



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 5/17/96

Microfilm
 Public Records
 Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3800

96043734195



THE
DEMOCRATIC
PARTY
of the
STATE OF
MISSISSIPPI

May 14, 1996

Via First Class Mail

Ms. Colleen Sealander
Federal Election Commission
Washington, DC 20463

RE: MUR 3800
Mississippi Democratic Party
Political Action Committee

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
MAY 17 9 55 AM '96

Dear Ms. Sanders,

Enclosed is a check for \$15,000 to settle the fine levied against the Mississippi Democratic Party in the above-captioned matter. We appreciate your willingness to negotiate this settlement with us.

Should you require anything further, please do not hesitate to contact me or my staff at 601-969-2913.

Sincerely,

Senator Johnnie E. Walls, Jr.
Chairman

MISSISSIPPI DEMOCRATIC PARTY 11-85
POLITICAL ACTION COMMITTEE
P.O. BOX 1583 PH. 969-2913
JACKSON, MS 39215-1583

4012

DATE 5/11/96 85-27/653

PAY
TO THE
ORDER OF

Federal Election Commission
Fifteen Thousand & 00/100

\$ 15,000⁰⁰

DOLLARS



Trustmark
National Bank
Jackson, MS

FOR

MUR 3800

[Signature]
Peggy Peters

⑈004012⑈ ⑆065300279⑆ ⑈1005799876⑈

9 6 0 4 3 1 3 4 1 9 7



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MAY 17 9 40 AM '96

May 16, 1996

TWO WAY MEMORANDUM

TO: OGC Docket
FROM: Rosa E. Swinton Accounting Technician Leslie D. Brown *ldb* Disbursement Technician
SUBJECT: Account Determination for Funds Received

We recently received a check from Mississippi Democratic Party Pol. Action Comtee., check number 4012, dated May 11, 1996, for the amount of \$15,000.00. A copy of the check and any correspondence is being forwarded. Please indicate below which account the funds should be deposited and give the MUR/Case number and name associated with the deposit.

TO: Rosa E. Swinton Accounting Technician Leslie D. Brown Disbursement Technician
FROM: OGC Docket *By aa*
SUBJECT: Disposition of Funds Received

In reference to the above check in the amount of \$15,000.00, the MUR/Case number is 3800 and in the name of Mississippi Democratic Party PAC. Place this deposit in the account indicated below:

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

Anita Alexander
Signature

5-17-96
Date

96043734198



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3800

DATE FILMED 5-28-96 CAMERA NO. 3

CAMERAMAN JMH

96043734221

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: April 27, 1993

ANALYST: Darlene Harris

I. COMMITTEE: Mississippi Democratic Party Political
Action Committee
(C00149641)
Ed Cole, Treasurer
832 North Congress Street
P.O. Box 1583
Jackson, MS 39215

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(4)(A)(i), (iii) & (iv)
11 CFR §104.5(c)(1)(i), (iii) & (2)(i)(B)

III. BACKGROUND:

Chronic Late Filing of Reports

The Mississippi Democratic Party Political Action Committee ("the Committee") failed to timely file six (6) Reports of Receipts and Disbursements for the 1991-1992 election cycle (see Late Filing History Chart). The reports were filed between fourteen (14) and forty-seven (47) calendar days late.

On March 16, 1992 the analyst called the Committee and spoke with Ms. Lisa Walker a Committee representative, requesting that the Committee file the 1991 Year End Report. Ms. Walker stated that she assumed that the report was sent on February 20, 1992 but would send a copy immediately (Attachment 4).

A Chronic Late Filing Notice was sent to the Committee on June 5, 1992 for failing to file the 1991 Year End and 1992 April Quarterly Reports in a timely manner (Attachment 9). The Notice advised the Committee that any additional late filing of reports may result in legal enforcement action.

Subsequent to the sending of the Chronic Late Filing Notice, the Committee failed to file the 1992 July Quarterly,

96043 / 34222

MISSISSIPPI DEMOCRATIC PARTY
POLITICAL ACTION COMMITTEE
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

October Quarterly, 30 Day Post-General and Year End Reports in a timely manner (Attachments 11, 13, 17 and 22).

The Committee sent a cover letter attached to the 1992 July Quarterly Report. The letter, dated July 27, 1992, explained that the late filing of reports was due to the Committee's change in staff. Additionally, the Committee had made provisions to ensure that FEC filings will no longer be late (Attachment 11).

On November 9, 1992, Cynthia Smith, a committee staff member, contacted the Reports Analysis Division ("RAD") analyst to confirm the Commission's receipt of the Committee's 1992 October Quarterly Report. The RAD analyst verified that the Commission received the report on November 3, 1992 (Attachment 15).

On February 16, 1993, the RAD analyst spoke to Cecil Brown, a member of the Mississippi State Executive Committee. Mr. Brown stated that he is not associated with the Democratic Party. He verified with the Committee that the 1992 Year End Report had not been filed and the original report would be sent to the Commission (Attachment 19).

On March 9, 1993, Cynthia Smith called the RAD analyst to inform the Commission that a copy of the 1992 Year End Report, rather than the original report, was mailed on March 8, 1993. She stated that the Committee would send the original report today (Attachment 21).

96043734233

LATE FILING HISTORY

REPORT TYPE	PRIOR NOTICE	DATE DUE	NON-FILER NOTICE	DATE FILED
1991 Year End (7/1/91-12/31/91)	12/27/91 (Attachment 2)	1/31/92	2/21/92 (Attachment 3)	3/18/92 ^{1/} (Attachment 5)
1992 April Quarterly ^{2/} (2/25/92-3/31/92)	3/20/92 (Attachment 6)	4/15/92	5/7/92 (Attachment 7)	5/13/92 (Attachment 8)
1992 July Quarterly (4/1/92-6/30/92)	6/19/92 (Attachment 10)	7/15/92	None	7/29/92 (Attachment 11)
1992 October Quarterly (7/1/92-9/30/92)	9/21/92 (Attachment 12)	10/15/92	None	11/3/92 (Attachment 13)
1992 30 Day Post-General ^{2/} (10/15/92-11/23/92)	9/28/92 (Attachment 15)	12/3/92	12/30/92 (Attachment 16)	1/5/93 (Attachment 17)
1992 Year End (11/24/92-12/31/92)	12/28/92 (Attachment 18)	1/31/93	2/18/93 (Attachment 20)	3/12/93 (Attachment 22)

^{1/} The Committee filed an amended 1991 Year End Report on March 17, 1992 which only provided two Schedules H1.

^{2/} The Committee filed a 12 Day Pre-Primary Report on March 17, 1992 and a 12 Day Pre-General Report on December 1, 1992 covering January 1 through February 24, 1992 and October 1 through 14, 1992, respectively.

FEDERAL ELECTION COMMISSION
1991-1992

DATE 23APR93

COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
				TYPE OF FILE		
MINORIST DEMOCRATIC PARTY POLITICAL ACTION COMMITTEE						(D) 600149641 PARTY QUALIFIED
1990 MID-YEAR REPORT		50,201	59,700	1JAN91 - 30JUN91	28	92DEC/708/1116
	MID-YEAR REPORT AMENDMENT	50,726	57,078	1JAN91 - 30JUN91	28	92DEC/708/1120
	MID-YEAR REPORT AMENDMENT	50,726	57,078	1JAN91 - 30JUN91	3	92DEC/754/4146
	REQUEST FOR ADDITIONAL INFORMATION			1JAN91 - 30JUN91	4	92DEC/754/4188
	REQUEST FOR ADDITIONAL INFORMATION END YEAR END			1JAN91 - 30JUN91	1	92DEC/754/4175
	YEAR-END	90,508	90,531	1JUL91 - 31DEC91	19	92DEC/710/3622
	YEAR-END AMENDMENT			1JUL91 - 31DEC91	21	92DEC/754/4357
	YEAR-END AMENDMENT	90,508	90,531	1JUL91 - 31DEC91	19	92DEC/754/4351
	NOTICE OF FAILURE TO FILE			1JUL91 - 31DEC91	1	92DEC/740/4004
	REQUEST FOR ADDITIONAL INFORMATION			1JUL91 - 31DEC91	2	92DEC/716/1316
	REQUEST FOR ADDITIONAL INFORMATION END YEAR			1JUL91 - 31DEC91	3	92DEC/754/4821
1992 MISCELLANEOUS NOTICE FROM PDC				5JUN92	1	92DEC/757/4962
	STATEMENT OF ORGANIZATION - AMENDMENT			26OCT92	2	92DEC/799/5708
	PRE-PRIMARY	19,506	18,579	1JAN92 - 24FEB92	23	92DEC/742/3598
	PRE-PRIMARY AMENDMENT	19,426	18,557	1JAN92 - 24FEB92	24	92DEC/754/4602
	REQUEST FOR ADDITIONAL INFORMATION			1JAN92 - 24FEB92	2	92DEC/746/1349
	REQUEST FOR ADDITIONAL INFORMATION END APRIL QUARTERLY	16,837	15,652	1JAN92 - 24FEB92	3	92DEC/753/3812
	APRIL QUARTERLY	16,837	15,652	25FEB92 - 31MAR92	24	92DEC/754/4627
	APRIL QUARTERLY AMENDMENT	16,837	15,652	25FEB92 - 31MAR92	26	92DEC/771/5362
	NOTICE OF FAILURE TO FILE			25FEB92 - 31MAR92	1	92DEC/754/0867
	REQUEST FOR ADDITIONAL INFORMATION			25FEB92 - 31MAR92	2	92DEC/759/0814
	REQUEST FOR ADDITIONAL INFORMATION END JULY QUARTERLY	66,257	66,616	25FEB92 - 31MAR92	3	92DEC/763/1806
	JULY QUARTERLY	66,257	66,650	1APR92 - 30JUN92	42	92DEC/771/5320
	JULY QUARTERLY AMENDMENT	66,257	66,650	1APR92 - 30JUN92	10	92DEC/799/5372
	REQUEST FOR ADDITIONAL INFORMATION			1APR92 - 30JUN92	7	92DEC/778/0014
	REQUEST FOR ADDITIONAL INFORMATION END OCTOBER QUARTERLY	145,068	78,238	1APR92 - 30JUN92	3	92DEC/783/0280
	OCTOBER QUARTERLY	145,068	78,238	1JUL92 - 30SEP92	57	92DEC/800/4353
	OCTOBER QUARTERLY AMENDMENT	145,068	78,238	1JUL92 - 30SEP92	59	92DEC/828/4782
	REQUEST FOR ADDITIONAL INFORMATION			1JUL92 - 30SEP92	3	92DEC/818/5032
	REQUEST FOR ADDITIONAL INFORMATION END FEB GENERAL	2,860	13,889	1JUL92 - 30SEP92	4	92DEC/823/0104
	PRE-GENERAL	14,880	13,889	3OCT92 - 14OCT92	17	92DEC/805/1259
	PRE-GENERAL AMENDMENT	14,880	13,889	1OCT92 - 14OCT92	17	92DEC/828/4841
	REQUEST FOR ADDITIONAL INFORMATION			1OCT92 - 14OCT92	3	92DEC/818/5079
	REQUEST FOR ADDITIONAL INFORMATION END POST-GENERAL	165,050	282,100	1OCT92 - 14OCT92	3	92DEC/823/0101
	POST-GENERAL	165,050	282,100	15OCT92 - 23NOV92	28	92DEC/818/4407
	NOTICE OF FAILURE TO FILE			15OCT92 - 23NOV92	1	92DEC/818/3381
	YEAR-END	18,480	0,901	24NOV92 - 31DEC92	15	92DEC/800/1990
	YEAR-END AMENDMENT	18,480	0,901	24NOV92 - 31DEC92	15	92DEC/831/2649
	NOTICE OF FAILURE TO FILE			24NOV92 - 31DEC92	1	92DEC/828/4567
TOTAL		585,232	574,680		566	TOTAL PAGES

All reports listed have been reviewed.

Ending Cash-On-Hand as of 12/31/92: \$12560.39

Outstanding debts owed by the committee: \$6000.00

Outstanding debts owed to the committee: \$0.00

96043734225

YEAR-END REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

December 27, 1991

WHO MUST FILE

Party committees and PACs (nonconnected committees and separate segregated funds) must file a Year-End Report on January 31, 1992.

REPORT CONTENT AND DATES

I. Semiannual Filers

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Year-End	07/01/91 - 12/31/91	01/31/92	01/31/92

Semiannual filers must disclose financial activity that occurred from July 1 through December 31, 1991, on their Year-End Report.

II. Monthly Filers

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Year-End	12/01/91 - 12/31/91	01/31/92	01/31/92

Monthly filers must disclose financial activity from December 1 through December 31, 1991, on their Year-End Report.

REPORTING FORMS

Party committees and PACs use revised Form 3X (enclosed). See the Record Supplement on Allocation (November 1990) for a description of which committees must file Schedules H1 - H4.

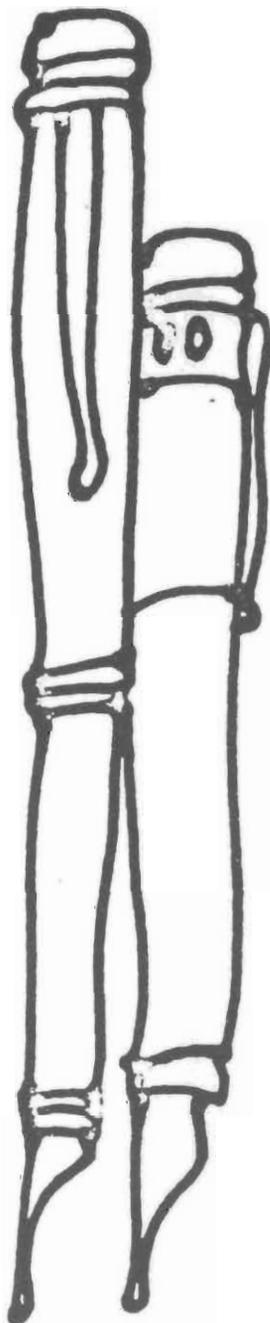
WHERE TO FILE

Consult the instructions on the back of the Form 3X Summary Page. Note state filing requirements also.

*The period begins with the close of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

**Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

(over)



95043734296

PARTIES AND PACS

YEAR-END

LABEL

Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

CHANGE IN FILING FREQUENCY

Committees wishing to change their reporting schedule (for example, from semiannual to monthly) must notify the Commission in writing when they file their next report due under their current reporting schedule. Committees may change their filing frequencies no more than once per calendar year.

COMPLIANCE

TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

1992 REPORTING

PARTIES AND PACS

Committees should refer to the January 1992 Record for primary election dates and further reporting information.

95043734257

FOR INFORMATION, Call: 800/424-9530 or 202/219-3420



FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

BQ-7

February 21, 1992

Mr. Ed Cole, Treasurer
Mississippi Democratic Party
Political Action Committee
832 North Congress Street
P.O. Box 1583
Jackson, MS 39215

Identification Number: C00149641

Reference: Year End Report (7/1/91-12/31/91)

Dear Mr. Cole:

It has come to the attention of the Federal Election Commission ("the Commission") that your Committee may be in violation of 2 U.S.C. §434(a) for failing to file the above referenced Report of Receipts and Disbursements. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or its relevant portions should also be filed with the Secretary of State or equivalent state officer (see 11 CFR §§100.2, 100.3, 100.4).

