



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

THIS IS THE BEGINNING OF MUR # 3809

DATE FILMED 8-12-94 CAMERA NO. 2

CAMERAMAN JMH

24043561005

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: December 7, 1992

ANALYST: Jack MacDonald

I. COMMITTEE: Sellers For U.S. Senate Committee
(C00261909)
Heather Sellers, Treasurer
P.O. Box 3735
Montgomery, AL 36109

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(2)(A)(i) and (iii)

III. BACKGROUND:

Failure to File Required Reports as of Election Day

The Sellers For U.S. Senate Committee ("the Committee") failed to file the October Quarterly and 12 Day Pre-General Reports of Receipts and Disbursements as of Election Day, November 3, 1992. The Committee was notified on September 21, 1992, that the October Quarterly Report was due October 15, 1992, and was notified on September 28, 1992 that the 12 Day Pre-General Report was due October 22, 1992 (Attachment 2). Mailgrams were sent to the Committee on October 22, 1992 for failure to file the October Quarterly Report and on October 23, 1992 for failure to file the 12 Day Pre-General Report (Attachment 3). The mailgrams informed the Committee that failure to file the reports within four (4) business days might result in publication, audit or legal enforcement action. The name of the Committee was published for failure to file the October Quarterly and 12 Day Pre-General Reports on October 30, 1992 (Attachment 4).

The Committee filed both reports on November 10, 1992 (Attachment 5).

24043561006

FEDERAL ELECTION COMMISSION
1991-1992
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (R)

DATE 2DEC92
ATTACHMENT 1
PAGE 2

CANDIDATE/COMMITTEE/DOCUMENT	RECEIPTS		DISBURSEMENTS		# OF PAGES	MICROFILM LOCATION
	OFFICE SOUGHT/ PARTY	PRIMARY GENERAL	PRIMARY GENERAL	GENERAL		

SELLERS, RICHARD D	SENATE	REPUBLICAN PARTY			ALABAMA	1992 ELECTION	ID# S2AL00012
1. STATEMENT OF CANDIDATE							
1992 STATEMENT OF CANDIDATE						14FEB92	3 92SEN/006/1797
2. PRINCIPAL CAMPAIGN COMMITTEE							
SELLERS FOR U S SENATE COMMITTEE						ID #C00261909	SENATE
1992 STATEMENT OF ORGANIZATION						5MAR92	3 92SEN/006/3658
MISCELLANEOUS REPORT TO FEC						18AUG92	3 92SEN/019/0003
APRIL QUARTERLY		10,576		10,482		1JUL91 -31MAR92	12 92SEN/010/0909
*APRIL QUARTERLY - AMENDMENT		60,626		60,522		1JUL91 -31MAR92	12 92SEN/028/0298
REQUEST FOR ADDITIONAL INFORMATION						1JUL91 -31MAR92	3 92FEC/762/3983
REQUEST FOR ADDITIONAL INFORMATION 2ND						1JUL91 -31MAR92	4 92FEC/772/0287
PRE-PRIMARY		5,715		5,663		1APR92 -13MAY92	8 92SEN/011/2542
*PRE-PRIMARY - AMENDMENT		16,440		16,388		1APR92 -13MAY92	8 92SEN/028/0321
JULY QUARTERLY		210,150		94,365		14MAY92 -30JUN92	12 92SEN/016/2161
*JULY QUARTERLY - AMENDMENT		33,510		30,067		14MAY92 -30JUN92	9 92SEN/028/0311
REQUEST FOR ADDITIONAL INFORMATION						14MAY92 -30JUN92	2 92FEC/782/2052
REQUEST FOR ADDITIONAL INFORMATION 2ND						14MAY92 -30JUN92	3 92FEC/786/5192
*OCTOBER QUARTERLY			27,321		29,631	1JUL92 -30SEP92	10 92SEN/028/0330
NOTICE OF FAILURE TO FILE						1JUL92 -30SEP92	1 92FEC/800/1700
*PRE-GENERAL			5,970		4,934	1OCT92 -14OCT92	10 92SEN/028/0341
NOTICE OF FAILURE TO FILE						1OCT92 -14OCT92	1 92FEC/800/1854
TOTAL		110,576	33,291	106,977	34,565		101 TOTAL PAGES

5. AUTHORIZED COMMITTEES
3. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

2404 All reports have been reviewed except as noted with an asterisk above.
Ending cash-on-hand as of 10/14/92: \$2323
Outstanding debts owed by the committee as of 10/14/92: \$3026
Outstanding debts owed to the committee as of 10/14/92: \$0

QUARTERLY
REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL CANDIDATES

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

Principal campaign committees of congressional candidates who seek election in 1992 must file an October Quarterly Report. These committees must continue to file quarterly throughout 1992, regardless of the primary outcome, unless they file a valid termination report.

WHO NEED NOT FILE

Principal campaign committees of candidates not active in the 1992 elections (i.e., committees active in past or future elections) should not file the October quarterly report; instead, they report semiannually. The next semiannual report is due January 31, 1993.

LAST-MINUTE CONTRIBUTIONS

Notices are required if the committee receives contributions (including contributions and loans from the candidate's personal funds; and endorsements or guarantees of bank loans) of \$1,000 or more, after the 20th day, but more than 48 hours before the day of the election. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s).

