
TYPE OR PRINT

1. NAME OF COMMITTEE (Print)		2. FEC IDENTIFICATION NUMBER
ZACOPAC		
ADDRESS (number and street)	<input type="checkbox"/> Check if different than previously reported	
527 Logwood		C00048165
CITY, STATE and ZIP CODE		3. The committee qualified as a multicandidate committee DURING THIS Reporting Period on (Date)
San Antonio, TX 78221-1738		

### 4. TYPE OF REPORT

(a)  April 15 Quarterly Report  
 July 15 Quarterly Report  
 October 15 Quarterly Report  
 January 31 Year End Report  
 July 31 Mid Year Report (Non-election Year Only)  
 Termination Report

Monthly Report Due On:  
 February 20     June 20     October 20  
 March 20     July 20     November 20  
 April 20     August 20     December 20  
 May 20     September 20     January 31

Twelfth day report preceding \_\_\_\_\_ of Election  
election on \_\_\_\_\_ in the State of \_\_\_\_\_

Thirtieth day report following the General Election on  
11-6-90 in the State of TEXAS

(b) Is this Report an Amendment?  YES  NO

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2JJ3575J511

SUMMARY		COLUMN A	COLUMN B
Covering Period <u>10-1-90</u> through <u>11-26-90</u>		This Period	Calendar Year-to-Date
6.	(a) Cash on Hand January 1, 19 <u>90</u>		\$ 17,350.97
	(b) Cash on Hand at Beginning of Reporting Period	\$ 5,502.16	
	(c) Total Receipts (from Line 16)	\$ 2,532.00	\$ 22,697.15
	(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 8,034.16	\$ 40,048.12
7.	Total Disbursements (from Line 20)	\$ 7,050.00	\$ 39,063.96
8.	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 984.16	\$ 984.16
9.	Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	\$	
10.	Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	\$	

For further information contact:  
Federal Election Commission  
390 E Street NW  
Washington, DC 20543  
Toll Free 800 424 9832  
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: Joe J. Losano

Signature of Treasurer: *Joe J. Losano*

Date: 12-5-90

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

# DETAILED SUMMARY PAGE

of Receipts and Disbursements  
(Page 2, FEC FORM 320)

Name of Committee (in full)	Report Covering the Period	
ZACOPAC	From: 10-1-90	to 11-26-90
I. RECEIPTS	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
<b>11. CONTRIBUTIONS (other than loans) FROM:</b>		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	1,425.00	15,275.00
(ii) Unitemized	1,107.00	7,422.15
(iii) Total of contributions from individuals	2,532.00	22,697.15
(b) Political Party Committees		
(c) Other Political Committees (such as PACs)		
(d) <b>TOTAL CONTRIBUTIONS</b> (add 11(i)(iii), (b), and (c))	2,532.00	22,697.15
<b>12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES</b>		
<b>13. ALL LOANS RECEIVED</b>		
<b>14. LOAN REPAYMENTS RECEIVED</b>		
<b>15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)</b>		
<b>16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES</b>		
<b>17. OTHER RECEIPTS (Dividends, Interest, etc.)</b>		
<b>18. TOTAL RECEIPTS</b> (add 11(d), 12, 13, 14, 15, 16 and 17)	2,532.00	22,697.15
II. DISBURSEMENTS		
<b>19. OPERATING EXPENDITURES</b>	-0-	13.96
<b>20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES</b>		
<b>21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES</b>	2,000.00	5,750.00
<b>22. INDEPENDENT EXPENDITURES (use Schedule E)</b>		
<b>23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 441a(d)) (use Schedule F)</b>		
<b>24. LOAN REPAYMENTS MADE</b>		
<b>25. LOANS MADE</b>		
<b>26. REFUNDS OF CONTRIBUTIONS TO:</b>		
(a) Individuals/Persons Other Than Political Committees	3,800.00	3,800.00
(b) Political Party Committees		
(c) Other Political Committees (such as PACs)		
(d) <b>TOTAL CONTRIBUTION REFUNDS</b> (add 26(a), (b), and (c))		
<b>27. OTHER DISBURSEMENTS</b>	1,250.00	1,250.00
<b>28. TOTAL DISBURSEMENTS</b> (add 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	7,050.00	19,063.96
III. NET CONTRIBUTIONS/OPERATING EXPENDITURES		
<b>29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)</b>		
<b>30. TOTAL CONTRIBUTION REFUNDS (from Line 26(d))</b>		
<b>31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)</b>		
<b>32. TOTAL OPERATING EXPENDITURES (from Line 19)</b>		
<b>33. OFFSETS TO OPERATING EXPENDITURES (from Line 15)</b>		
<b>34. NET OPERATING EXPENDITURES (subtract Line 33 from 32)</b>		

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**SCHEDULE C**

Use this form for each category of the Special Survey Page

PAGE 1 OF 1  
 FOR LINE NUMBER 11c

Any information obtained 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 person authorized to solicit contributions from such committees.