Although the Commission may initiate an audit or legal enforcement action concerning this matter, your prompt response and a letter of explanation will be taken into consideration.

If you have any questions, please contact Darlene Harris on our toll-free number (800) 424-9530. Our local number is (202) 219-3580.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

92037404004
26043734238

TELECON

Attachment #4

ANALYST: Darlene Harris

CONVERSATION WITH: Lisa Walker, Executive Director

COMMITTEE: Mississippi Democratic Party Political Action Committee

DATE: March 16, 1992

SUBJECT(S): Filing of the 1991 Year End Report

The RAD analyst called Lisa Walker, the Executive Director, to request that the Committee file the 1991 Year End Report. Ms. Walker stated that she mailed the report on February 20, 1992 via regular mail. Ms. Walker agreed to immediately send a copy of the 1991 Year End Report via Federal Express.

95043734279

**THE
DEMOCRATIC
PARTY
of the
STATE OF
MISSISSIPPI**

**POST OFFICE
MAIL ROOM
MAR 18 2 20 PM '92**

Attachment #5
Page 1 of 2

TO: Darlene Ruffin
Federal Elections Commission

FR: Lisa M. Walker
Executive Director

DT: March 17, 1992

RE: Year End Report (7/1/91 - 12/31/91) and Pre-Primary Report
for the period ending 2/24/92

Per our conversation today, I am re-sending the enclosed reports for your records. I am not sure why they have not reached you yet from the original mailings, especially since we sent the 1991 year end report over a month ago. I hope these reach you in a timely fashion.

As always, thank you for your assistance. Please let me know if you have any questions.

96043734270
5237423596

AND DISBURSEMENTS

For One Than An Authorized Committee (Summary Page)

Attachment Page 2 of 2

#5 RECEIVED FEDERAL ELECTION COMMISSION MAIL ROOM

Nov 18 2 34 PM '92

USE FEC MAILING LABEL OR TYPE OR PRINT

1. NAME OF COMMITTEE (in full)
 MS Democratic Party, P.A.C.
 ADDRESS (number and street) Check if different than previously reported
 832 N. Congress Street
 CITY, STATE and ZIP CODE
 Jackson, MS 39202

2. FEC IDENTIFICATION NUMBER
 C000149641
 3. This committee qualified as a non-candidate committee DURING THIS reporting period.

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)

- Monthly Report Due On
- February 20
 - March 20
 - April 20
 - May 20
 - June 20
 - July 20
 - August 20
 - September 20
 - October 20
 - November 20
 - December 20
 - January 21

Twelfth day report preceding (Time of Election) election on _____ in the State of _____
 Thirtieth day report following the General Election on _____ in the State of _____

(b) Is this Report an Amendment? YES NO

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>7/1/91</u> through <u>12/31/91</u>		
6. (a) Cash on Hand January 1, 19 <u>91</u>		\$ 7,018.07
(b) Cash on Hand at Beginning of Reporting Period	\$ 2,649.85	
(c) Total Receipts (from Line 19)	\$ 90,508.94	\$ 143,234.94
(d) Subtotal (sum of 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 93,174.79	\$ 150,253.01
7. Total Disbursements (from Line 20)	\$ 88,531.66	\$ 145,609.88
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 4,643.13	\$ 4,643.13
9. Debts and Obligations Owed TO the Committee (itemize all on Schedule C and/or Schedule D)	\$ -0-	
10. Debts and Obligations Owed BY the Committee (itemize all on Schedule C and/or Schedule D)	\$ 13,000.00	

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
Ed Lee Cole
 Signature of Treasurer
 Date: 1/31/92

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

92037423622
 96043734231

QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

March 20, 1992

REPORT	REPORTING PERIOD*	REG./CERT.	FILING
		MAILING DATE**	DATE
April Quarterly	01/01/92-03/31/92	04/15/92	04/15/92

WHO MUST FILE

Party committees and PACs (nonconnected committees and separate segregated funds) filing on a quarterly basis must file a Quarterly Report in April.

PRE-ELECTION REPORTING

Committees which make contributions or expenditures (including independent expenditures) in connection with an election, must also file a Pre-Election Report, if the activity was not previously reported. See January 1992 Record.

LAST-MINUTE INDEPENDENT EXPENDITURES

Any PAC that makes independent expenditures in connection with an election may have to file a 24 hour report. This reporting requirement will be triggered if the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the election.

CHANGE IN FILING FREQUENCY

Committees wishing to change their reporting schedule (for example, from quarterly to monthly) must notify the Commission in writing when they file their next report due under their current reporting schedule. Committees may change their filing frequencies no more than once per calendar year.

LABEL

Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

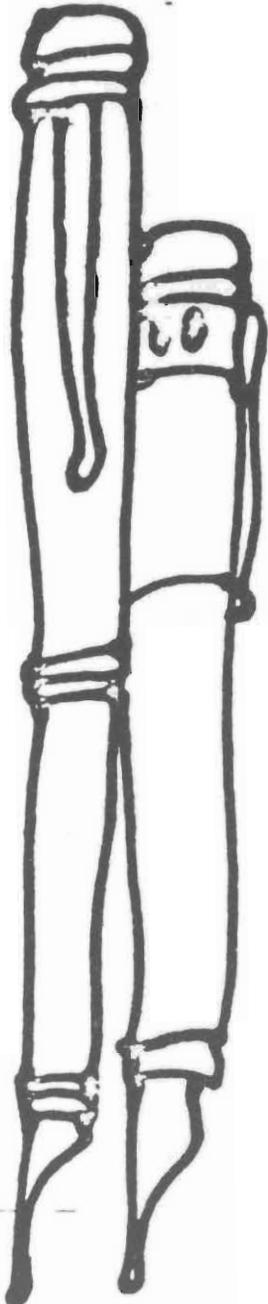
COMPLIANCE

TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

*The period begins with the close of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

**Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

FOR INFORMATION, Call: 800/424-9530 or 202/219-3420



95043734232



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20543

RQ-7

May 7, 1992

Mr. Ed Cole, Treasurer
Mississippi Democratic Party
Political Action Committee
832 North Congress Street
P.O. Box 1583
Jackson, MS 39215

Identification Number: C00149641

Reference: April Quarterly Report (2/25/92-3/31/92)

Dear Mr. Cole:

It has come to the attention of the Federal Election Commission ("the Commission") that your committee may be in violation of 2 U.S.C. §434(a) for failure to file the above referenced Report of Receipts and Disbursements. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or its relevant portions should also be filed with the Secretary of State or equivalent state officer (see 11 CFR §§100.2, 100.3, 100.4).

Although the Commission may initiate an audit or legal enforcement action concerning this matter, your prompt response and a letter of explanation will be taken into consideration.

If you have any questions, please contact Darlene Harris on our toll-free number (800) 424-9530. Our local number is (202) 219-3580.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

92037540367



**THE
DEMOCRATIC
PARTY
of the
STATE OF
MISSISSIPPI**

RECEIVED
FEDERAL ELECTION COMMISSION

MAY 13 2 00 PM '92

Attachment #8
Page 1 of 2

TO: Darlene Harris
Reports Analysis Division
Federal Election Commission

FR: Lisa Walker *LW*
Executive Director

DT: May 12, 1992

RE: Amended Reports and Q1, 1992

Enclosed please find the following reports:

1.) 1991 Mid Year Report (AMENDED) -- corrected addition mistake in Column B for line 30. This affected the cash-on-hand figure for the close of the report, as well as changing figures for the 1991 Year End Report, and the 12 Day Pre-Primary Report for 1992.

2.) 1991 Year End Report (AMENDED) -- all addition corrections were made. HI forms have been corrected and all other corrections named in the Commission's letter have been addressed.

3.) 12 Day Pre-Primary Report (AMENDED) -- all corrections have been addressed.

4.) Q1 1992 Report -- completed report, late because of corrections that had to be made on the above reports which would affect Q1 of this year.

Thank you for your assistance. Please let me know if we have satisfied all of the Commission's concerns.

96043734234
9203744548

REPORT OF RECEIPTS AND DISBURSEMENTS

Attachment # 8
Page 2 of 2

For Other Than An Authorized Committee
(Summary Page)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

MAY 13 2 03 PM '92

USE FEC MAILING LABEL
OR TYPE OR PRINT

1 NAME OF COMMITTEE (in full)
Mississippi Democratic Party, P.A.C.

ADDRESS (include apartment, suite, etc.) (Check box if reported this information by reportant)
832 N. Congress Street

CITY STATE and ZIP CODE
Jackson, MS 39202

FEDERAL ELECTION COMMITTEE
C000149641

3 Is this committee qualified as a multi-archdiocese committee DURING THIS reporting Period on (date)

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

<input type="checkbox"/> February 20	<input type="checkbox"/> June 20	<input type="checkbox"/> October 20
<input type="checkbox"/> March 20	<input type="checkbox"/> July 20	<input type="checkbox"/> November 20
<input type="checkbox"/> April 20	<input type="checkbox"/> August 20	<input type="checkbox"/> December 20
<input type="checkbox"/> May 20	<input type="checkbox"/> September 20	<input type="checkbox"/> January 31

Yearly report preceding _____ (Type of Election)
election on _____ in _____ State of _____

Thirtieth day report following the _____ Election on _____ in the State of _____

(b) Is this Report an Amendment? YES NO

9 2 0 3 7 5 4 4 6 2 7
9 6 0 4 3 7 3 4 2 3 5

SUMMARY		COLUMN A	COLUMN B
Covering Period		This Period	Calendar Year-to-Date
5	2/25/92 through 3/31/92		
6	a) Cash on Hand January 1, 1992		\$ 9,645.13
	b) Cash on Hand at Beginning of Reporting Period	\$ 10,511.45	
	c) Total Receipts (from Line 15)	\$ 16,837.29	\$ 36,263.29
	(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B	\$ 27,348.74	\$ 45,906.42
7	Total Disbursements (from Line 20)	\$ 15,652.70	\$ 34,210.38
8	Cash on Hand at Close of Reporting Period, including the Total of Line 6(d) minus Line 7	\$ 11,696.04	\$ 11,696.04
9	Debts and Obligations Owed TO the Committee (include all on Schedule C and/or Schedule E)	\$ -0-	
10	Debts and Obligations Owed BY the Committee (include all on Schedule C and/or Schedule E)	\$ 13,000.00	

Type or Print Name of Treasurer
Ed Lee Cole

Type or Print Name of Treasurer
Ed Lee Cole

Date
4/15/92

NOTE: Submission of false, erroneous, or incomplete information is a violation of the law and is subject to the penalties of 18 U.S.C. 1001.



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20541

MS-L

JM 5 1992

Ed Cole, Treasurer
Mississippi Democratic Party
Political Action Committee
832 North Congress Street
P.O. Box 1583
Jackson, MS 39215

Identification Number: C00149641

Reference: 1991-1992 Election Cycle Reports

Dear Mr. Cole:

It has come to the attention of the Federal Election Commission ("the Commission") that your committee may have violated 2 U.S.C. §434(a), by failing to timely file Reports of Receipts and Disbursements. The following is a list of the reports in question.

<u>Report Type</u>	<u>Due Date</u>	<u>Date Filed</u>
Year End (7/1/91-12/31/91)	1/11/92	3/16/92
April Quarterly (2/25/92-3/31/92)	4/15/92	5/13/92

Timely filing is a specific requirement of the Federal Election Campaign Act ("the Act") and is essential to fulfilling the public disclosure concept embodied in that law. The Commission views failure to timely file reports as a serious violation of the Act. This communication is to advise you that, notwithstanding any matters which may be pending before the Commission, any additional report which is not submitted in a timely manner by your committee may result in the Commission initiating legal enforcement or audit action.

You may submit a letter of explanation in response to this notification. If, however, you have any questions, please feel free to contact Darlene Harris on our toll-free number, (800) 424-9530. My local number is (202) 219-3580.

Sincerely,

Lisa J. Stolaruk
Chief, Party/Non-Party Branch
Reports Analysis Division

9 2 0 4 3 7 3 4 2 3 6
9 2 0 3 7 5 7 4 9 6 3

QUARTERLY REPORT NOTICE

Attachment # 10
Page 1 of 1

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

June 19, 1992

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
July Quarterly	04/01/92 - 06/30/92	07/15/92	07/15/92

WHO MUST FILE

Party committees and PACs (nonconnected committees and separate segregated funds) filing on a quarterly basis must file a Quarterly Report in July.

PRE-ELECTION REPORTING

Committees which make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See the January 1992 Record.

LAST-MINUTE INDEPENDENT EXPENDITURES

Any PAC that makes independent expenditures in connection with an election may have to file a 24 hour report. This reporting requirement will be triggered if the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the election.

CHANGE IN FILING FREQUENCY

Committees wishing to change their reporting schedule (for example, from quarterly to monthly) must notify the Commission in writing when they file their next report due under their current reporting schedule. Committees may change their filing frequencies no more than once per calendar year.

LABEL

Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

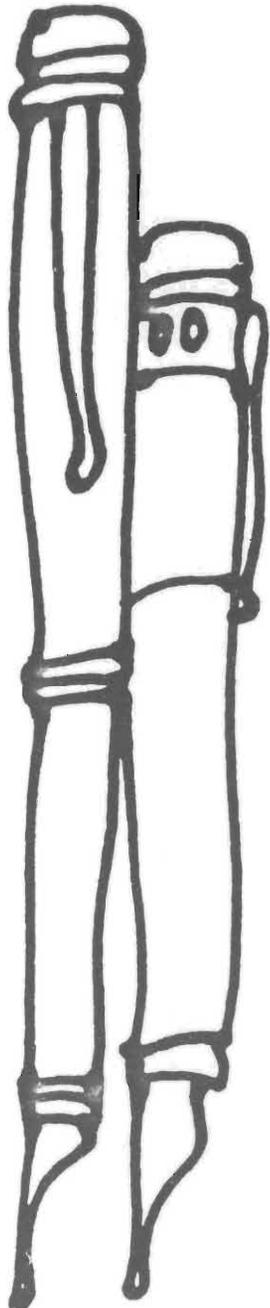
COMPLIANCE

TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

*The period begins with the close of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

**Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filling date.

FOR INFORMATION, Call: 800/424-9530 or 202/219-3470



9504334277

Jul 23 9 35 AM '92

TO: Darlene Harris
Reports Analysis Division

FR: Ed Cole
Chairman, Mississippi Democratic Party

DT: July 27, 1992

RE: Responses to Commission Letters 6/5/92 and 6/17/1992

Per the concerns raised regarding the 1992 April Quarterly Report: as you can see from the enclosed, we have made all the changes you requested. We did not realize that the H4 totals were supposed to be carried through from January 1, 1992, nor that each fundraising event or effort was supposed to have its own running total for the whole year as well. We made the corrections which we have carried through to the July Quarterly Report.

With reference to the lateness of our reports: as you can see from the enclosed our July 15, 1992 report is also a little past due. We have had tremendous turnover on our staff this year. The July 15, 1992 report was initially compiled by our Executive Director who has left our staff. The Democratic National Convention, and lengthy adjustments made pursuant to the changes you requested in the H4 reporting section (discussed above), added to its lateness. I have negotiated with a local accountant, Michelle Espy of Espy Accounting in Jackson, to file our PEC reports from now on. With a professional contract, I can assure you that the reports will no longer be late. I hope you will be lenient in considering our case. For the entire 1991-1992 cycle to date, we have only spent money on administrative costs. We have not been involved directly in federal elections.