LABEL

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

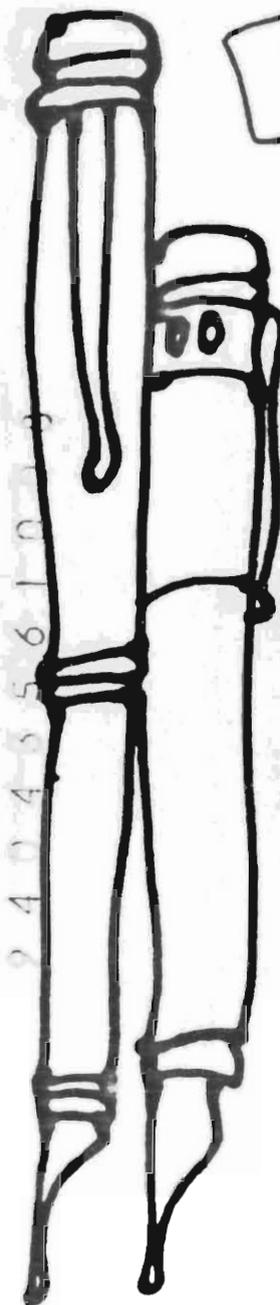
COMPLIANCE

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 on the mailing date; otherwise, they must be received by the filing date.

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



GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL

September 28, 1992

1992 GENERAL ELECTION CANDIDATE COMMITTEES

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

WHO MUST FILE

All 1992 general election principal campaign committees of congressional candidates (including unopposed candidates) who seek election in the November 3, 1992 General Election must file the Pre- and Post-General Election Reports.

WHO NEED NOT FILE

Principal campaign committees of candidates not active in the 1992 elections (i.e., committees active in past or future elections) and 1992 campaign committees not participating in the general election do not file the Pre- and Post-General Reports.

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives contributions (including contributions and loans from the candidate's personal funds; and endorsements or guarantees of bank loans) of \$1,000 or more, during the period of October 15 through October 31. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s).

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

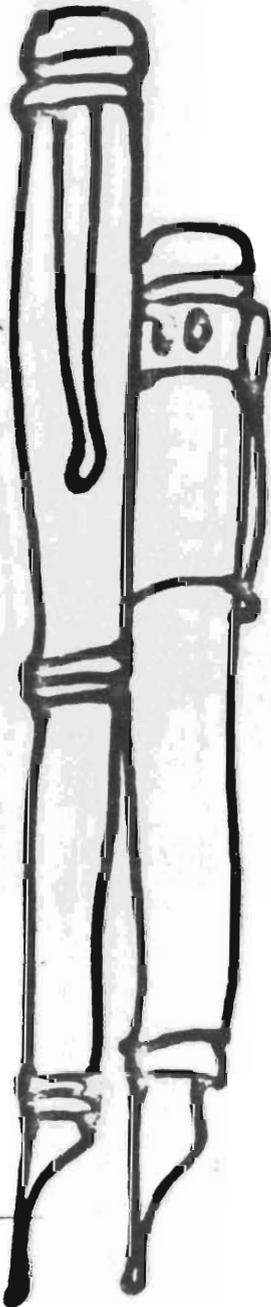
TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

*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 post-marked by the mailing date; otherwise, they must be received by the filing date.

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

24043561009



20-7

(This is a copy of the text of a mailgram sent to the committee listed below on October 22, 1992.)

Weather Sellers, Treasurer
Sellers for U S Senate Committee
P.O. Box 3735
Montgomery, AL 36109

Identification Number: C00261969

Reference: OCTOBER QUARTERLY REPORT (7/1/92-9/30/92)

It has come to the attention of the Federal Election Commission that you may have failed to file the October Quarterly report of receipts and expenditures as required by the Federal Election Campaign Act. You were previously notified of the due date for this report.

You will be allowed four (4) business days from the date of this notice to file the October Quarterly Report. The report should be filed with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, DC 20515, or the Secretary of the Senate, Office of Public Records, 232 Hart Senate Office Building, Washington, DC 20510, as appropriate. A copy of the report should also be filed with the appropriate Secretary of State or equivalent state officer.

If you have filed the report timely by certified or registered mail, please notify us immediately, in writing, of the certified or registered number and the date that the report was sent. The failure to file this report may result in publication, audit or legal enforcement action.

If you have any questions regarding this matter, please contact the Reports Analysis Division on our toll free number (800) 424-9530 or on our local number (202) 376-2480.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

02434901671001-0

80-7

(This is a copy of the text of a mailgram sent to the committee listed below on October 23, 1992.)

Heather Sellers, Treasurer
Sellers for U S Senate Committee
P.O. Box 3735
Montgomery, AL 36109

Identification Number: C00261909

Reference: 12 DAY PRE-GENERAL REPORT (10/1/92-10/14/92)

It has come to the attention of the Federal Election Commission that you may have failed to file the 12 Day Pre-General report of receipts and expenditures as required by the Federal Election Campaign Act. You were previously notified of the due date for this report.

You will be allowed four (4) business days from the date of this notice to file the 12 Day Pre-General Report. The report should be filed with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, DC 20515, or the Secretary of the Senate, Office of Public Records, 212 Hart Senate Office Building, Washington, DC 20510, as appropriate. A copy of the report should also be filed with the appropriate Secretary of State or equivalent state officer.

If you have filed the report timely by certified or registered mail, please notify us immediately, in writing, of the certified or registered number and the date that the report was sent. The failure to file this report may result in publication, audit or legal enforcement action.

If you have any questions regarding this matter, please contact the Reports Analysis Division on our toll free number (800) 424-9500 or on our local number (202) 219-3500.

Sincerely,

John B. Gibson
Assistant Staff Director
Reports Analysis Division

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FEDERAL ELECTION COMMISSION

Press Office
999 E Street, N.W., Washington, DC 20463
Phone Local 202-219-4155 Toll Free 800-424-9530



Attachment 4

FOR IMMEDIATE RELEASE
OCTOBER 30, 1992

CONTACT: FRED RILAND
SHARON SNYDER
SCOTT NOXLEY

FEC CITES COMMITTEES FOR FAILING TO FILE PRE-ELECTION REPORTS

WASHINGTON -- The Federal Election Commission today cited 28 campaigns for failing to file the required pre-general election report of financial activity.