NAME OF COMMITTEE TO WHICH CONTRIBUTED  
**ZACOPAC**

30040367545784

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Phil Gram Campaign 370 Russell Building Washington, D.C.	Campaign contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10-5-90	1,000.00
Phil Gram Campaign 370 Russell Building Washington, D.C.	Campaign contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10-22-90	1,000.00
C. 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
D. 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
E. 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
F. 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
G. 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
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 (attach)	
TOTAL This Period (last page and this page only)	2,000.00

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:

91040374075

ZACOPAC and Joe L. Lozano, as treasurer

21040874076

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

91040374077

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

21040374078

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.

91040374079

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.

E.

F.

G.

H.

I.

J.

K.

L.

M.

N.

O.

P. ZACOPAC and Joe L. Lozano, as treasurer

Q.

R.

S.

T.

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U.

V.

W.

X.

Y.

Z.

AA.

BB.

CC.

DD.

EE.

FF.

91040874083

- 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

*(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)

91040374084

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

Page 2

D.

E.

F.

G.

H.

I.

J.

K.

L.

91040374085

(continued)

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

Page 3

M.

N.

O.

P. ZACOPAC and Joe L. Lozano, as  
treasurer;

Q.

R.

S.

T.

U.

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(continued)

V.

W.

X.

Y.

Z.

AA.

BB.

CC.

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FF.

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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

91040374088



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 13, 1991

**RECEIVED**

Joe J. Lozano, Treasurer  
ZACOPAC  
527 Logwood  
San Antonio, Texas 78221

RE: MUR 3401  
ZACOPAC and Joe L. Lozano,  
as treasurer

Dear Mr. Lozano:

On August 27, 1991, the Federal Election Commission found that there is reason to believe ZACOPAC and Joe L. Lozano, 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.

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.

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Joe Lozano, 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.

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 Anthony Buckley, 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

91040874090

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

**MUR: 3401**

**RESPONDENTS: ZACOPAC and Joe L. Lozano,  
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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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
ZACOPAC and Joe L. Lozano, as ) MUR 3401  
treasurer )

**SENSITIVE**

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Joe L. Lozano, the treasurer of ZACOPAC. Attachment 1.

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 ZACOPAC and Joe L. Lozano, as treasurer.
2. Approve the appropriate letter.
3. Close the file.

Lawrence M. Noble  
General Counsel

10/1/91  
Date

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

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check

Staff Assigned: Tony Buckley

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
ZACOPAC and Joe L. Lozano, ) MUR 3401  
as treasurer. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 4, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3401:

1. Accept the conciliation agreement with ZACOPAC and Joe L. Lozano, as treasurer, as recommended in the General Counsel's Report dated October 4, 1991.
2. Approve the appropriate letter, as recommended in the General Counsel's Report dated October 4, 1991.
3. Close the file.

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

Attest:

10-4-91  
Date

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

Received in the Secretariat: Tues., Oct. 1, 1991 4:02 p.m.  
Circulated to the Commission: Wed. , Oct. 2, 1991 11:00 a.m.  
Deadline for vote: Fri., Oct. 4, 1991 11:00 a.m.

dr

91040374094



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 16, 1991

Joe J. Lozano, Treasurer  
ZACOPAC  
525 Logwood  
San Antonio, Texas 78221

RE: MUR 3401  
ZACOPAC and Joe L. Lozano,  
as treasurer

Dear Mr. Lozano:

On October 4, 1991, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on behalf of ZACOPAC 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 Tony Buckley, 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

91040374095

OC 2942

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of	)	
	)	MUR 3401
ZACOPAC and Joe L. Lozano, as	)	
treasurer	)	

RECEIVED  
 FEDERAL ELECTION COMMISSION  
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**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 ZACOPAC and Joe L. Lozano, 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. ZACOPAC is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Joe L. Lozano is the treasurer of ZACOPAC.

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 43 days late, and disclosed pre-general election period activity of \$0 in receipts and \$1,750.00 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:   
Lois G. Verner  
Associate General Counsel

10-15-91  
Date

FOR THE RESPONDENTS:

  
(Name)  
(Position)

9-24-91  
Date

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3401

DATE FILMED 11/8/91 CAMERA NO. 2

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