In addition to addressing the Commission's concerns, please note the following:

1. Because of federally mandated redistricting, candidates for state senator and state representative will be on our ballot this year. Consequently, we have revised our ballot composition ration affecting Generic Voter Drive activities. (See H1)

2. In preparing our report for this quarter, we noticed that the Schedule C form relating to our bank loan had not been updated to show the correct amount paid on the loan to date. We have amended the April Quarterly Report and carried the appropriate information forward to the July Quarterly Report as well. I understand that the new bank loan reporting requirements apply only to loans established on or after April 2, 1992, and therefore do not apply to our loan which was first disbursed in 1989. Please let me know if I am correct.

Enclosed please find the 1992 July Quarterly Report. Please contact my office when you have received it.

92043734238
92037715320

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

USE FLIP MAILING LABEL OR TYPE OR PRINT

NAME OF COMMITTEE (in full)
Mississippi Democratic Party, P.A.C.
 (number and street)
832 N. Congress Street
 (STATE and ZIP CODE)
Jackson, MS 39202

3273
 COC 149641

4. 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)
 - Transition Report
 - Other (Specify)
- Monthly Report Due On:
- | | | |
|-------------|--------------|-------------|
| February 20 | May 20 | August 20 |
| March 20 | July 20 | October 20 |
| April 20 | August 20 | December 20 |
| May 20 | September 20 | January 21 |
- Twelfth day report following election on _____ in the State of _____
- Twelfth day report following the date of _____

96043734279
92037715322

SUMMARY

	DATE	THROUGH	COLUMN A This Period	COLUMN B Calendar Year-to-Date
1	Opening Fund	4/1/92		
2	Balance Forward January 1, 1992	6/30/92		\$ 9,643.13
3	Capital Fund at Beginning of Reporting Period		\$ 11,696.04	
4	Total Receipts (from Line 19)		\$ 62,257.00	\$ 98,520.29
5	Subtotal (add Lines 6/B) and exclude Column A and Lines 6/A and 6/C for Column B)		\$ 73,953.04	\$ 108,163.42
6	Total Disbursements (from Line 20)		\$ 66,616.08	\$ 100,826.45
7	Net Cash on Hand at Close of Report (add or subtract line 6 from line 5)		\$ 7,336.96	\$ 7,336.97
8	Debits and Obligations Owed TO the Committee (netize all on Schedule C and on Schedule D)		\$ -0-	
9	Debits and Obligations Owed BY the Committee (netize all on Schedule C and on Schedule D)		\$ 12,000.00	

Print Name of Treasurer:
Ed Lee Cole
 Title of Treasurer

Date
 7/15/92

REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

September 21, 1992

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
October Quarterly	07/01/92 - 09/30/92	10/15/92	10/15/92

WHO MUST FILE

Party committees and PACs (nonconnected committees and separate segregated funds) filing on a quarterly basis must file a Quarterly Report in October.

PRE-ELECTION REPORTING

Committees which make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See the January 1992 Record.

LAST-MINUTE INDEPENDENT EXPENDITURES

Any PAC that makes independent expenditures in connection with an election may have to file a 24 hour report. This reporting requirement will be triggered if the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the election.

CHANGE IN FILING FREQUENCY

Committees wishing to change their reporting schedule (for example, from quarterly to monthly) must notify the Commission in writing when they file their next report due under their current reporting schedule. Committees may change their filing frequencies no more than once per calendar year.

REPORTING BANK LOANS

Bank loans must be reported on Schedule C-1. Call the number below to request forms.

LABEL

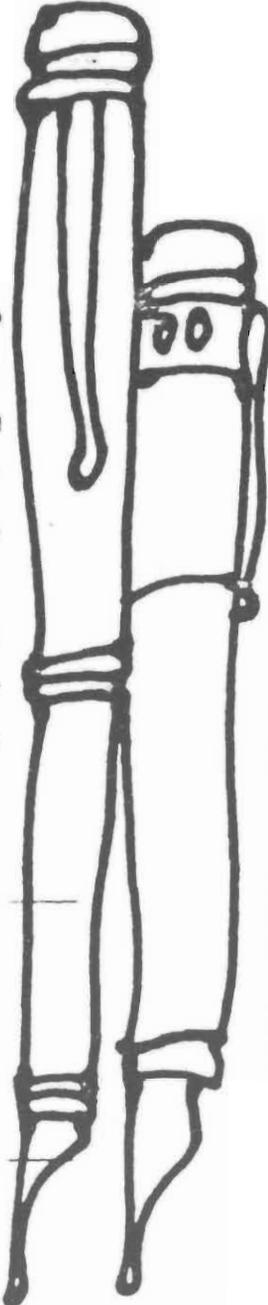
Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

*The period begins with the close of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

**Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

(over)

9504334240



PARTIES AND PACS

OCTOBER QUARTERLY

COMPLIANCE

TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

9 5 0 4 3 7 3 4 2 4 1

FOR INFORMATION, Call: 800/424-9530 or 202/219-3420

REPORT OF RECEIPTS AND DISBURSEMENTS

Attachment # 18

For Other Than An Authorized Committee
(Summary Page)

RECEIVED
FEDERAL ELECTION
COMMISSION
WASHINGTON, DC

MAY 3 11 28 AM '92

FEC MAILING LABEL OR TYPE ON FRONT

1. NAME OF COMMITTEE (in full)
MS Democratic Party, P.A.C.
 ADDRESS (number and street) (Check for different than previously reported)
832 N. Congress Street
 CITY, STATE and ZIP CODE
Jackson, MS 39202

2. FEDERAL IDENTIFICATION NUMBER
0000149641
 3. This committee qualifies as a multicandidate committee DURING THIS Reporting Period? (2016)

4. TYPE OF REPORT

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

Monthly Report Due On:
 February 20 June 20 October 20
 March 20 July 20 November 20
 April 20 August 20 December 20
 May 20 September 20 January 21

Tenth day (month) following _____ (Type of Election)
 election in the State of _____
 Tenth day (month) following the General Election on _____ in the State of _____

This Report is an Amendment

95043734212
9203004353

	SUMMARY	COLUMN A This Period	COLUMN B Calendar Year-to-Date
Covering Period	7/1/92 to 9/30/92		
(a) Cash on Hand January 1, 1992	92		9,643.13
(b) Cash on Hand at Beginning of Reporting Period		\$7,302.96	
(c) Total Receipts from Line 15 Schedule A and Line 16 and 17 for Columns A and Lines 6 a and 6 b for Column B		\$145,068.78	\$243,589.07
(d) Total Disbursements from Line 21		\$152,371.74	\$253,232.20
(e) Total Receipts from Line 22 Schedule B and Line 23 and 24		\$78,239.09	\$179,099.53
(f) Total Disbursements from Line 25 Schedule C and Line 26 and 27		\$74,133.65	\$74,133.65
(g) Net Change in Cash and Other Assets from January 1 to End of Reporting Period		\$	\$
(h) Net Change in Cash and Other Assets from January 1 to End of Reporting Period		\$9,000.00	\$

Signature of Treasurer
Ed Lee Cole
Ed Lee Cole

10/15/92

FEC

TELECON

Attachment #14

ANALYST: Darlene Harris

CONVERSATION WITH: Cynthia Smith, Committee Staffmember

COMMITTEE: Mississippi Democratic Party Political Action
Committee (C00149641)

DATE: November 9, 1992

SUBJECT(S): Filing of the 1992 October Quarterly Report

She called to confirm the Commission's receipt of the Committee's 1992 October Quarterly Report. The RAD analyst verified that the Commission received the report on November 3, 1992.

96043734243

GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

September 28, 1992

I. ALL MONTHLY FILERS

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Pre-General	10/01/92 - 10/14/92	10/19/92	10/22/92
Post-General	10/15/92 - 11/23/92	12/03/92	12/03/92

II. QUARTERLY FILERS THAT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 14

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Pre-General	10/01/92 - 10/14/92	10/19/92	10/22/92
Post-General	10/15/92 - 11/23/92	12/03/92	12/03/92

III. QUARTERLY FILERS THAT DO NOT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 14***

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Post-General	10/01/92 - 11/23/92	12/03/92	12/03/92

WHO MUST FILE

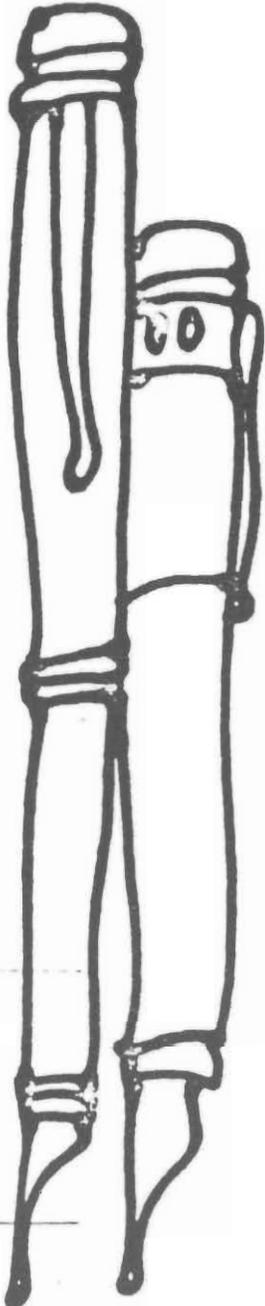
Party committees and PACs must follow the above charts in order to determine whether they must file the Pre-General Election Report. All Party committees and PACs, regardless of financial activity, must file the Post-General Election Report.

*The period begins with the close of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

**Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

***Committees that made general election contributions or expenditures before October 1 and that did not report them previously must also follow the Chart III reporting requirements.

(over)



250463424

PARTIES AND PACS

GENERAL ELECTION

LAST-MINUTE INDEPENDENT EXPENDITURES

Any PAC that makes independent expenditures aggregating \$1,000 or more during the period beginning October 15 and ending November 1 must report them within 24 hours.

REPORTING BANK LOANS

Bank loans must be reported on Schedule C-1. Call the number below to request forms.

LABEL

Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

COMPLIANCE

TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

FOR INFORMATION, Call: 800/424-9530 or 202/219-3420

95043734205



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

BQ-7

December 30, 1992

Ed Cole, Treasurer
Mississippi Democratic Party
Political Action Committee
832 North Congress Street
P.O. Box 1583
Jackson, MS 39215

Identification Number: C00149641

Reference: 30 Day Post-General Report (10/15/92-11/23/92)

Dear Mr. Cole:

It has come to the attention of the Federal Election Commission ("the Commission") that your committee may be in violation of 2 U.S.C. §434(n) for failing to file the above referenced Report of Receipts and Disbursements. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or its relevant portions should also be filed with the Secretary of State or equivalent state officer (see 11 CFR §§100.2, 100.3, 100.4).

Although the Commission may initiate an audit or legal enforcement action concerning this matter, your prompt response and a letter of explanation will be taken into consideration.

If you have any questions, please contact Darlene Harris on our toll-free number (800) 424-9530. Our local number is (202) 219-3520.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

96043734246
33038185331

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

Attachment #17

USE FEC MAILING LABEL OR TYPE OR PRINT

NAME OF COMMITTEE (in full)
MS Democratic Party, P.A.C.
Check different than previously reported

ADDRESS (number and street)
832 N. Congress street

CITY, STATE and ZIP CODE
Jackson, MS 39202

93 JAN -5 PM 1:57

C000149641

The committee shall file its report and date
 submitted DURING THIS Reporting Period on
 date

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 (check in)
 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
(Type of election)
 election on _____ in the State of _____
- Thirtieth day report following the General Election on
Nov. 3 in the State of **MS**

(b) Is this Report an Amendment? YES

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period Oct. 15, 1992 through Nov. 23, 1992		
6. (a) Cash on Hand January 1, 19 92		\$ 9,643.13
(b) Cash on Hand at Beginning of Reporting Period	\$ 70,123.91	
(c) Total Receipts (from Line 19)	\$ 165,050.50	\$ 418,519.57
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 235,174.41	\$ 428,162.70
7. Total Disbursements (from Line 30)	\$ 232,192.49	\$ 425,180.78
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 2,981.92	\$ 2,981.92
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)	\$ 6,000.00	

For further information contact:
 Federal Election Commission
 900 E Street, NE
 Washington, DC 20543
 Tel: 800-426-6830
 Local: 202-376-3129

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

Ed Lee Cole

Signature of Treasurer

Ed Lee Cole

Date

12-3-92

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

FEC FORM 3X

96043134407
33J38134407

YEAR-END REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

December 28, 1992

QUARTERLY AND MONTHLY FILERS

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Year-End	11/24/92 - 12/31/92	01/31/93	01/31/93

WHO MUST FILE

All party committees and PACs (nonconnected committees and separate segregated funds) must file a Year-End Report.

LABEL

Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

COMPLIANCE

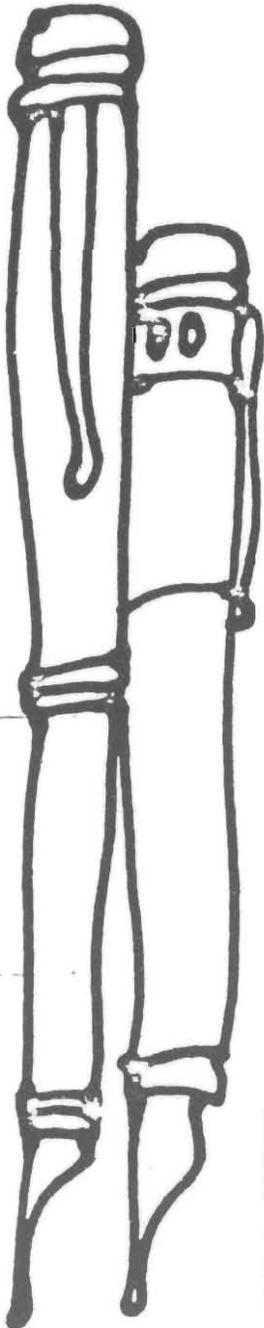
Treasurers of political committees are responsible for filing all reports on time. Failure to do so is subject to enforcement action. Committees filing illegible reports or using non-FEC forms will be required to refile.

*The period begins with the close of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

**Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

(over)

25043, 34218



**1993 REPORTING SCHEDULE
PACs AND PARTIES***

I. SEMIANNUAL FILERS**

REPORT	PERIOD COVERED	REG./CERT. MAILING DATE***	FILING DATE
Mid-Year	01/01/93 - 06/30/93	07/31/93	07/31/93
Year-End	07/01/93 - 12/31/93	01/31/94	01/31/94

II. MONTHLY FILERS

REPORT	PERIOD COVERED	REG./CERT. MAILING DATE***	FILING DATE
February	01/01/93 - 01/31/93	02/20/93	02/20/93
March	02/01/93 - 02/28/93	03/20/93	03/20/93
April	03/01/93 - 03/31/93	04/20/93	04/20/93
May	04/01/93 - 04/30/93	05/20/93	05/20/93
June	05/01/93 - 05/31/93	06/20/93	06/20/93
July	06/01/93 - 06/30/93	07/20/93	07/20/93
August	07/01/93 - 07/31/93	08/20/93	08/20/93
September	08/01/93 - 08/31/93	09/20/93	09/20/93
October	09/01/93 - 09/30/93	10/20/93	10/20/93
November	10/01/93 - 10/31/93	11/20/93	11/20/93
December	11/01/93 - 11/30/93	12/20/93	12/20/93
Year-End	12/01/93 - 12/31/93	01/31/94	01/31/94

*Committees that wish to change their filing status must notify the Commission in writing.