The reports were due by close of business October 22, covering activity from October 1 through October 14. If sent by certified or registered mail, they should have been postmarked by October 19. Committees were notified of their filing requirements on September 28 and those which failed to file were again notified by mailgram on October 23.

As of 5 p.m. October 29, reports from the following committees had not been filed:

PRESIDENT

Populist Party of America-Nat'l Cmte/Bo Gritz for President...Bo Gritz...Pop
Marrou for President...Andre Marrou...Lib

SENATE

** AL.....Sellers for U.S. Senate Committee...Richard D. Sellers...Rep
CA.....Genis for U.S. Senate...June R. Genis...Lib
GA.....Jim Hudson for Senate Committee...James T. Hudson, Jr....Lib
UT.....Anita R. Morrow for Senate...Anita R. Morrow...Pop

HOUSE

AR/01...Terry Hayes for Congress Committee...Terry Hayes...Rep
CA/29...Davis for Congress...David Davis...Ind
CA/51...Committee to Elect Bea Herbert...Beatrice S. Herbert...Dem
CA/50...Committee to Elect Tony Valencia for Congress...Tony Valencia...Rep
FL/17...Carrie Meek for Congress...Carrie P. Meek...Dem
IL/01...Citizens for Jay Walker...James E. Walker, II...Rep
IL/19...Douglas E. Lee for Congress Committee...Douglas E. Lee...Rep
IN/02...Ted Shaver for Congress Committee...Theodore J. Shaver...Unk
IN/04...Pierson for Congress Committee Inc...Charles V. Pierson...Rep
MA/09...Conboy to Congress Committee...Martin D. Conboy...Rep
MO/01...Citizens for Montgomery...Arthur S. Montgomery...Rep
MS/05...Shavn O'Hara for Congress...Shavn Richard O'Hara...Ind
NJ/01...Solomon for Congress Committee...Lee A. Solomon...Rep
NC/01...Committee to Elect Ted Tyler...Ted Tyler...Rep
NY/06...Simeon Golar for Congress...Simeon Golar...Liberal
OK/06...Anthony for Congress...Bob Anthony...Rep
OR/05...Jim Seagraves for Congress...James A. Seagraves...Rep
PA/17...Pennsylvanians for Bill Sturges...Bill Sturges...Dem
TX/21...Gaddy for Congress...James M. Gaddy...Dem
TX/30...Lucy Cain for Congress...Lucy J. Cain...Rep
TX/30...Eddie Bernice Johnson for Congress...Eddie Bernice Johnson...Dem
WA/06...People Supporting Tom Donnelly for Congress...Tom Donnelly...Ind

The 1979 Amendments to the Federal Election Campaign Act specify that the Commission publish only those committees authorized by candidates to raise and spend money on their behalf. Therefore, this list does not include other types of political committees which also may have been required to file.

In addition, individuals register as candidates only after they have raised or spent in excess of \$5,000. Unless they reach that threshold, they have no registration or reporting requirement. Therefore, some individuals whose names appear on state ballots may have no filing obligations.

Further Commission action against non-filers or late filers is decided on a case-by-case basis. Federal election law gives the FEC broad authority to initiate enforcement actions, including the imposition of civil penalties (\$5,000 for "any violation" and \$10,000 for any "knowing and willful" violation) for infractions of the law.

The next report due for general election candidates will be the 30-day post election report, due December 3. It will cover activity from October 15 through November 23.

NOTES

* Pre-election reports for these committees were received after 5 p.m. October 29, the deadline for publication.

** These committees also failed to file the October Quarterly report. That report was due October 15, covering activity from July 1 through September 30. Committees were notified of their filing requirements on September 21, and again, by mailgram, on October 22.

24043561012

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee
(Summary Page)

ATTACHMENT 5
Page 1 of 2

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1 NAME OF COMMITTEE (in full)
Sellers for U.S. Senate Committee

ADDRESS (number and street) Check if different than previously reported
P.O. Box 3735

CITY, STATE and ZIP CODE **Montgomery, AL 36109**

STATE/DISTRICT
AL/SEN

SECRETARY OF THE SENATE
OS ROY TO 21:11:00

2 FEC IDENTIFICATION NUMBER
CO0261909

3 IS THIS REPORT AN AMENDMENT?
 YES NO

4. TYPE OF REPORT

- | | |
|---|--|
| <input type="checkbox"/> April 15 Quarterly Report | <input type="checkbox"/> Twelfth day report (preceding _____ (Type of Election) election on _____ in the State of _____) |
| <input type="checkbox"/> July 15 Quarterly Report | |
| <input checked="" type="checkbox"/> October 15 Quarterly Report | <input type="checkbox"/> Thirtieth day report following the General Election on _____ in the State of _____ |
| <input type="checkbox"/> January 31 Year End Report | |
| <input type="checkbox"/> July 31 Mid Year Report (Non-election Year Only) | <input type="checkbox"/> Termination Report |

This report contains activity for Primary Election General Election Special Election Runoff Election

SUMMARY

6. Covering Period <u>7-1-92</u> through <u>9-30-92</u>	COLUMN A This Period	COLUMN B Calendar Year-to-Date
7. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	27,225.00	134,775.00
(b) Total Contribution Refunds (from Line 20(d))		
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	27,225.00	134,775.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	29,631.12	136,610.51
(b) Total Offsets to Operating Expenditures (from Line 14)	96.90	96.90
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	29,534.22	136,513.61
8. Cash on Hand at Close of Reporting Period (from Line 27)	1,288.35	
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)	3,026.96	