**Committees that filed quarterly reports in 1992 are only required to file semiannually in 1993.

***Reports sent registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

FOR INFORMATION, Call: 800/424-9530 or 202/219-3420

96043734249

TELECON

Attachment #19

ANALYST: Darlene Harris

CONVERSATION WITH: Cecil Brown, Member, MS State Executive Committee

COMMITTEE: Mississippi Democratic Party Political Action Committee
(C00149641)

DATE: February 16, 1993

SUBJECT(S): Filing of the 1992 Year End Report

The RAD analyst spoke to Cecil Brown, a member of the Mississippi State Executive Committee. Mr. Brown stated that he is not associated with the Democratic Party. He verified with the committee that the 1992 Year End Report had not been filed, therefore, he would have the Committee send the original report to the Commission.

96043734250



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

RQ-7

February 18, 1993

EJ Cole, Treasurer
Mississippi Democratic Party Political
Action Committee
832 North Congress Street
P.O. Box 1383
Jackson, MS 39215

Identification Number: C00149641

Reference: Year End Report (11/24/92-12/31/92)

Dear Mr. Cole:

It has come to the attention of the Federal Election Commission ("the Commission") that your committee may be in violation of 2 U.S.C. §434(a) for failing to file the above referenced Report of Receipts and Disbursements. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or its relevant portions should also be filed with the Secretary of State or equivalent state officer (see 11 CFR §§108.2, 108.3, 108.4).

Although the Commission may initiate an audit or legal enforcement action concerning this matter, your prompt response and a letter of explanation will be taken into consideration.

If you have any questions, please contact Darlene Harris on our toll-free number (800) 424-9530. Our local number is (202) 219-3580.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

93043134251
23-03823357

TELECON

Attachment #21/

ANALYST: Darlene Harris

CONVERSATION WITH: Cynthia Smith, Committee Staffmember

COMMITTEE: Mississippi Democratic Party Political Action Committee
(C00149641)

DATE: March 9, 1993

SUBJECT(S): Filing of the 1992 Year End Report

Cynthia Smith called the RAD analyst to inform the Commission that a copy of the 1992 Year End Report, rather than the original report, had been mailed on March 8, 1993. She stated that the Committee would send the original report today.

96043734252

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

FEDERAL ELECTION COMMISSION
MAIL ROOM

Mar 12 9 46 AM '93

USE FEC MAILING LABEL OR PRINT TYPE OR PRINT

1. NAME OF COMMITTEE (in full) MS DEMOCRATIC PARTY P.A.C.	2. FEC IDENTIFICATION NUMBER C000149641
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported 832 N. CONGRESS STREET	3. <input type="checkbox"/> This committee qualified as a multicandidate committee DURING THIS Reporting Period on (date).
CITY, STATE and ZIP CODE JACKSON, MS 39202	

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:
- | | | |
|--------------------------------------|---------------------------------------|--|
| <input type="checkbox"/> February 20 | <input type="checkbox"/> June 20 | <input type="checkbox"/> October 20 |
| <input type="checkbox"/> March 20 | <input type="checkbox"/> July 20 | <input type="checkbox"/> November 20 |
| <input type="checkbox"/> April 20 | <input type="checkbox"/> August 20 | <input type="checkbox"/> December 20 |
| <input type="checkbox"/> May 20 | <input type="checkbox"/> September 20 | <input checked="" type="checkbox"/> January 31 |

- Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____
- Thirtieth day report following the General Election on _____ in the State of _____

(b) Is this Report an Amendment? YES NO

SUMMARY	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>Nov. 24</u> through <u>Dec. 31</u>		
6. (a) Cash on Hand January 1, 19 <u>92</u>		\$ 9,643.13
(b) Cash on Hand at Beginning of Reporting Period	\$ 2,981.92	
(c) Total Receipts (from Line 13)	\$ 18,480.00	\$ 436,999.57
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 21,461.92	\$ 446,642.70
7. Total Disbursements (from Line 30)	\$ 8,901.53	\$ 434,082.31
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 12,560.39	\$ 12,560.39
9. Debts and Obligations Owed TO the Committee (Items all on Schedule C and/or Schedule D)	\$ 6,000.00	

For further information contact:
 Federal Election Commission
 1101 E Street, N.W.
 Washington, D.C. 20542
 Toll Free 800-424-9529
 Local 202-298-3428

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

Ed Cole

Signature of Treasurer

3-5-93

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

FEC FORM 5X

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral 93NF-18
STAFF MEMBER : Lorraine Raushenbush

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Mississippi Democratic Party Political
Action Committee and Ed Cole, as
treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(4)(A)(i)
2 U.S.C. § 434(a)(4)(A)(iii)
2 U.S.C. § 434(a)(4)(A)(iv)
11 C.F.R. § 104.5(c)(1)(i)
11 C.F.R. § 104.5(c)(1)(iii)
11 C.F.R. § 104.5(c)(2)(i)(B)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the Mississippi Democratic Party Political Action Committee and Ed Cole, as treasurer, ("Respondents") to the Office of the General Counsel on April 27, 1993 for failure to timely file six (6) Reports of Receipts and Disbursements for the 1991-1992 election cycle. The reports were filed between fourteen (14) and forty nine (49) calendar days late.

II. FACTUAL AND LEGAL ANALYSIS

For the Factual and Legal Analysis, see Attachment 2. The Office of the General Counsel recommends that the Commission open a MUR and find reason to believe that the

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Mississippi Democratic Party Political Action Committee and Ed Cole, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv).

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. Attached for the Commission's approval is a proposed conciliation agreement. (Attachment 3).

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IV. RECOMMENDATIONS

1. Open a MUR.

2. Find reason to believe that the Mississippi Democratic Party Political Action Committee and Ed Cole, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv), and enter into conciliation prior to a finding of probable cause to believe.

3. Approve the attached Factual and Legal Analysis and proposed conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

Date 7/19/93

BY: 
Lois G. Lerner
Associate General Counsel

Attachments:

- 1. RAD Referral #93NF-18
- 2. Factual and Legal Analysis
- 3. Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Mississippi Democratic Party
Political Action Committee and
Ed Cole, as treasurer.

)
)
) RAD Referral
) #93NF-18
) (MUR 3800)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 22, 1993, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral #93NF-18:

1. Open a MUR.
2. Find reason to believe that the Mississippi Democratic Party Political Action Committee and Ed Cole, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv), and enter into conciliation prior to a finding of probable cause to believe.

(continued)

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3. Approve the Factual and Legal Analysis and proposed conciliation agreement, and the appropriate letter, as recommended in the General Counsel's Report dated July 19, 1993.

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

Attest:

4-23-93
Date

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

Received in the Secretariat: Tues., July 20, 1993 9:59 a.m.
Circulated to the Commission: Tues., July 20, 1993 11:00 a.m.
Deadline for vote: Fri., July 23, 1993 4:00 p.m.

bjr

95043734252



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

JULY 29, 1993

Mississippi Democratic Party
Political Action Committee
Ed Cole, Treasurer
832 North Congress Street
P.O. Box 1583
Jackson, MS 39215

RE: MUR 3800
Mississippi Democratic
Party Political Action
Committee

Dear Mr. Cole:

On July 22, 1993, the Federal Election Commission found that there is reason to believe that the Mississippi Democratic Party Political Action Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(i), (iii) and (iv), 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.

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

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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.

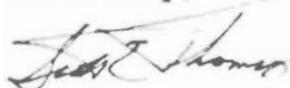
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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.

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

Sincerely,



Scott E. Thomas
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

95043734264

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Mississippi Democratic Party
Political Action Committee
and Ed Cole, as Treasurer

MUR 3800

96043 / 34275

In the ordinary course of carrying out its supervisory responsibilities, the Federal Election Commission has discovered that the Mississippi Democratic Party Political Action Committee ("Respondents") and Ed Cole, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"), by failing to timely file six Reports of Receipts and Disbursements for the 1991-1992 election cycle. The reports were filed between fourteen (14) and forty nine (49) calendar days late.

The Act requires that a committee filing quarterly reports, in a calendar year in which a regularly scheduled election is held, shall be filed no later than the 15th day after the last day of each calendar quarter: except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following year. 2 U.S.C. § 434(a)(4)(A)(i).

The Act also requires that unauthorized committees shall file a post-general election report, which shall be filed no later than the 30th day after the general election. 2 U.S.C. § 434(a)(4)(A)(iii).

The Act also provides that in any other calendar year

a report shall be filed covering the period beginning July 1 and ending December 31 which is due no later than January 31 of the following calendar year. § 434(a)(4)(A)(iv).

The Respondents' 1991 Year End Report was due on January 31, 1992 and was filed on March 18, 1992, forty-nine (49) days late.

The Respondents' 1992 April Quarterly Report was due on April 15, 1992 and was filed on May 13, 1992, twenty-eight (28) days late. The 1992 July Quarterly Report was due on July 15, 1992 and was filed on July 29, 1992, fourteen (14) days late. The 1992 October Quarterly Report was due on October 15, 1992 and was filed on November 3, 1992, nineteen (19) days late.

The 1992 30 Day Post-General Report was due on December 3, 1992 and was filed on January 5, 1993, thirty-three (33) days late.

The 1992 Year End Report was due on January 31, 1993 and was filed on March 12, 1993, forty-three (43) days late.

Therefore, there is reason to believe that the Mississippi Democratic Party Political Action Committee and Ed Cole, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), § 434(a)(4)(A)(iii), and § 434(a)(4)(A)(iv).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 25, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mississippi Democratic Party
Political Action Committee
Ed Cole, Treasurer
P.O. Box 1583
Jackson, MS 39215

RE: MUR 3800
Mississippi Democratic
Party Political Action
Committee

Dear Mr. Cole:

On July 29, 1993, you were notified that the Federal Election Commission determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On that same date you were sent a conciliation agreement offered by the Commission in settlement of this matter.

Please note that conciliation negotiations entered into prior to a finding of probable cause to believe are limited to a maximum of 30 days. To date, you have not responded to the proposed agreement. The 30 day period for negotiations will soon expire. Unless we receive a response from you within five days, this Office will consider these negotiations terminated and will proceed to the next stage of the enforcement process.

Should you have any questions, please contact me at (202) 219-3690. In addition, please note that I have replaced Lorraine Raushenbush as the staff member assigned to this matter.

Sincerely,

Colleen T. Sealander
Staff Member

95043734257

OAC 9863

GRIFFIN LAW FIRM

419 SOUTH STATE STREET
P. O. BOX 968
JACKSON, MS 39205

SEP 7 12 29 PM '93

CHARLES E. GRIFFIN
A. SCOTT YARBROUGH

601-354-0603
601-354-0604

September 3, 1993

Via facsimile and U.S. Mail

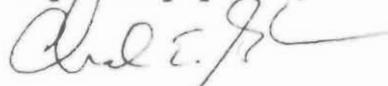
Ms. Collean Sealander
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: Matter Under Review No. 3800

Dear Ms. Sealander:

Please find enclosed an amended designation of counsel to reflect the fact that A. Scott Yarbrough and I also represent Ed Cole, individually in this matter.

Very truly yours,



Charles E. Griffin

CG:pt

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 3800

NAME OF COUNSEL: CHARLES E. GRIFFIN & A. SCOTT YARBROUGH

ADDRESS: GRIFFIN LAW FIRM, P.O. BOX 968
JACKSON, MS 39205-0968

TELEPHONE: 601-354-0603

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.

August 30, 1993
Date



Signature

RESPONDENT'S NAME: MISSISSIPPI DEMOCRATIC PARTY PAC and Ed Cole.

ADDRESS: 832 North Congress Street
P.O. Box 1583
Jackson, Mississippi 39215

HOME PHONE: _____

BUSINESS PHONE: 601-352-1355

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GRIFFIN LAW FIRM

419 SOUTH STATE STREET
P. O. BOX 968
JACKSON, MS 39205

CHARLES E. GRIFFIN
A. SCOTT YARBROUGH

601-354-0000
601-354-0000

MUR 3800

TO: Mr. Colland Sealander

FAX NUMBER: _____

FROM: Charles E. Griffin

DATE: 9-20-93

TIME: 8:50 p.m.

THERE ARE 2 PAGES INCLUDING THIS COVER SHEET
OUR FAX NUMBER IS 601-354-0604

COMMENTS: _____

CONFIDENTIALITY NOTICE

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SEP 20 14:50

AFFIDAVIT

STATE OF MISSISSIPPI

COUNTY OF HINDS

PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named Ed Cole, who having been by me first duly sworn on his oath states that the following is true and correct, to the best of his personal knowledge, information and belief:

1. That my name is Ed Cole and I am the former Treasurer of the Mississippi Democratic Party PAC.

2. That I am familiar with the reasons for the late filing of the FEC reports which are the subject of MUR 3800.

3. That the following factors contributed to the late filing of the subject reports:

A. The large number of contributions which came in during the national elections which were used to cover the cost of the coordinated campaign.

B. Difficulty in accounting for the source and origin of a great deal of donated funds on a timely basis because donors would not send in the required information along with the contributions and the information had to be tracked down by our staff in order to determine if the funds could be accepted and properly reported or if the funds would have to be returned.

C. A number of volunteers who committed to assisting in

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preparing the reports during the presidential and congressional campaigns did not provide the needed assistance on a timely basis and did not provide any assistance after the campaigns were over.

- D. In July of 1992, we lost our full time Executive Director to the Clinton-Gore campaign and we have been unable, for financial reasons, to replace her since that period of time.
- E. Our paid staff dropped from five in the beginning of 1992 to one full time and one part time employee in July, 1992.
- F. We do not have a professional staff.
- G. At the present time we have approximately \$1600 in the bank.
- H. We have a balloon mortgage payment coming up in November, 1993 for approximately \$38,000 and we do not have the funds to pay it.
- I. We are encountering difficulty in fundraising partially due to the fact that this matter has been leaked to the press.
- J. That our conduct was not wilful and intentional.
- K. That we are willing to work with the F.E.C. to prevent reoccurrences of the problem.
- L. Fred Slabach, Assistant Dean of the Mississippi College School of Law, Jackson, MS has volunteered to work with the new treasurer to get the reports prepared on a timely basis from this point forward.

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M. And further affiant sayeth not.

Ed Cole
ED COLE

SWORN TO AND SUBSCRIBED BEFORE ME, this the 20th day of
September, 1993.

Chapman
NOTARY PUBLIC

My commission expires:

11/24/95

95043734273

STATEMENT OF FINANCIAL CONDITION

---ASSETS---

Cash

1. PAC Checking Operating Account-----	\$ 1,635.60
2. Operating Account-----	\$ 1,361.69
TOTAL-----	\$ 2,997.29

Fixed Assets

1. Furniture & fixtures-----	\$ 1,663.03
2. Equipment-----	\$ 7,318.10
3. Building (cost)-----	\$ 60,200.00
TOTAL-----	\$ 69,181.13

Lease Purchases

1. Copier-----	\$ 20,725.30
2. Postage meter-----	\$ 4,006.80
TOTAL-----	\$ 24,832.10

TOTAL ASSETS----- \$ **94,310.52**

LIABILITIES

1. Current liabilities (Accounts Payable)-----	\$ 9,945.55
2. Long term liabilities-----	\$ 20,725.30
3. Mortgages Payable-----	\$ 38,917.45
TOTAL LIABILITIES-----	\$ 69,588.30

NET WORTH----- \$ **24,722.22**

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...with a folksy, easy-going sense of humor, he has done extremely well. He is going to get some votes,

...how politically tough is Sonny Montgomery? Since he won election in 1966, Montgomery has been re-elected 13 times, and each time with a minimum of 81

P. 2
...very conservative: he voted against Clinton's stimulus package in 1993, and he seldom helps leadership even on procedure.