For further information contact:
Federal Election Commission
990 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-376-3120

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

Type or Print Name of Treasurer

Heather E. Sellers

Signature of Treasurer

Heather E. Sellers

Date

10/15/92

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 3
(revised 4-87)

9 2 0 0 3 3 0

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee
(Summary Page)

ATTACHMENT 5
Page 2 of 2

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1 NAME OF COMMITTEE (in full) Sellers for U.S. Senate Committee		SECRETARY OF THE SENATE 50 NOV 10 1992
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported P.O. Box 3735		2 FEC IDENTIFICATION NUMBER 000261909 H.L.
CITY STATE and ZIP CODE Montgomery, AL 36109	STATE/DISTRICT AL/SEN	3 IS THIS REPORT AN AMENDMENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

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)

Twelfth day report preceding General
election on Nov 3, 92 (Type of Election) in the State of Alabama

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

Termination Report

This report contains activity for: Primary Election General Election Special Election Runoff Election

SUMMARY

5 Covering Period <u>10-1-92</u> through <u>10-14-92</u>	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6 Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(a))	5,970.00	140,745.00
(b) Total Contribution Refunds (from Line 20(d))		
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	5,970.00	140,745.00
7 Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	4,934.93	141,545.44
(b) Total Offsets to Operating Expenditures (from Line 14)		96.90
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	4,934.93	141,448.54
8 Cash on Hand at Close of Reporting Period (from Line 27)	2,323.62	
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)	3,026.93	

For further information contact:
Federal Election Commission
900 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-376-3120

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

Type or Print Name of Treasurer
Heather E. Sellers

Signature of Treasurer
Heather E. Sellers

Date
10/19/92

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

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920000341

RECEIVED
F.E.C.
SECRETARIAT

93 AUG 26 AM 10: 34

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral # 92NF-14
Staff Members: Xavier K. McDonnell
Eric S. Brown

SOURCE: I N T E R N A L L Y G E N E R A T E D

RESPONDENTS: Sellers for U.S. Senate Committee and
Heather Sellers, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(2)(A)(i)
2 U.S.C. § 434(a)(2)(A)(iii)

INTERNAL REPORTS CHECKED: Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the Sellers for U.S. Senate Committee and Heather Sellers, as treasurer ("Respondents"), to the Office of the General Counsel on December 7, 1992 for failing to file the 1992 October Quarterly Report and the 1992 12 Day Pre-General Report in a timely manner. Attachment 1. The RAD materials show that both of these reports were not filed until November 10, 1992.¹ Richard D. Sellers, a candidate for U.S. Senate, lost the 1992 General Election in the State of Alabama with 33% of the vote.

1. A Chronic Late Filer Notice was sent to Respondents on June 25, 1993. Attachment 2.

24043561015

II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, see Attachment 3, this Office recommends the Commission find reason to believe 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).

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.

24043561016

24043561017

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe 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.
3. Approve the attached Factual and Legal Analysis and conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

24043561018
Date 8/25/93

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Referral Materials
2. Chronic Late Filer Notice
3. Factual and Legal Analysis
4. Proposed Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Sellers for U.S. Senate Committee
and Heather Sellers, as treasurer.

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RAD Referral
#92NF-14

MUR 3809

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 31, 1993, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral #92NF-14:

1. Open a MUR.
2. Find reason to believe 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.
3. Approve the Factual and Legal Analysis and conciliation agreement, and the appropriate letter, as recommended in the General Counsel's Report dated August 25, 1993.

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

Attest:

8-31-93
Date

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

Received in the Secretariat:	Thurs., Aug. 26, 1993	10:34 a.m.
Circulated to the Commission:	Thurs., Aug. 26, 1993	4:00 p.m.
Deadline for vote:	Tues., Aug. 31, 1993	4:00 p.m.

bjr

24043561019



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

SEPTEMBER 3, 1993

Heather E. Sellers, Treasurer
Sellers for U.S. Senate Committee
P. O. Box 3735
Montgomery, AL 36109

RE: MUR 3809
Sellers for U.S. Senate Committee and
Heather E. Sellers, as treasurer

Dear Ms. Sellers:

On August 31, 1993, the Federal Election Commission found that there is reason to believe the Sellers for U.S. Senate Committee ("Committee") and you, as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(i) and 434(a)(2)(A)(iii), provisions 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 findings, is attached for your information.

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 additional information, 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 probable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

24043561020

Heather E. Sellers, Treasurer
Page 2

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.

Finally, in light of this matter, the Committee's prior request to terminate has been denied. Therefore, you are reminded that the Committee must continue to file all the required reports with the Commission until such time as the enforcement matter has been closed as to the Committee.

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 Xavier McDonnell, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,



Scott E. Thomas
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

cc: Richard D. Sellers

24043561021

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR 3809

RESPONDENTS: Sellers for U.S. Senate Committee and
Heather Sellers, as treasurer

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

24743561022
The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that in a calendar year in which a regularly scheduled general election is held, authorized committees shall file quarterly reports no later than the 15th day after the last day of each calendar quarter. 2 U.S.C. § 434(a)(2)(A)(iii). Thus, the due date for the 1992 October Quarterly Report was October 15, 1992. The Sellers for U.S. Senate Committee ("Committee") was notified on September 21, 1992 that the 1992 October Quarterly Report was due on October 15, 1992. The Committee and its treasurer were also notified on October 22, 1992, that the Federal Election Commission had not received the Committee's 1992 October Quarterly Report. The Committee filed the report on November 10, 1992.