Cole's business deals parallel party problems

■ Democrats' state chairman hasn't sent reports to insurance or national election officials.

State Democratic chairman Ed Cole has apparently succeeded in making a wreck of the state party's business affairs, much like his personal and private business finances.

Right now, this column has learned, the Mississippi Democratic Party faces:

■ A \$17,000 fine assessed by the Federal Election Commission for Cole's failure as treasurer of the state party's political action committee to make timely contribution and expenditure reports — a total of 186 days late — going back to the end of 1991.

■ The inability to pay a balloon bank note for \$43,000 due in November on the Democratic headquarters building on North Congress Street.

■ Total chaos within the party's finances by Cole's pre-empting check issuance powers, including his creation of a "Chairman's Fund" into which he put proceeds from the recent Jefferson-Jackson Day dinner.



Cole

But for the moment let's talk about Ed Cole, the would-be burial insurance association president who's run a foul of state Commissioner George Dale and the state Department of Insurance.

Cole's records show, in April 1991 organized and became president of Mason Benefit Association, a non-profit insurance group licensed by the state Department of Insurance to enroll members of black fraternal organizations for a \$2 monthly fee, assuring a \$1,000 benefit upon death.

Organizing Mason Benefit with Cole was Bob Rogers, a white insurance entrepreneur from Texas who, according to documents in possession of Dale's office, had driven into the ground a similar fraternal association in Texas in 1988.

The Texas Board of Insurance had ordered Rogers' outfit shut down after finding it insolvent with \$780,351 in unpaid claims.

Mason Benefit made to the Insurance Department one report for 1991 showing it had lost \$8,576 from operations and had issued 744 policies with a potential liability of \$798,000.

But that was the last Dale's office has heard from Cole or Mason Benefit about the outfit's operations. The annual financial condition report for 1992, required to be filed by March 1, 1993, has never arrived.

Meantime, complaints about the benevolent group's failure to pay member's death



BILL MINOR

Mississippi Political Columnist

...censed, the proceeds to go for unpaid claims.

Cole said Thursday the financial condition of the association will be in the hands of state insurance officials "within the next 10 days" and that "all other questions raised will be answered."

What Dale's office didn't know at the time Mason Benefit was licensed, was that Cole had taken personal bankruptcy under Chapter 13 back to January 1990. (The U.S. Bankruptcy Court lifted the bankruptcy on May 18, 1993, after Cole's salary as an employee of the U.S. House had been garnished.)

The court approved payment of \$24,098 in principal claims, including \$11,874.23 which Cole listed as a unsecured debt to state Auditor Steve Patterson.

Switch now to Cole's handling of the affairs of the state Democratic Party he's served as chairman since 1987.

On July 29, 1993, the Federal Election Commission notified Cole, as treasurer of the Political Action Committee of the state party, that it considered the party, and he as treasurer, in violation of several sections of Federal Election Campaign Act.

The FEC detailed six instances of late filing of required receipts and expenditure reports totaling 186 days since January 31, 1992.

The FEC subsequently has notified Cole and the state party that a settlement of the case, short of litigation, will require payment of a \$17,000 civil penalty.

Cole minimized the seriousness of the FEC action in a special meeting of the state Democratic Executive Committee two weeks ago as "just politics."

Former state Sen. Stephen Hale of Moss Point, treasurer of the state Democratic Party, said "there is insufficient money to cover that (\$17,000 FEC) fine" in the party treasury.

Hale said Cole in late May had sent him a fax proposing to set up a "Chairman's Fund" to handle funds from the July 23 Jefferson-Jackson Day fund-raising dinner instead of going through the party general fund. "I called him and told him I didn't believe the party constitution allowed it."

However, as Hale later discovered, Cole had already established the special account.

When the special meeting of the state Executive Committee was called by Cole recently, he got the committee, according to

CLIFF LEVERETT



THEY'RE TESTING

Flea market

■ A discussion with Joe resulted in my being assigned space in the dresser.

BRUCE — Like a shopping trip per market, I can do a flea market quickly.

It gives me a feeling of being satisfied, if not prosperous. For humongous building filled with vendors with thousands of items and there's not a single thing you want.

One time this year I made a name was a baseball card featuring our Bubba Phillips of Macon, who shortstop for the White Sox back in 1950s.

Recently, at the big one in the Furniture Market buildings, I was

...to do a political cartoon... ca va de N... co ca ho co pl... wl... Ph... of... J... or... at... th... A... h... or... P... w... d... w... d...

claims had begun to arrive at Dale's office.

When his office fired off a letter in March asking for the 1992 report, there was no response. Two more times, and no response.

Then Dale became personally involved because of complaints.

Dale started writing, then telephoning Cole directly at the Jackson office of U.S. Rep. Mike Parker where Cole is Parker's top administrative assistant. Cole did not return Dale's phone calls, or respond to the letters.

Consequently, last week Dale launched steps aimed at suspending the license of Mason Benefit and seizing a \$6,000 certificate of deposit it posted when it was li-

its black majority, to retroactively endorse his action creating the fund.

The \$43,300 balloon payment due in November is on an original \$60,500 note with Trustmark National Bank secured in 1986 to purchase the Democratic Party headquarters building on North Congress.

What all of this adds up to is a state Democratic Party leadership hopelessly incapable of generating confidence.

As Dale put it: "The consensus of people I talk to is that they are not going to give money to the Democratic Party as long as it's structured as it is." Many whites he said "want to remain Democrats and feel that we need a Democratic Party, not an all-black party."

ing of all the things various crafts up with. I spotted a booth filled with items, all made from cedar.

I picked up one of a stack of wood like blocks of wood and asked the thing in the booth what they were for.

"To put in your sock and underwear drawers," she said, "to keep from musty smell."

I almost asked what kind of drawer was talking about but then realized it meant like in the dresser and where Jo Ann keeps all her things.

Me, I don't have a clothes' drawer, socks and underwear and such.

I have a dryer top.

For years that has been my place

Black messengers may have been in cr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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SENSITIVE

February 4, 1994

MEMORANDUM

To: The Commission

From: Lois G. Lerner *LL*
Associate General Counsel

Subject: MURs 3825, 3800, 3807, 3814, 3817, 3809
3813, 3815, 3820
Recommended Actions in Light of FEC v. NRA
Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993),
petition for cert. filed, (U.S. No. 93-1151,
Jan. 18, 1994).

I. BACKGROUND

On November 5, 1993, the Office of the General Counsel forwarded to the Commission a memorandum regarding the recent appellate decision in FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), petition for cert. filed, (U.S. No. 93-1151, Jan. 18, 1994) and advised the Commission on the effects and implications of that decision on the pending enforcement caseload. This Office has again reviewed the Commission's pending enforcement docket and now makes recommendations with respect to nine MURs in which the Commission found reason to believe, entered into pre-probable cause to believe conciliation, and mailed a proposed conciliation agreement to the respondents prior to the court's decision in NRA.

In one of the MURs discussed herein the respondents have not responded to either the Commission's finding or the proposed conciliation agreement (MUR 3817). In the other cases the respondents have submitted letters proposing changes to the Commission's offer and/or in response to the initial reason to believe finding. In all of these matters this Office has not incorporated the respondents' proposed terms, if any, into the Commission's initial offer, which we are recommending be resent to the respondents in light of NRA. The recommendations put forth as to each of these matters are consistent with the Commission's November 9, 1993, decisions concerning compliance with the NRA opinion.

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II. RECOMMENDED ACTIONS IN LIGHT OF FEC v. NRA

a. MUR 3825 (formerly 93L-13)

This Office recommends that the Commission, consistent with its November 9, 1993, decisions concerning compliance with the NRA opinion, and based on the original referral from the Reports Analysis Division, revote to: open a Matter Under Review; find reason to believe that the Mike Kreidler for Congress Committee and Avanell R. Wheaton, as treasurer, ¹ violated 2 U.S.C. § 434(a)(6)(A); and, enter into conciliation prior to a finding of probable cause to believe. This Office also recommends that the Commission revote to approve the Factual and Legal Analysis and proposed conciliation agreement that were attached to the General Counsel's Report dated October 15, 1993.² Attached are copies of the certification reflecting the Commission's previous vote and the respondents' response (Attachment 1).

b. MUR 3800 (formerly 93NF-18)

This Office recommends that the Commission, consistent with its November 9, 1993, decisions concerning compliance with the NRA opinion, and based on the original referral from the Reports Analysis Division, revote to: open a Matter Under Review; find reason to believe that the Mississippi Democratic Party ³ Political Action Committee and Larry Denman, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), (iii), and (iv); and, enter into conciliation prior to a finding of probable cause to believe. This Office also recommends that the Commission revote to approve the Factual and Legal Analysis and proposed conciliation agreement that were attached to the General

1. At the time of the initial reason to believe finding, Krista Bunch was the treasurer of this committee. In September 1993 the committee notified the Commission that Avanell R. Wheaton is the current treasurer.

2. The recommendation section of this memorandum asks for amendment of the Factual and Legal Analysis and proposed conciliation agreement in MUR 3825 to reflect the current treasurer. The revised Factual and Legal Analysis and conciliation agreement will be sent along with notification of the revotes.

3. At the time of the initial reason to believe finding, Ed Cole was the treasurer of this committee. In August 1993 the committee notified the Commission that Larry Denman is the current treasurer.

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Counsel's Report dated July 19, 1993.⁴ Attached are copies of the certification reflecting the Commission's previous vote and the respondents' response (Attachment 2).

c. MUR 3807 (formerly 93NF-13)

This Office recommends that the Commission, consistent with its November 9, 1993, decisions concerning compliance with the NRA opinion, and based on the original referral from the Reports Analysis Division, revoke to: open a Matter Under Review; find reason to believe that the Democratic State Committee Delaware and J. Thomas Hannagan, Jr., as treasurer,⁵ violated 2 U.S.C. § 434(a)(4)(A)(iii); and, enter into conciliation prior to a finding of probable cause to believe. This Office also recommends that the Commission revoke to approve the Factual and Legal Analysis and proposed conciliation agreement that were attached to the General Counsel's Report dated August 20, 1993.⁶ Attached are copies of the certification reflecting the Commission's previous vote and the respondents' responses (Attachment 3).

d. MUR 3814 (formerly 93L-37)

This Office recommends that the Commission, consistent with its November 9, 1993, decisions concerning compliance with the NRA opinion, and based on the original referral from the Reports Analysis Division, revoke to: open a Matter Under Review; find reason to believe that Caulfield for Congress and Burton J. Wilner, as treasurer, violated 2 U.S.C. § 434(a)(6)(A); and, enter into conciliation prior to a finding of probable cause to believe. This Office also recommends that the Commission revoke to approve the Factual and Legal Analysis and proposed conciliation agreement that were attached to the General Counsel's Report dated September 14, 1993. Attached are copies of the certification reflecting the Commission's previous vote

4. The recommendation section of this memorandum asks for amendment of the Factual and Legal Analysis and proposed conciliation agreement in MUR 3800 to reflect the current treasurer. The revised Factual and Legal Analysis and conciliation agreement will be sent along with the notification of the revotes.

5. The initial reason to believe finding was made against J. Brian Murphy as treasurer. The committee's current treasurer is J. Thomas Hannagan, Jr.

6. The recommendation section of this memorandum asks for amendment of the Factual and Legal Analysis and proposed conciliation agreement in MUR 3807 to reflect the current treasurer. The revised Factual and Legal Analysis and conciliation agreement will be sent along with the notification of the revotes.

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and the respondents' response (Attachment 4).

e. MUR 3817 (formerly 93L-51)

This Office recommends that the Commission, consistent with its November 9, 1993, decisions concerning compliance with the NRA opinion, and based on the original referral from the Reports Analysis Division, revote to: open a Matter Under Review; find reason to believe that the Committee to Re-elect Congressman William D. Ford and Theodore Monolidis, as treasurer, violated 2 U.S.C. § 434(a)(6)(A); and, enter into conciliation prior to a finding of probable cause to believe. This Office also recommends that the Commission revote to approve the Factual and Legal Analysis and proposed conciliation agreement that were attached to the General Counsel's Report dated September 16, 1993. A copy of the certification reflecting the Commission's previous vote is attached (Attachment 5).

f. MUR 3809 (formerly 92NF-14)

This Office recommends that the Commission, consistent with its November 9, 1993, decisions concerning compliance with the NRA opinion, and based on the original referral from the Reports Analysis Division, revote to: open a Matter Under Review; find reason to believe that the Sellers for U.S. Senate Committee and Heather Sellers, as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(i) and 434(a)(2)(A)(iii); and, enter into conciliation prior to a finding of probable cause to believe. This Office also recommends that the Commission revote to approve the Factual and Legal Analysis and proposed conciliation agreement that were attached to the General Counsel's Report dated August 25, 1993. Attached are copies of the certification reflecting the Commission's previous vote and the respondents' response (Attachment 6).

g. MUR 3813 (formerly 93L-23)

This Office recommends that the Commission, consistent with its November 9, 1993, decisions concerning compliance with the NRA opinion, and based on the original referral from the Reports Analysis Division, revote to: open a Matter Under Review; find reason to believe that Citizens for Rush and Sheila L. Jackson, as treasurer, violated 2 U.S.C. § 434(a)(6)(A); and, enter into conciliation prior to a finding of probable cause to believe. This Office also recommends that the Commission revote to approve the Factual and Legal Analysis and proposed conciliation agreement that were attached to the General Counsel's Report dated September 14, 1993. Attached are copies of the certification reflecting the Commission's previous vote and the respondents' response (Attachment 7).

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h. MUR 3815 (formerly 93L-21)

This Office recommends that the Commission, consistent with its November 9, 1993, decisions concerning compliance with the NRA opinion, and based on the original referral from the Reports Analysis Division, revote to: open a Matter Under Review; find reason to believe that Hartnett for U.S. Senate and Addison (Joe) G. Wilson, as treasurer, violated 2 U.S.C. § 434(a)(6)(A); and, enter into conciliation prior to a finding of probable cause to believe. This Office also recommends that the Commission revote to approve the Factual and Legal Analysis and proposed conciliation agreement that were attached to the General Counsel's Report dated September 14, 1993. Attached are copies of the certification reflecting the Commission's previous vote and the respondents' response (Attachment 8).

i. MUR 3820 (formerly 93NF-1)

This Office recommends that the Commission, consistent with its November 9, 1993, decisions concerning compliance with the NRA opinion, and based on the original referral from the Reports Analysis Division, revote to: open a Matter Under Review; find reason to believe that Spear, Leeds & Kellogg Good Government Fund Committee and John Cutillo, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i); and, enter into conciliation prior to a finding of probable cause to believe. This Office also recommends that the Commission revote to approve the Factual and Legal Analysis and proposed conciliation agreement that were attached to the General Counsel's Memorandum dated October 8, 1993. Attached are copies of the certifications reflecting the Commission's previous votes and the respondents' response (Attachment 9).