The Act requires authorized committees to file a pre-general election report no later than the 12th day before any election, and provides that this report should be complete as of the 20th day before any election. 2 U.S.C. § 434(a)(2)(A)(i). The Committee was notified on September 28, 1992 that the 12 Day

Pre-General Report was due October 22, 1992. The Committee and its treasurer were additionally notified on October 23, 1992, that the Commission had not yet received this report. The 12 Day Pre-General Report was filed on November 10, 1992.

Therefore, there is 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).

24043561023



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

SEPTEMBER 28, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Heather Sellers, Treasurer
Sellers for U.S. Senate Committee
P. O. Box 3735
Montgomery, AL 36109

RE: MUR 3809
Sellers for U.S. Senate Committee and
Heather Sellers, as treasurer

Dear Ms. Sellers:

On September 3, 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. Our efforts to contact you regarding this matter have included a message left on the answering machine at (205) 272-6150. No reply has been received, however.

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) 219-3400.

Sincerely,

Xavier R. McDonnell
Xavier R. McDonnell
Attorney

24043561024

060#0017

HEATHER E. SELLERS
404 Great Falls St.
Falls Church, Virginia 22046
703/534-7071

October 13, 1993

FAXED TO MR. XAVIER MCDONNELL AT 202/219-3923

RECEIVED
FEDERAL ELECTION COMMISSION
OCT 13 AM 9:43

Hon. Scott E. Thomas
Chairman
Federal Election Commission
999 E St., NW
Washington, D. C. 20463

Dear Mr. Chairman:

We just received a copy of your September 3, 1993, letter last week regarding MUR 3809. We thought the Sellers for U.S. Senate Committee had been terminated and therefore did not contact the Commission about our recent change of address.

My husband, Richard D. Sellers, called Mr. Xavier McDonnell earlier this month, who sent copies of your correspondence.

Our campaign papers are in Alabama, and I will have to return to Alabama next week to respond to your September 3rd letter. For these reasons, I would like to request that we be allowed to respond by November 1, 1993.

Thank you for your consideration. My husband can be contacted at work on this matter at 202/223-7169.

Sincerely,
Heather E. Sellers
Heather E. Sellers

24043561025



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

OCTOBER 14, 1993

Heather E. Sellers, Treasurer
Sellers for U.S. Senate Committee
404 Great Falls Street
Falls Church, VA 22046

RE: MUR 3809
Sellers for U.S. Senate Committee
and Heather E. Sellers, as treasurer

Dear Ms. Sellers:

This is in response to your letter, dated and received on October 13, 1993, requesting an extension until November 1, 1993, to respond to the preprobable cause conciliation offer approved by the Commission on August 31, 1993. As noted in the Commission's letter of September 3, 1993, and in a certified letter sent to you on September 28, 1993, preprobable cause conciliation negotiations, which are discretionary, are limited to a period of 30 days. Thus, the time to reach an agreement in settlement of this matter has already elapsed.

In light of the circumstances set forth in your request, this Office is willing to grant you an extension of 20 days, until October 25, 1993, to respond to the Commission's outstanding conciliation agreement. If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell
Attorney

Enclosure

Letter to Sellers for U.S. Senate Committee,
dated 9-28-93

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OGC 0238

RECEIVED
FEDERAL
ELECTION
COMMISSION
ADMINISTRATIVE

OCT 25 4 37 11 '93

Heather E. Sellers
404 Great Falls St.
Falls Church, VA 22046
703/534-7071

October 25, 1993

RE: MUR 3809
Sellers for U.S. Senate Committee and
Heather E. Sellers, as treasurer

Hon. Lois G. Lemer
Associate General Counsel
Federal Election Commission
999 E St., NW
Washington, D. C. 20463

Dear Ms. Lemer:

This letter is an attempt to reach a Conciliation Agreement regarding MUR 3809 in response to Mr. Scott E. Thomas's letter of September 3, 1993.

On October 15, 1992, the Sellers Committee filed amended forms for the April 15th, Pre-primary, and July 15th reports to more accurately reflect personal in-kind contributions in response to MUR 3614. This delayed our filing for a few days our October 15th and 12 Day Pre-General reports while trying to determine from the FEC staff if the amended reports were correct. FEC staff was informed of this delay caused by MUR 3614, and were FAXED early copies of the October 15th Quarterly and 12 Day Pre-General Report on October 22, 1992. The actual reports were sent regular mail, which was our mistake.

In your determination, please bear in mind that our campaign was the least funded U. S. Senate campaign in the nation for 1992. We did not have enough money to even monitor phone calls and mail during October while we were travelling around Alabama. In addition, I am just out of college, and serving as Treasurer was a very tough job for me - but we did not have an option due to our low budget campaign. My husband is now working part-time, and our move to Falls Church, Virginia from Alabama was very expensive. I certainly hope you realize we have learned our lesson

Thank you for your consideration.

Sincerely,

Heather E. Sellers
Heather E. Sellers

93OCT 26 AM 10:39

RECEIVED
FEDERAL ELECTION COMMISSION

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FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

SL FEB -4 AM 9:55

SENSITIVE

February 4, 1994

MEMORANDUM

To: The Commission
From: Lois G. Lerner *LL*
Associate General Counsel
Subject: MUR 3809

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.

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II. RECOMMENDED ACTIONS IN LIGHT OF FEC v. NRA

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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).

24043561031

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Sellers for U.S. Senate Committee) MUR 3809
and Heather Sellers, as treasurer.) (Formerly RAD
) Referral #92NF-14)

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 3809:

1. Open a Matter Under Review.
2. 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.
3. Approve the Factual and Legal Analysis and proposed conciliation agreement attached to the General Counsel's Report dated August 25, 1993.