III. RECOMMENDATIONS

1. MUR 3825 (formerly 93L-13)

- a. Open a Matter Under Review.
- b. Find reason to believe that the Mike Kreidler for Congress Committee and Avanell R. Wheaton, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.
- c. Approve the Factual and Legal Analysis and proposed conciliation agreement attached to the General Counsel's Report dated October 15, 1993, subject to replacement of the former treasurer's name with the current treasurer's name.
- d. Approve the appropriate letter.

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2. MUR 3800 (formerly 93NF-18)
- a. Open a Matter Under Review.
 - b. Find reason to believe that the Mississippi Democratic Party Political Action Committee and Larry Denman, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), (iii), and (iv), and enter into conciliation prior to a finding of probable cause to believe.
 - c. Approve the Factual and Legal Analysis and proposed conciliation agreement attached to the General Counsel's Report dated July 19, 1993, subject to replacement of the former treasurer's name with the current treasurer's name.
 - d. Approve the appropriate letter.
3. MUR 3807 (formerly 93NF-13)
- a. Open a Matter Under Review.
 - b. Find reason to believe that the Democratic State Committee Delaware and J. Thomas Hannagan, Jr., as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iii), and enter into conciliation prior to a finding of probable cause to believe.
 - c. Approve the Factual and Legal Analysis and proposed conciliation agreement attached to the General Counsel's Report dated August 20, 1993, subject to replacement of the former treasurer's name with the current treasurer's name.
 - d. Approve the appropriate letter.
4. MUR 3814 (formerly 93L-37)
- a. Open a Matter Under Review.
 - b. Find reason to believe that Caulfield for Congress and Burton J. Wilner, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.
 - c. Approve the Factual and Legal Analysis and proposed conciliation agreement attached to the General Counsel's Report dated September 14, 1993.
 - d. Approve the appropriate letter.
5. MUR 3817 (formerly 93L-51)
- a. Open a Matter Under Review.
 - b. Find reason to believe that the Committee to Re-elect Congressman William D. Ford and Theodore Monolidis, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.

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- c. Approve the Factual and Legal Analysis and proposed conciliation agreement attached to the General Counsel's Report dated September 16, 1993.
- d. Approve the appropriate letter.

6. MUR 3809 (formerly 92NF-14)

- a. Open a Matter Under Review.
- b. Find reason to believe that the Sellers for U.S. Senate Committee and Heather Sellers, as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(i) and 434(a)(2)(A)(iii), and enter into conciliation prior to a finding of probable cause to believe.
- c. Approve the Factual and Legal Analysis and proposed conciliation agreement attached to the General Counsel's Report dated August 25, 1993.
- d. Approve the appropriate letter.

7. MUR 3813 (formerly 93L-23)

- a. Open a Matter Under Review.
- b. Find reason to believe that Citizens for Rush and Sheila L. Jackson, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.
- c. Approve the Factual and Legal Analysis and proposed conciliation agreement attached to the General Counsel's Report dated September 14, 1993.
- d. Approve the appropriate letter.

8. MUR 3815 (formerly 93L-21)

- a. Open a Matter Under Review.
- b. Find reason to believe that Hartnett for U.S. Senate and Addison (Joe) G. Wilson, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.
- c. Approve the Factual and Legal Analysis and proposed conciliation agreement attached to the General Counsel's Report dated September 14, 1993.
- d. Approve the appropriate letter.

9. MUR 3820 (formerly 93NF-1)

- a. Open a Matter Under Review.
- b. Find reason to believe that Spear, Leeds & Kellogg Good Government Fund Committee and John Cutillo, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), and

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enter into conciliation prior to a finding of probable cause to believe.

- c. Approve the Factual and Legal Analysis and proposed conciliation agreement that were attached to the General Counsel's Memorandum dated October 8, 1993.
- d. Approve the appropriate letter.

Attachments

- 1. Certification and response -- MUR 3825
- 2. Certification and response -- MUR 3800
- 3. Certification and responses -- MUR 3807
- 4. Certification and response -- MUR 3814
- 5. Certification -- MUR 3817
- 6. Certification and response -- MUR 3809
- 7. Certification and response -- MUR 3813
- 8. Certification and response -- MUR 3815
- 9. Certifications and response -- MUR 3820

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Mississippi Democratic Party) MUR 3800
Political Action Committee and) (Formerly RAD
Larry Denman, as treasurer.) Referral #93NF-18)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 9, 1994, the Commission decided by a vote of 5-0 to take the following actions in MUR 3800:

1. Open a Matter Under Review.
2. Find reason to believe that the Mississippi Democratic Party Political Action Committee and Larry Denman, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), (iii), and (iv), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the Factual and Legal Analysis and proposed conciliation agreement attached to the General Counsel's Report dated July 19, 1993, subject to replacement of the former treasurer's name with the current treasurer's name.

(continued)

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4. Approve the appropriate letter, as recommended in the General Counsel's Memorandum dated February 4, 1994.

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

Attest:

2-9-94
Date

Delores Hardy
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat:	Fri., Feb. 4, 1994	9:55 a.m.
Circulated to the Commission:	Fri., Feb. 4, 1994	12:00 p.m.
Deadline for vote:	Wed., Feb. 9, 1994	4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20001

FEBRUARY 14, 1994

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Charles E. Griffin, Esquire
Griffin Law Firm
419 South State Street
P.O. Box 968
Jackson, MS 39206

RE: MUR 3800
Mississippi Democratic Party
Political Action Committee
and Larry Denman, as treasurer

Dear Mr. Griffin:

On July 22, 1993, the Federal Election Commission found reason to believe that the Mississippi Party Political Action Committee and its treasurer violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv), and entered into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. A proposed conciliation agreement was mailed to your clients.

As you may be aware, on October 22, 1993, the D.C. Circuit declared the Commission unconstitutional on separation of powers grounds due to the presence of the Clerk of the House of Representatives and the Secretary of the Senate or their designees as members of the Commission. FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), petition for cert. filed, (U.S. No. 93-1151, Jan. 18, 1994). Since the decision was handed down, the Commission has taken several actions to comply with the court's decision. While the Commission petitions the Supreme Court for a writ of certiorari, the Commission, consistent with that opinion, has remedied any possible constitutional defect identified by the Court of Appeals by reconstituting itself as a six member body without the Clerk of the House and the Secretary of the Senate or their designees. In addition, the Commission has adopted specific procedures for revoting or ratifying decisions pertaining to open enforcement matters.

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Charles E. Griffin, Esquire
Page 2

In this matter, on February 9, 1994, the Commission revoted to find reason to believe that the Mississippi Democratic Party Political Action Committee and Larry Denman, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv), and to approve the Factual and Legal Analysis previously mailed to your clients. You should refer to that document for the basis of the Commission's decision. If you need an additional copy, one will be provided upon request.

In addition, the Commission also revoted to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe, and revoted to approve the enclosed proposed conciliation agreement previously mailed to you.

If your clients agree with the provisions of the enclosed agreement, please sign and return it to the Commission within ten days. Please make the check for the civil penalty payable to the Federal Election Commission.

Given the unique circumstances engendered by the NRA decision, conciliation negotiations, prior to a finding of probable cause to believe, will be limited to a maximum of 30 days.

If you have any questions, please contact Colleen Sealander, the attorney assigned to this matter, at (202) 219-3690.

For the Commission,



Trevor Potter
Chairman

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of the)
)
Mississippi Democratic Party)
Political Action Committee)
and Larry E. Denman,)
as treasurer)

MUR 3800

GENERAL COUNSEL'S REPORT

On July 22, 1993, the Commission found reason to believe that the Mississippi Democratic Party Political Action Committee and its treasurer ("Respondents") violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv), and entered into negotiations directed toward conciliation of this matter prior to a finding of probable cause to believe.

On October 22, 1993, the D.C. Circuit declared the Commission, as then constituted, unconstitutional on separation of powers grounds. Federal Election Commission v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), petition for cert.

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filed, (U.S. No. 93-1151, Jan. 18, 1994). Following its reconstitution as a six-member body, on February 9, 1994, the Commission revoted to find reason to believe that the Respondents violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv) and again entered into conciliation prior to a finding of probable cause to believe. Respondents were mailed letters notifying them of the Commission's revote, and repeated phone calls were made to Respondents' counsel in an attempt to restart negotiations. These efforts went unanswered, and the thirty (30) day limit on conciliation expired. As a result, this Office will move to the next stage of the enforcement process.

Lawrence M. Noble
General Counsel

Date

5/3/94

BY:


Lois G. Lerner
Associate General Counsel

Staff Assigned: Colleen Sealander



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 16, 1994

Mr. Charles E. Griffin, Esquire
Griffin Law Firm
419 South State Street
P.O. Box 968
Jackson, MS 39206

RE: MUR 3800
Mississippi Democratic Party
Political Action Committee
and Larry Denman, as treasurer

Dear Mr. Griffin:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, on February 9, 1994, the Federal Election Commission found reason to believe that your clients, the Mississippi Democratic Party Political Action Committee and Larry Denman, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv), and instituted an investigation in this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that the violations have occurred.

The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe the violations have occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and 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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Charles E. Griffin, Esquire
Page 2

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Colleen Sealander, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


Lawrence M. Noble
General Counsel

Enclosure
Brief

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of the)
)
Mississippi Democratic Party) MUR 3800
Political Action Committee)
and Larry Denman, as treasurer)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

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On July 22, 1993, the Federal Election Commission ("Commission") found reason to believe the Mississippi Democratic Party Political Action Committee ("Committee") and its treasurer violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv) in failing to file timely six (6) reports during the 1991-92 election cycle. These reports were filed between fourteen (14) and forty-seven (47) calendar days late. On that same date, the Commission entered into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Respondents retained counsel, and on September 20, 1993, submitted a letter and an affidavit outlining reasons for which the reports were filed late. These reasons involved an unusually

large number of contributions, difficulties in obtaining information regarding the source of contributions and a lack of paid staff at the Committee's headquarters. To assuage concerns about continued untimely filing, the affiant, Ed Cole, Chairman of the Mississippi Democratic Party, indicated that an Assistant Dean of the Mississippi College School of Law had volunteered to assist in timely filing future reports. Attached to their letter, Respondents submitted an unverified financial statement showing a net worth of nearly \$25,000.

The Office of the General Counsel responded by letter dated September 23, 1993, asking for verification of the Committee's financial statement, information regarding projected receipts during the 1994 election year and further details regarding the Committee's proposed plan to ensure future timely filings. No formal response was received by this Office, although Respondents' counsel subsequently telephoned to advise that the aforementioned law school assistant dean had been selected for a presidential appointment and would no longer be available to assist Respondents with filing future reports.

Following the D.C. Circuit's decision in Federal Election Commission v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), petition for cert. filed, (U.S. No. 93-1151, Jan. 18, 1992), on February 9, 1994, the Commission revoted to find reason to believe the Mississippi Democratic Party Political Action Committee and Larry Denman, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv). As before, the Commission entered into negotiations directed toward reaching a conciliation

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agreement in settlement of the matter prior to a finding of probable cause to believe, adopting the same conciliation agreement previously approved.² Despite repeated phone calls from this Office to Respondents' counsel, Respondents have not responded to the notification letter regarding the revote. Because negotiations have been unsuccessful, the Office of the General Counsel is now prepared to recommend findings of probable cause to believe.

II. ANALYSIS

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The Federal Election Campaign Act of 1971, as amended ("the Act"), requires all unauthorized committees to file reports, the prescribed frequency of which depends on whether the committee has chosen to file on a monthly or quarterly basis. See 2 U.S.C. § 434(a)(4)(A) and (B). According to Commission records, the Mississippi Democratic Party Political Action Committee has chosen to file quarterly. Therefore, the Committee's filing schedule is governed by 2 U.S.C. § 434(a)(4)(A).

Under 2 U.S.C. § 434(a)(4)(A)(iv), during a year in which there is no regularly scheduled general election ("off-year"), unauthorized committees are required to file a report covering the off-year period beginning July 1 and ending December 31. This report is due no later than January 31 of the following calendar year. Id.

2. Subsequent to the original reason to believe finding, but prior to the NRA decision, Larry Denman was substituted for Ed Cole as treasurer of the Mississippi Democratic Party Political Action Committee. The Commission's revote in January, 1994, reflected the change in treasurer.

During a year in which there is a regularly scheduled general election ("election year"), the Mississippi Democratic Party Political Action Committee is required to file reports no later than the 15th day after the last day of each calendar quarter. 2 U.S.C. § 434(a)(4)(A)(i). The sole exception to this rule is the report for the quarter ending on December 31 of the election year; it must be filed no later than January 31 of the following calendar year. Id.

In addition to regular quarterly reports, during an election year each unauthorized committee is required to file a post-general report which must be filed no later than the 30th day after the general election. 2 U.S.C. § 434(a)(4)(A)(iii).

The Committee's 1991 Year End Report was due on January 31, 1992 and was filed on March 18, 1992, forty-seven (47) days late. In that report, the Committee disclosed \$90,508 in receipts and \$88,531 in disbursements.

The Committee's 1992 April Quarterly Report was due on April 15, 1992 and was filed on May 13, 1992, twenty-eight (28) days late. That report disclosed \$16,837 in receipts and \$15,652 in disbursements.

The Committee's 1992 July Quarterly Report was due on July 15, 1992 and was filed on July 29, 1992, fourteen (14) days late. The Committee reported \$62,257 in receipts and \$66,616 in disbursements for that period.

The Committee's 1992 October Quarterly Report was due on October 15, 1992 and was filed on November 3, 1992, nineteen (19) days late. In that report, the Committee disclosed \$145,068 in

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receipts and \$78,238 in disbursements.

The Committee's 1992 30 Day Post-General Report was due on December 3, 1992 and was filed on January 5, 1993, thirty-three (33) days late. The Committee reported \$165,050 in receipts and \$232,192 in disbursements for the period.

The 1992 Year End Report was due on January 31, 1993 and was filed on March 12, 1993, forty (40) days late. In that report, the Committee disclosed \$18,480 in receipts and \$8,901 in disbursements.

Accordingly, the Office of the General Counsel recommends the Commission find probable cause to believe the Mississippi Democratic Party Political Action Committee and Larry Denman, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv).

III. GENERAL COUNSEL'S RECOMMENDATION

Find probable cause to believe the Mississippi Democratic Party Political Action Committee and Larry Denman, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv).

Date

5/16/94

Lawrence M. Noble
General Counsel

Lawrence M. Noble (Signature)

Staff Assigned: Colleen Sealander

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FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

AUGUST 22, 1994

Mr. Charles E. Griffin, Esquire
Griffin Law Firm
419 South State Street
P.O. Box 968
Jackson, MS 39206

RE: MUR 3800
Mississippi Democratic Party
Political Action Committee
and Larry Denman, as treasurer

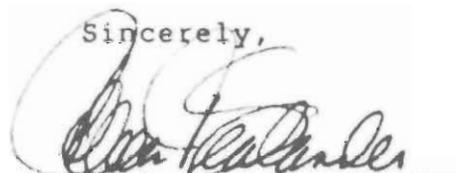
Dear Mr. Griffin:

Per our conversation last week, please find enclosed a copy of the most current set of regulations pertaining to the Federal Election Campaign Act of 1971, as amended. The regulations regarding federal/state allocation methods for state parties can be found at 11 C.F.R. § 106.5. I hope these prove helpful.