(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

24043561033



FEDERAL ELECTION COMMISSION

FEBRUARY 16, 1994

Heather Sellers, Treasurer
Sellers for Congress Committee
404 Great Falls Street
Falls Church, Virginia 22046

RE: MUR 3809
Sellers for U.S. Senate Committee
Heather Sellers, as treasurer

Dear Mrs. Sellers:

On August 31, 1993, the Federal Election Commission found reason to believe that the Sellers for U.S. Senate Committee and you, as treasurer, violated §§ 434(a)(2)(A)(i) and (iii) 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 you at this time.

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. PEC 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.

In this matter, on February 9, 1994, the Commission revoted to find reason to believe that the Sellers for U.S. Senate Committee and you, as treasurer, violated §§ 434(a)(2)(A)(i) and (iii) and to approve the Factual and Legal Analysis previously mailed to you. 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.

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Heather Sellers, Treasurer
Page 2

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 you 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 Xavier K. McDonnell, the attorney assigned to this matter, at (202) 219-3400.

For the Commission,


Trevor Potter
Chairman

Enclosure
Conciliation Agreement

24043561035



FEDERAL ELECTION COMMISSION
 WASHINGTON DC 20463

RECEIVED
 F.E.C.
 SECRETARIAT

94 APR 11 PM 4:13

SENSITIVE

April 11, 1994

Heather Sellers, Treasurer
 Sellers for Congress Committee
 404 Great Falls Street
 Falls Church, VA 22046

RE: MUR 3809
 Sellers for U.S. Senate Committee
 Heather Sellers, as treasurer

Dear Ms. Sellers:

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 the Sellers for U.S. Senate Committee ("Committee") and you, as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (iii), 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 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 a violation has 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.

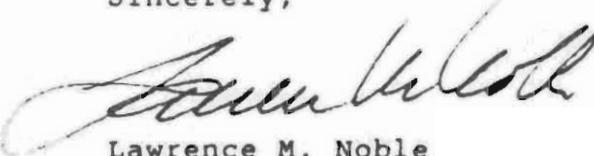
24043561036

Heather Sellers, Treasurer
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 Xavier K. McDonnell, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Brief

24043561037

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Sellers for U.S. Senate Committee and) MUR 3809
Heather Sellers, as treasurer)
)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter was generated by the Commission in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). The Commission found reason to believe the Sellers for U.S. Senate Committee ("Committee") and Heather Sellers, as treasurer (collectively "Respondents"), violated 2 U.S.C. §§ 434(a)(2)(A)(i) and 434(a)(2)(A)(iii).¹ The Committee is the authorized committee of Richard D. Sellers, who ran for U.S. Senate in the State of Alabama on November 3, 1992.

II. ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that in a calendar year in which a regularly scheduled general election is held, authorized committees shall file quarterly reports no later than the 15th day after the last day of each calendar quarter. 2 U.S.C. § 434(a)(2)(A)(iii). Thus, for the election on November 3, 1992, the due date for the

1. The reason-to-believe findings were initially made on August 31, 1993. The reconstituted six-member Commission revoked its determinations in this matter on February 9, 1994, in light of FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), petition for cert. filed, 62 U.S.L.W. 3511 (U.S. January 18, 1994) (No. 93-151). By same dates, the Commission also entered into conciliation prior to a finding of probable cause to believe

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1992 October Quarterly Report was October 15, 1992. Respondents were notified on September 21, 1992, that the 1992 October Quarterly Report was due on October 15, 1992. Respondents were also notified on October 22, 1992, that the Federal Election Commission had not received the Committee's 1992 October Quarterly Report. The report was filed on November 10, 1992.

The Act requires authorized committees to file a pre-general election report no later than the 12th day before any election, and provides that this report should be complete as of the 20th day before any election. 2 U.S.C. § 434(a)(2)(A)(i). Respondents were notified on September 28, 1992, that the 12 Day Pre-General Report was due October 22, 1992. Respondents were additionally notified on October 23, 1992, that the Commission had not yet received this report. The 12 Day Pre-General Report was filed on November 10, 1992. Therefore, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that Respondents violated 2 U.S.C. §§ 434(a)(2)(A)(i) and 434(a)(2)(A)(iii).

III. GENERAL COUNSEL'S RECOMMENDATION

Find probable cause 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).

4/4/94
Date


Lawrence M. Noble
General Counsel

24043561039



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

MAY 4, 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Heather Sellers, Treasurer
Sellers for Congress Committee
404 Great Falls Street
Falls Church, VA 22046

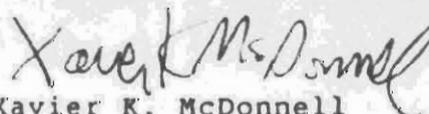
RE: MUR 3809
Sellers for U.S. Senate Committee
Heather Sellers, as treasurer

Dear Ms. Sellers:

On April 11, 1994, you were sent a copy of the enclosed brief stating the General Counsel's position on the factual and legal issues in MUR 3809. At that time, you were notified that you had 15 days to submit a reply brief. To date, this Office has not received a reply brief or any other communication from you. In light of the time that has elapsed, unless you contact us by May 11, 1994, this Office shall make its probable cause recommendation without your response.

If you wish to submit a reply brief or any information for the Commission's consideration, please contact me immediately at (202) 219-3400.