I look forward to hearing from you with regard to Mr. Denman's status as treasurer of the Mississippi Democratic Party Political Action Committee ("PAC"). As I explained to you over the phone, any change in the PAC's treasurer must be reported to the Federal Election Commission within ten (10) days of the change. 2 U.S.C. § 433(c). The change may be reported by filing an amended Statement of Organization or by simply filing a letter noting the change. Id.; 11 C.F.R. § 102.3(a)(2).

If I can be of further assistance, please feel free to call me at (202) 219-3690.

Sincerely,



Colleen T. Sealander
Attorney

Enclosure

Code of Federal Regulations, Title 11 - Federal Elections

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THE
DEMOCRATIC
PARTY
of the
STATE OF
MISSISSIPPI

Mar 3800

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FEDERAL ELECTIONS
COMMISSION
OFFICE OF GENERAL
COUNSEL

June 22, 1995

Federal Elections Commission
999 E Street, N.W.
Washington, D.C.

Dear Sirs:

This is to notify the Federal Elections Commission that Joseph E. Sandler, General Counsel for the National Democratic Party and Neil Reiff, Legal Counsel for the National Democratic Party, will be representing the Mississippi Democratic Party. They are joining our present legal counsel, Charles Griffin of Jackson, Mississippi, in an effort to resolve matters with the FEC.

Thank you for your cooperation in this matter.

and Stephen Hale, Treasurer.

Sincerely,

ALICE M. SKELTON
Executive Director

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 18, 1995

Mr. Charles E. Griffin, Esquire
Griffin Law Firm
419 South State Street
P.O. Box 968
Jackson, MS 39206

Mr. Joseph E. Sandler, Esquire
Mr. Neil Reiff, Esquire
Democratic National Committee
430 South Capitol Street, SE
Washington, D.C. 20003

RE: MUR 3800
Mississippi Democratic Party
Political Action Committee
and Stephen Hale, as treasurer

Dear Messrs. Griffin, Sandler and Reiff:

As you are aware, on May 16, 1994, the Office of the General Counsel recommended that the Commission find probable cause to believe that the Mississippi Democratic Party Political Action Committee ("the Committee") and Larry Denman, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv). Subsequently, Mr. Denman resigned his position as the Committee treasurer, and in June of 1994, Mr. Stephen Hale became treasurer of the Committee. The Committee has not filed an amended Statement of Organization reflecting this change. Accordingly, this Office has prepared the enclosed Supplemental General Counsel's Brief and is prepared to recommend that the Commission find probable cause to believe that Mr. Hale, as treasurer, violated the above-referenced reporting provisions, and that the Committee and Mr. Hale, as treasurer, violated 2 U.S.C. § 433(c) in failing to timely file an amended Statement of Organization.

The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a brief stating the position of the General Counsel on the new legal and factual issues raised by the unreported treasurer change. We have also included a copy of the General Counsel's Brief dated May 16, 1994, which outlines the factual and legal basis for our recommendations regarding 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv). Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten copies if possible)

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

96043/34300

Mr. Charles E. [redacted] fin, Esquire
Mr. Joseph E. Sandler, Esquire
Mr. Neil Reiff, Esquire
Page 2

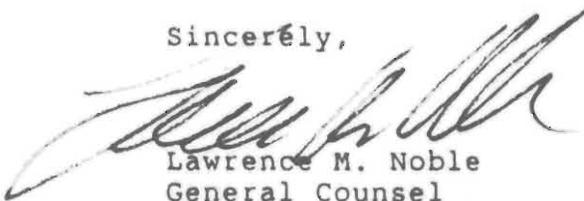
stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe the violations have occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Colleen Sealander, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosures
Brief
Supplemental Brief

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of the)
)
Mississippi Democratic Party) MUR 3800
Political Action Committee)
and Stephen Hale, as treasurer)

SUPPLEMENTAL GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On May 16, 1994, this Office forwarded to counsel for the respondents in this matter a General Counsel's Brief recommending that the Commission find probable cause to believe the respondents violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv) in failing to timely file six (6) reports during the 1992 election cycle. No respondents' brief was filed with the Commission.

Subsequently, on July 13, 1994, the Commission received correspondence from Larry Denman, then-treasurer of the Committee, indicating that he was resigning his position as the Committee's treasurer. This Office then contacted counsel for the Committee and advised counsel that an amended Statement of Organization listing the new treasurer must be filed with the Commission within ten (10) days of the change in treasurer. No response was received from counsel at that time and no amended Statement of Organization was filed.

Most recently, this Office was contacted by the newly appointed Executive Director of the Committee. At a June 23, 1995 meeting, this Office was advised that Stephen Hale was the new

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treasurer of the Committee and that he had taken office in June 1994.¹ No amended Statement of Organization has yet been filed listing Mr. Hale as the Committee's treasurer.

As a result of the Committee's change in treasurer, the Office of the General Counsel recommends that, in addition to our earlier recommendations regarding the Committee, the Commission find probable cause to believe that Stephen Hale, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv). As a result of the Committee's failure to file an amended Statement of Organization, the General Counsel's Office also recommends the Commission find probable cause to believe that the Mississippi Democratic Party Political Action Committee and Stephen Hale, as treasurer, violated 2 U.S.C. § 433(c).

II. ANALYSIS

A. Untimely Reporting

For a discussion of the factual and legal issues involving the Committee's untimely filing, see the General Counsel's Brief dated May 16, 1994 at 3-5.

As indicated above, Stephen Hale is now the treasurer of the Mississippi Democratic Party Political Action Committee. It is the Commission's policy to name treasurers as respondents in matters involving their committees. See Agenda Doc. #83-134, Minutes of the Open Meeting of August 18, 1983. Therefore, there

1. The Committee also asserted that since the new officers were selected, as a result of internal difficulties, it has been largely inactive and has experienced minimal financial activity. This Office is currently unable to verify this information as the last report filed by the Committee was its 1994 April Quarterly Report.

95043734303

is probable cause to believe that Stephen Hale, as treasurer of the Mississippi Democratic Party Political Action Committee, violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv).

B. Failure to Amend Statement of Organization

The Federal Election Campaign Act of 1971, as amended, requires that changes in the information contained in a committee's Statement of Organization be reported within ten (10) days of the change. 2 U.S.C. § 433(c). In June 1994, the Committee named Stephen Hale as its new treasurer, but failed to file an amended Statement of Organization with the Commission. Therefore, there is probable cause to believe the Mississippi Democratic Party Political Action Committee and Stephen Hale, as treasurer, violated 2 U.S.C. § 433(c).

III. GENERAL COUNSEL'S RECOMMENDATIONS

Find probable cause to believe that Stephen Hale, as treasurer of the Mississippi Democratic Party Political Action Committee, violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv).

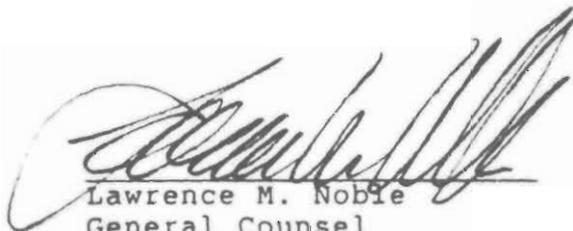
Find probable cause to believe that the Mississippi Democratic Party Political Action Committee and Stephen Hale, as treasurer, violated 2 U.S.C. § 433(c).

96043734374

Date

7/18/95

Lawrence M. Nobie
General Counsel



Staff Assigned: Colleen Sealander

DEMOCRATIC NATIONAL COMMITTEE

Donald L. Fowler
National Chair

Christopher J. Dodd
General Chair

August 7, 1995

Aug 7 4 06 PM '95

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Colleen Sealander, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3800

Dear Ms. Sealander:

Respondent Mississippi Democratic Party Political Action Committee (the "Committee") hereby requests an extension of ten (10) days in which to file a brief in response to the Supplemental General Counsel's Brief dated July 18, 1995, recommending, among other things, that the Commission find probable cause to believe that the Committee violated 2 U.S.C. § 433(c). If this extension were granted, respondent's brief would be due on Thursday, August 17, 1995.

Currently arrangements are being made to replace the Committee's treasurer and it is expected that this step will be completed before the end of this week. Relevant information is also still being collected from the person who is currently serving as the Committee's treasurer, before he formally steps down, with respect to what persons actually served the functions of the treasurer during what time periods. While this information is unlikely to affect any finding made by the Commission with respect to violation of 2 U.S.C. § 433(c), we do believe this information may be relevant to the disposition of this particular element of this pending MUR after a finding is made, and we would appreciate the opportunity to submit this information, in a brief to the Commission, in connection with the Commission's consideration of the General Counsel's recommendation.

Thank you very much for your time and attention to this request.

Sincerely yours,

Joseph E. Sandler

Joseph E. Sandler
General Counsel, as co-counsel
of record for respondent
Mississippi Democratic Party
Political Action Committee

95043734305



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 7, 1995

VIA FACSIMILE AND FIRST CLASS MAIL

Mr. Joseph E. Sandler, Esquire
General Counsel
Democratic National Committee
430 South Capitol Street, SE
Washington, D.C. 20003

RE: MUR 3800
Mississippi Democratic Party
Political Action Committee and
Stephen Hale, as treasurer

Dear Mr. Sandler:

This is in response to your letter dated August 7, 1995, which we received on the same date, requesting an extension of ten (10) days to respond to the Supplemental Brief in MUR 3800. After considering the circumstances presented in both your letter and our earlier telephone conversation, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on August 17, 1995.

If you have any questions, please contact me at
(202) 219-3690.

Sincerely,



Colleen F. Sealander
Attorney

9604334306

GRIFFIN LAW FIRM

419 SOUTH STATE STREET
POST OFFICE BOX 948
JACKSON, MS 39205

TELEPHONE (601) 354-0603
FACSIMILE (601) 354-0604

August 9, 1995

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
AUG 9 3 02 PM '95

Via facsimile to 202-219-3923

Collean Sealander, Esq.
General Counsel's Office
Federal Election Commission
999 E Street N.W.
Washington, DC 20463

Re: Mississippi Democratic Party/MUR 3800

Dear Collean:

Please be advised that the undersigned attorney, who has previously been counsel of record for the Mississippi Democratic Party Political Action Committee in the above referenced matter, hereby withdraws from said representation, effective immediately.

The new counsel whose name should now be placed as counsel of record is:

Samuel L. Begley, Esq.
Maxey, Wann & Begley
Post Office Box 3977
Jackson, Mississippi 39207
601-355-8855
601-355-8881 (facsimile)

Thank you for all the courtesies you have extended me during the course of working with you on this matter and you have my best wishes in your future endeavors.

Very truly yours,

Charles E. Griffin

CG:pt

cc: Johnnie Walls, Esq.
Sam Begley, Esq.

9504334307



THE
DEMOCRATIC
PARTY
of the
STATE OF
MISSISSIPPI

August 9, 1995

Colleen Sealander, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 3800

Dear Ms. Sealander:

This is to notify you that the Mississippi Democratic Party Political Action Committee and its Treasurer are designating the following to serve as co-counsel in the above referenced MUR:

Samuel E. Begley, Esq.
Maxey, Wann & Begley
Deposit Guaranty Plaza
Suite 1900
210 E. Capitol St.
Jackson, Mississippi 39207
(601) 355-8855

Joseph E. Sandler, Esq.
Neil P. Reiff, Esq.
Democratic National Committee
430 S. Capitol Street
Washington, DC 20003
(202) 863-7110

Thank you for your time and attention to this matter.

Sincerely yours,

Johnnie Walls,
Chairman

Aug 10 12 00 PM '95

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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DEMOCRATIC * NATIONAL * COMMITTEE

Donald L. Fowler
National Chair

Christopher J. Dodd
General Chair

August 16, 1995

Via Facsimile

Colleen Sealander, Esq.
Office of the General Counsel
Federal Election Commission
999 K Street, N.W.
Washington, D.C. 20463

Re: MUR 3800

Dear Ms. Sealander:

This letter is submitted in response to the Supplemental General Counsel's brief, dated July 17, 1995, in the above-referenced MUR.

Although Stephen Hale did succeed Larry Denman as Treasurer of respondent Mississippi Democratic Party Political Action Committee (the "Committee"), it is expected that he will resign within the next few days and that a new treasurer, Ms. Peggy Peterson, will be appointed. At that time, the Committee will immediately file an amendment to its Statement of Organization, designating Ms. Peterson as Treasurer.

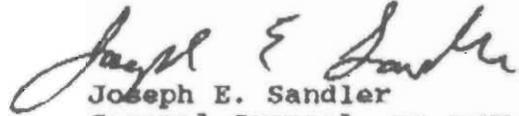
Mr. Hale will then no longer be the Treasurer. Ms. Peterson has agreed to assume full responsibility for the Committee's timely compliance with all recordkeeping and reporting requirements. The Committee, under Ms. Peterson's supervision, is now taking steps to remedy its currently outstanding obligations in that regard, including the failure to file certain reports.

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COMMISSION
OFFICE OF GENERAL
COUNSEL
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In these circumstances, we do not believe additional action by the Commission is warranted specifically with respect to the Committee's failure to amend its Statement of Organization to designate Mr. Hale as Treasurer. Accordingly, we respectfully submit that the Commission should find probable cause to believe that the Committee violated 2 U.S.C. § 433(c), but take no further action with respect to this specific violation.

Sincerely yours,



Joseph E. Sandler
General Counsel, as counsel of
record for Mississippi
Democratic Party Political
Action Committee

cc: Samuel Begley, Esq.
Alice Skelton

95043734310



THE
DEMOCRATIC
PARTY
of the
STATE OF
MISSISSIPPI

20 September, 1995

Jan McBride
Reports Analysis Division
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

MUR 3800

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
SEP 22 11 43 AM '95

Re: Mississippi Democratic Party Political Action Committee--
Identification No. C00149641

Dear Ms. McBride:

This letter constitutes an amendment to the Statement of
Organization of the above-referenced state party committee, to
designate the following as Treasurer of the Committee:

Peggy Peterson
P.O. Box 1583
Jackson, MS 39215

Ms. Peterson was elected as Treasurer on September 16, 1995.

Thank you for your time and attention to this matter.

Sincerely yours,

Senator Johnnie E. Walls
Chairman

cc: Colleen Sealander, Esq.
Office of General Counsel
Federal Election Commission

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

MAR 4 3 53 PM '96

SENSITIVE

MUR 3800

In the Matter of the)
)
Mississippi Democratic Party)
Political Action Committee)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter involves the Mississippi Democratic Party Political Action Committee's (hereinafter "the Party") untimely filing of six (6) Reports during the 1991-92 election cycle and its subsequent failure to file an amended Statement of Organization following a change in treasurer. On May 16, 1994, the Office of the General Counsel forwarded to the Party and its then-treasurer, Mr. Larry Denman, a General Counsel's Brief recommending the Commission find probable cause to believe that the Party had violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv) as a result of its late-filed reports.

On June 11, 1994, the Party met and selected a new state party Chair. E.g., Attachment 1. On July 13, 1994, the Commission received a letter from Treasurer Denman indicating that he had resigned his position as Party treasurer but that he wanted to continue to "negotiate with [the Commission] regarding the past assessment for 1992 reports." Attachment 2. No Statement of Organization listing any new treasurer was filed by the Party. This Office's numerous attempts to contact Party counsel to inquire about the Party's treasurer and any reply brief were unsuccessful. Similarly, following the change in Party leadership, no Reports were filed by the Party for the remainder of 1994.¹

¹ The Party is currently the subject of a 2 U.S.C. § 438(b) audit for the 1993-94 election cycle. As of February 26, 1995, no reports have been filed for the period April 1, 1994 through December 31, 1994.

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In June 1995, this Office was contacted by the Party's then-newly appointed Executive Director, and subsequently met with her and new Party counsel. At this meeting, we were advised that Treasurer Denman had been replaced by Mr. Stephen Hale. As a result of acquiring this new information, the Office of the General Counsel prepared and forwarded a Supplemental Brief, giving the new treasurer, Mr. Hale, notice of the legal and factual issues in the ongoing MUR and also recommending that the Commission find probable cause to believe that the Party and Mr. Hale, as treasurer, had failed to file an amended Statement of Organization. On August 17, 1995, a response was received from counsel. Attachment 3. On September 22, 1995, the Party filed an amended Statement of Organization naming Ms. Peggy Peterson the new treasurer of the Party.

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II. DISCUSSION AND ANALYSIS

As a general rule, it is the Commission's policy to name treasurers as respondents in matters involving their committees, regardless of whether the violations at issue took place during the respondent/treasurer's tenure in office. See Agenda Doc. #83-134, Minutes of an Open Meeting of August 18, 1983 at 10; Agenda Doc. 84-89, Minutes of an Open Meeting on May 24, 1984 at 7. However, in this instance the Office of the General Counsel believes the Commission should forego its usual practice and proceed against the Party only. First, the late filing violations at issue in this matter occurred during the tenure of a former treasurer and since then, the Party has changed treasurers three times. This Office has already issued one Supplemental Brief as a result of a treasurer change, only to have the treasurer change again; issuing one at this stage to Ms. Peterson is similarly no guarantee that she will remain in her treasurer position until this matter closes. Second, the principal respondent in this matter is a continuously operating state party committee; thus, it is reasonable to expect that the Party will not cease operation, or its legal existence, before this matter closes. Finally, although it is unclear whether the Party is solvent at this time,² the Party should raise and spend significant funds during 1996. Mississippi has

² On February 8, 1996, the Party filed its 1995 Mid-Year and Year-End Reports. On the 1995 reports, the Party's cash-on-hand is listed as "unknown," presumably due to the fact that no year-end report, and thus no year-end cash-on-hand, has been prepared for 1994. See n.1 supra.

numerous contested federal and state elections scheduled for this year, including a presidential primary and general election. Past filings indicate that the Party has raised and spent considerable funds in prior presidential election years. For these reasons, the Office of the General Counsel believes that the better course of action is to proceed against the Party as sole respondent in this matter.

A. Untimely Reporting

For a discussion of the factual and legal issues involving the Party's untimely filing of Reports, see the General Counsel's Brief dated May 16, 1994 at 3-5. The Party filed no response to the Brief on this issue, and staff from this Office has confirmed that no reply brief was intended to be filed.

B. Failure to Amend Statement of Organization

For a discussion of the factual and legal issues involving the Party's failure to file timely an amended Statement of Organization, see the Supplemental General Counsel's Brief dated July 17, 1995 at 3.

The Party's response, Attachment 3, was filed just before Mr. Hale resigned his treasurer position and Ms. Peterson was appointed. The response admits that the Party failed to file an amended State of Organization listing Mr. Hale as treasurer, arguing only that the then-pending appointment of Ms. Peterson, who had promised to take responsibility for the Party's past and future recordkeeping and reporting requirements, justifies the Commission taking no further action on the 433(c) violation. Id. Subsequent to the response, the Party filed timely an amended Statement of Organization listing Ms. Peterson as treasurer.

III. CIVIL PENALTY

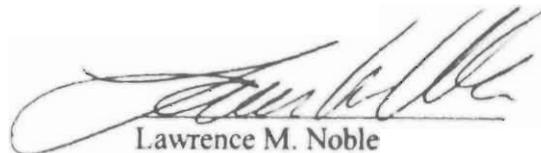
This Office also recommends that the Commission approve the attached conciliation agreement

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IV. RECOMMENDATIONS

1. Find probable cause to believe that the Mississippi Democratic Party Political Action Committee violated 2 U.S.C. §§ 433(c) and 434(a)(1)(A)(i), (iii) and (iv).
2. Approve the attached conciliation agreement.
3. Approve the appropriate letter.

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 Date 3/4/96


 Lawrence M. Noble
 General Counsel

Staff Assigned: Colleen Sealander

Attachments (4)

1. Newspaper article from the Jackson CLARION-LEDGER dated June 12, 1994 regarding the change in Party leadership.
2. Letter from Mr. Larry Denman to the Commission announcing his resignation as Party treasurer.
3. Reply Brief received August 17, 1995.
4. Proposed Conciliation Agreement.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Mississippi Democratic Party) MUR 3800
Political Action Committee.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 11, 1996, the Commission decided by a vote of 5-0 to take the following actions in MUR 3800:

1. Find probable cause to believe that the Mississippi Democratic Party Political Action Committee violated 2 U.S.C §§ 433(c) and 434(a)(1)(A)(i), (iii) and (iv).
2. Approve the conciliation agreement, as recommended in the General Counsel's Report dated March 4, 1996.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated March 4, 1996.

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

Attest:

3-11-96

Date

Delores Hardy
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat:	Mon., March 4, 1996	3:53 p.m.
Circulated to the Commission:	Tues., March 5, 1996	11:00 a.m.
Deadline for vote:	Fri., March 8, 1996	4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION

Washington, DC 20463

March 13, 1996

Mr. Samuel E. Begley, Esq.
Maxey, Wann & Begley
Deposit Guaranty Plaza
Suite 1900
210 E. Capitol Street
Jackson, MS 39207

Mr. Joseph E. Sandler, Esq.
Mr. Neil Reiff, Esq.
Democratic National Committee
430 South Capitol Street, SE
Washington, DC 20003

RE: MUR 3800
Mississippi Democratic Party
Political Action Committee

Dear Messrs. Begley, Sandler and Reiff:

On March 11, 1996, the Federal Election Commission found that there is probable cause to believe your client, the Mississippi Democratic Party Political Action Committee ("the Party"), violated 2 U.S.C. §§ 433(c) and 434(a)(4)(A)(i), (iii) and (iv), provisions of the Federal Election Campaign Act of 1971, as amended, in connection with the Party's untimely filing of reports during the 1991-92 election cycle and its failure to amend its statement of organization following a change of treasurer in June 1994.

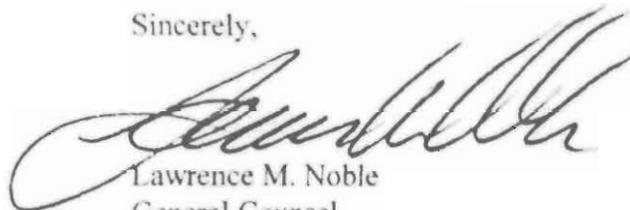
The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

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Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission accept the agreement. Please make the check for the civil penalty payable to the Federal Election Commission.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Colleen Sealander, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

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COMMISSION
SECRETARIAT

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March 15, 1996

SENSITIVE

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble *LM*
General Counsel

SUBJECT: MUR 3800 (Mississippi Democratic Party Political Action Committee):
Error in Previously Voted Recommendation

I. BACKGROUND

On March 11, 1996, the Commission voted probable cause in this late-filer matter. Today it came to this Office's attention that the recommendation pertaining to the probable cause finding had a typographical error in the citation to the Act. In order to ensure the proper finding is made, this Office recommends the Commission rescind its earlier vote and approve a new recommendation including the proper citation. As the probable cause notification letter has already been sent, we also recommend the Commission approve a second notification letter to the respondent that will include an explanation of the rescission and subsequent vote.

Pursuant to the Circulated Vote Provisions of Directive 52, the Office of the General Counsel is circulating this memorandum on a 24 hour tally vote basis in order to correct the error expeditiously.

II. RECOMMENDATIONS

1. Rescind the Commission's earlier finding that there is probable cause to believe that the Mississippi Democratic Party Political Action Committee violated 2 U.S.C. § 434(a)(1)(A)(i), (iii) and (iv).
2. Find probable cause to believe that the Mississippi Democratic Party Political Action Committee violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv).
3. Approve the appropriate letter.

Staff Assigned: Colleen Sealander

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Mississippi Democratic Party Political) MUR 3800
Action Committee--Error in Previously)
Voted Recommendation.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 19, 1996, the Commission decided by a vote of 4-0 to take the following actions in MUR 3800:

1. Rescind the Commission's earlier finding that there is probable cause to believe that the Mississippi Democratic Party Political Action Committee violated 2 U.S.C. § 434(a)(1)(A)(i), (iii) and (iv).
2. Find probable cause to believe that the Mississippi Democratic Party Political Action Committee violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv).
3. Approve the appropriate letter, as recommended in the General Counsel's Memorandum dated March 15, 1996.

Commissioners Aikens, Elliott, McGarry, and Thomas voted affirmatively for the decision; Commissioner McDonald did not cast a vote.

Attest:

3/19/96
Date

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

Received in the Secretariat: Fri., March 15, 1996 4:49 p.m.
Circulated to the Commission: Mon., March 18, 1996 11:00 a.m.
Deadline for vote: Tues., March 19, 1996 4:00 p.m.

bjr

9604373430



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 21, 1996

Mr. Samuel E. Begley, Esq.
Maxey, Wann & Begley
Deposit Guaranty Plaza
Suite 1900
210 E. Capitol Street
Jackson, MS 39207

Mr. Joseph E. Sandler, Esq.
Mr. Neil Reiff, Esq.
Democratic National Committee
430 South Capitol Street, SE
Washington, DC 20003

RE: MUR 3800
Mississippi Democratic Party
Political Action Committee

Dear Messrs. Begley, Sandler and Reiff:

This letter is to notify you that the Commission has made a technical correction to one of the probable cause findings you were notified of last week. As a result of a typographical error in a statutory citation, on March 19, 1996, the Commission rescinded its earlier vote and voted again that there is probable cause to believe that the Mississippi Democratic Party Political Action Committee violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv).

The Commission's earlier decision to enter into conciliation with your client was unaffected and remains in full force. Accordingly, the Commission remains willing to settle this entire matter on the terms included in the conciliation agreement you have already received. If you have any questions, please contact Colleen Sealander, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lawrence M. Noble", is written over the typed name and title.

Lawrence M. Noble
General Counsel

9504373431

BEFORE THE FEDERAL ELECTION COMMISSION '96

APR 5 9 13 AM '96

SENSITIVE

MUR 3800

In the Matter of the)
)
Mississippi Democratic Party)
Political Action Committee)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter involves the Mississippi Democratic Party Political Action Committee's (hereinafter "the Party") untimely filing of six (6) Reports during the 1991-92 election cycle and its subsequent failure to file an amended Statement of Organization following a change in treasurer. On March 11 and 19, 1996, the Commission found probable cause to believe the Party violated 2 U.S.C. §§ 433(c) and 434(a)(4)(A)(i), (iii) and (iv), agreed to enter into conciliation, and approved a conciliation agreement

Attached is a conciliation agreement, signed by Mr. Johnnie E. Walls, Jr., State Chair of the Party, that provides for a \$15,000 civil penalty and contains no language changes to the Commission's initial proposal.¹ No check has been received.

For these reasons, the Office of the General Counsel recommends the Commission accept this counteroffer and close the file in this matter.

¹ The attached conciliation agreement was transmitted by facsimile. Counsel to the Party has represented to the staff attorney that the original will be sent by first class mail.

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II. RECOMMENDATIONS

1. Accept the attached counteroffer from the Mississippi Democratic Party Political Action Committee.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date 4/5/96

BY: *L. G. Lerner* (set)
Lois G. Lerner
Associate General Counsel

Staff Assigned: Colleen Sealander

Attachment (1)
Signed Conciliation Counteroffer

related to the fact that the Party has not yet filed reports for the last three quarters of 1994, and thus has no cash-on-hand figure to carry over to the 1995 reports.

In addition to its inability to report its current cash-on-hand, the Party is the subject of an ongoing 2 U.S.C. § 438(b) audit for the 1993-94 election cycle and of RAD Referral 96NF-02 with regard to its 1995 filings.

95043734333

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Mississippi Democratic Party) MUR 3800
Political Action Committee.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 10, 1996, the Commission decided by a vote of 5-0 to take the following actions in MUR 3800:

1. Accept the counteroffer from the Mississippi Democratic Party Political Action Committee, as recommended in the General Counsel's Report dated April 5, 1996.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated April 5, 1996.

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

Attest:

4-10-96

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat:	Fri., April 05, 1996	9:13 a.m.
Circulated to the Commission:	Fri., April 05, 1996	12:00 p.m.
Deadline for vote:	Wed., April 10, 1996	4:00 p.m.

lrd

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 18, 1996

Mr. Samuel E. Begley, Esq.
Maxey, Wann & Begley
Deposit Guaranty Plaza
Suite 1900
210 E. Capitol Street
Jackson, MS 39207

Mr. Joseph E. Sandler, Esq.
Mr. Neil Reiff, Esq.
Democratic National Committee
430 South Capitol Street, SE
Washington, DC 20003

RE: MUR 3800
Mississippi Democratic Party
Political Action Committee

Dear Messrs. Begley, Sandler and Reiff:

On April 10, 1996, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of its violation of 2 U.S.C. §§ 433(c) and 434(a)(4)(A)(i), (iii) and (iv), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

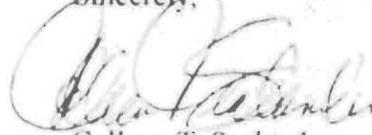
The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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.

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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,



Colleen T. Sealander
Attorney

Enclosure
Conciliation Agreement

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

APR 4 10 49 AM '96

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of the)
)
Mississippi Democratic Party)
Political Action Committee)

MUR 3800

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 probable cause to believe that the Mississippi Democratic Party Political Action Committee ("Respondent") violated 2 U.S.C §§ 433(c) and 434(a)(4)(A)(i), (iii) and (iv).

NOW, THEREFORE, the Commission and the Respondent, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:

- I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding.
- II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondent enters voluntarily into this agreement with the Commission.
- IV. The pertinent facts in this matter are as follows:
 - 1. Respondent Mississippi Democratic Party Political Action Committee is a political committee within the meaning of 2 U.S.C. § 431(4).
 - 2. In June 1994, the Respondent appointed a new treasurer.
 - 3. Pursuant to 2 U.S.C. § 433(c), Respondent was required to notify the Commission of a change in treasurer within ten (10) days of the change. Respondent did not notify the Commission of the change in treasurer that occurred in June 1994.

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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.

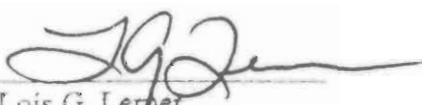
VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondent shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Date 4/18/96

FOR THE RESPONDENT:


Name JOHNNIE E. WALLS, JR.
Position STATE CHAIR

Date 4/3/96

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3800

DATE FILMED 5-20-96 CAMERA NO. 3

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