Sincerely,


Xavier K. McDonnell
Attorney

Enclosure
Brief

24043561040

cqc 1317

Heather E. Sellers
404 Great Falls St.
Falls Church, Virginia 22046
703/534-7071

May 12, 1994

RE: MUR 3809
Sellers for U. S. Senate Committee and
Heather E. Sellers, as Treasurer

FAXED TO: Mr. Xavier K. McDonnell at 202/219-3923

Hon. Lois G. Lerner
Associate General Counsel
Federal Election Commission
999 E St., NW
Washington, D. C. 20463

Dear Ms. Lerner:

This letter is an expansion of my October 25, 1993, letter asking the FEC not to find a probable cause recommendation against the Sellers for U.S. Senate Committee, because we did everything possible to comply with the Federal Election Campaign Act of 1971, as amended.

On October 15, 1992, the Sellers Committee filed amended forms for the April 15th, Pre-primary, and July 15th reports to more accurately reflect personal in-kind contributions in response to MUR 3614. This delayed our filing for a few days our October 15th and 12 Day Pre-General reports while trying to determine from the FEC staff if the amended reports were correct. FEC staff were informed of this delay caused by MUR 3614, and were FAXED early copies of the October 15th and 12 Day Pre-General Report on October 22, 1992. The actual reports were sent regular mail, which was our mistake, but we assumed the FAXED copies were sufficient for timely reporting.

Again, please bear in mind that our campaign was one of the least funded U.S. Senate campaigns in the nation for 1992. We had no resources to help in our compliance with the FEC, but we did file in a timely way by FAX.

We hope you will find against a probable cause recommendation due to the extenuating circumstances of our compliance with MUR 3614.

Sincerely,

Heather E. Sellers
Heather E. Sellers

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COMMISSION
OFFICE OF GENERAL
COUNSEL

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Nov 18 3 53 PM '94

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Sellers for U.S. Senate Committee) MUR 3809
Heather E. Sellers, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On February 9, 1994, the Commission found reason to believe that the Sellers for U.S. Senate Committee ("Committee") and Heather E. Sellers, as treasurer ("Respondents") violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (iii) by untimely filing their 1992 October Quarterly and 12 Day Pre-General Reports.¹ By same date, the Commission entered into preprobable cause conciliation and approved a proposed conciliation agreement in this matter.

On April 11, 1994, Respondents were provided with a General Counsel's Brief recommending that the Commission find probable cause to believe that they violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (iii). A response to the General Counsel's Brief has been submitted. See Attachment 1.

II. ANALYSIS

The Respondents claim that their delay in filing these reports was due to the necessity of responding to MUR 3614, a complaint-generated matter involving entirely different issues and

1. The Commission originally opened this matter and made its findings on August 31, 1993. See General Counsel's Report, dated August 25, 1993. The Commission revoted its finding on February 9, 1994, in light of FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), petition for cert. filed, 62 U.S.L.W. 3511 (U.S. January 18, 1994)(No. 93-1151).

24043561042

disclosure reports.² Attachment 1. In addition, Respondents contend that copies of the reports at issue in this matter were submitted by facsimile on October 22, 1992.

There is no factual or legal support for Respondents' contentions. The Committee's claim that responding to the complaint in MUR 3614 should somehow excuse it from timely filing these reports is groundless. The statute requires political committees to file timely and accurate reports. See 2 U.S.C. §§ 434(a) and (b). Moreover, documents in the file in MUR 3614 cast doubt upon the validity of the Committee's assertion. The reports at issue in this matter, the 1992 October Quarterly and 12 Day Pre-General Reports, were due on October 15 and 22, 1992, respectively. However, Respondents had not received the complaint in MUR 3614 until October 21, 1992. As the complaint in MUR 3614 was received only one day before the last of these reports was due, it is unclear how that complaint could have caused the delay at issue here.

In any event, there is no evidence that the required disclosure reports were sent by facsimile on October 22, 1992, as Respondents now contend. Rather, the Commission's records indicate that, despite two prior notices sent by the Reports Analysis Division, the disclosure reports were not received until

2. MUR 3614, which is now closed, involved the Committee's inaccurate disclosure of contributions in its April Quarterly, Pre-Primary and July Quarterly Reports. In that matter, the Committee had reported "pledges" of contributions, rather than just actual contributions received, and had inaccurately reported a series of in-kind contributions from the candidate. The Committee amended those reports. The Commission exercised its prosecutorial discretion and closed MUR 3614 on December 9, 1993.

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November 10, 1992. As Respondents' assertions do not vitiate the violations, this Office recommends that the Commission find probable cause to believe that the Sellers for Congress Committee and Heather E. Sellers, as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (iii).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

Attached for the Commission's approval is a conciliation agreement.

IV. RECOMMENDATIONS

1. Find probable cause to believe that Sellers for U.S. Senate Committee and Heather E. Sellers, as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (iii).
2. Approve the attached conciliation agreement and appropriate letter.

Date

5-18-94

Lawrence M. Noble
General Counsel

Attachments:

1. Committee's reply to General Counsel's Brief
2. Proposed Conciliation Agreement

Staff assigned: Xavier K. McDonnell

24043561044

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Sellers for U.S. Senate Committee) MUR 3809
and Heather E. Sellers, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 24, 1994, the Commission decided by a vote of 6-0 to take the following actions in MUR 3809:

1. Find probable cause to believe that Sellers for U.S. Senate Committee and Heather E. Sellers, as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (iii).
2. Approve the conciliation agreement and appropriate letter, as recommended in the General Counsel's Report dated May 18, 1994.

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

Attest:

5-24-94
Date

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

Received in the Secretariat:	Wed., May 18, 1994	3:53 p.m.
Circulated to the Commission:	Thurs., May 19, 1994	11:00 a.m.
Deadline for vote:	Tues., May 24, 1994	4:00 p.m.

bjr

24043561045



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MAY 26, 1994

Heather E. Sellers, Treasurer
Sellers for U.S. Senate Committee
404 Great Falls Street
Falls Church, VA 22046

RE: MUR 3809
Sellers for U.S. Senate Committee
Heather Sellers, as treasurer

Dear Ms. Sellers:

On May 24, 1994, the Federal Election Commission found that there is probable cause to believe that the Sellers for U.S. Senate Committee, and you, as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (iii), provisions of the Federal Election Campaign Act of 1971, as amended, in connection with the untimely filing of your 1992 October Quarterly and 12 Day Pre-General Reports.

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.

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 your 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 Xavier K. McDonnell, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

24043561046



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUNE 27, 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Heather E. Sellers, Treasurer
Sellers for U.S. Senate Committee
404 Great Falls Street
Falls Church, VA 22046

RE: MUR 3809
Sellers for U.S. Senate Committee
Heather Sellers, as treasurer

Dear Ms. Sellers:

By letter dated May 26, 1994, you were notified that the Federal Election Commission found probable cause to believe that the Sellers for U.S. Senate Committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii). On that same date, you were sent a conciliation agreement offered by the Commission in settlement of this matter.

Please note that pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), the conciliation period in this matter may not extend for more than 90 days, but may cease after 30 days. We have not received any communication from you since your reply to the General Counsel's Brief on May 12, 1994. Insofar as more than 30 days have elapsed without a response from you, a recommendation concerning the filing of a civil suit will be made to the Commission by the Office of the General Counsel unless we receive a response from you by June 30, 1994.

Should you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell
Attorney

24043561047

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Sellers for U.S. Senate Committee) MUR 3809
Heather E. Sellers, as treasurer)

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SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 24, 1994, the Commission found probable cause to believe that the Sellers for U.S. Senate Committee ("Committee") and Heather E. Sellers, as treasurer ("Respondents") violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (iii) by untimely filing their 1992 October Quarterly and 12 Day Pre-General Reports.

The Commission entered into conciliation on the same date.

The civil penalty has not yet been received.

II. RECOMMENDATIONS

1. Accept the attached agreement with Sellers for U.S. Senate Committee and Heather E. Sellers, as treasurer.
2. Close the file.

Lawrence M. Noble
General Counsel

Date 7/25/94

BY: 
Lois G. Lerner
Associate General Counsel

Attachment:
Conciliation Agreement

Staff assigned: Xavier K. McDonnell
Susan M. Mitchell

24043561048

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Sellers for U.S. Senate Committee) MUR 3809
and Heather E. Sellers, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 29, 1994, the Commission decided by a vote of 5-0 to take the following actions in MUR 3809:

1. Accept the agreement with Sellers for U.S. Senate Committee and Heather E. Sellers, as treasurer, as recommended in the General Counsel's Report dated July 25, 1994.
2. Close the file.

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

Attest:

7-29-94
Date

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

Received in the Secretariat: Mon., July 25, 1994 3:25 p.m.
Circulated to the Commission: Tues., July 26, 1994 11:00 a.m.
Deadline for vote: Fri., July 29, 1994 4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20541

AUGUST 3, 1994

Heather E. Sellers, Treasurer
Sellers for U.S. Senate Committee
404 Great Falls Street
Falls Church, VA 22046

RE: MUR 3809
Sellers for U.S. Senate Committee
Heather Sellers, as treasurer

Dear Ms. Sellers:

On July 29, 1994, the Federal Election Commission accepted the signed conciliation agreement submitted on your behalf in settlement of violations of 2 U.S.C. §§ 434(a)(2)(A)(i) and (iii), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). 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.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of a respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Susan M. Mitchell
Susan M. Mitchell
Paralegal

Enclosure
Conciliation Agreement

34043561000

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
Jul 18 1 06 PM '94

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Sellers for U.S. Senate Committee and) MUR 3809
Heather E. Sellers, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found probable cause to believe that the Sellers for U.S. Senate Committee and Heather E. Sellers, as treasurer ("Respondents") violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (iii).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has been entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. The Sellers for U.S. Senate Committee is a political

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committee within the meaning of 2 U.S.C. § 431(4).

2. Heather E. Sellers is the treasurer of the Sellers for U.S. Senate Committee.

3. The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that in a calendar year during which there is a regularly scheduled election, authorized committees are required to file quarterly reports no later than the 15th day after the last day of each calendar quarter. 2 U.S.C. § 434(a)(2)(A)(iii).

4. Respondents were required to file the 1992 October Quarterly Report, covering the period of July 1, 1992 through September 30, 1992, by October 15, 1992.

5. Respondents filed their 1992 October Quarterly Report on November 10, 1992, disclosing \$27,321.90 in receipts and \$29,534.22 in disbursements for the relevant reporting period.

6. Section 434(a)(2)(A)(i) of the Act provides that all authorized political committees shall file a pre-general report in a calendar year in which a regularly scheduled general election is held. 2 U.S.C. § 434(a)(2)(A)(i) requires this pre-election report to be filed no later than the 12th day before any election.

7. Respondents were required to file the 1992 12 Day Pre-General Report, covering the period of October 1 through October 14, by October 22, 1992.

8. Respondents filed their 1992 12 Day Pre-General Report

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on November 10, 1992, disclosing \$5,970 in receipts and \$4,934.93 in disbursements for the relevant reporting period.

V. 1. Respondents failed to file the 1992 October Quarterly Report in a timely fashion in violation of 2 U.S.C. § 434(a)(2)(A)(iii).

2. Respondents failed to file the 1992 12 Day Pre-General Report in a timely fashion in violation of 2 U.S.C. § 434(a)(2)(A)(i).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Thousand Three Hundred Dollars (\$1,300), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

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

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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

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

Date

8/2/94

FOR THE RESPONDENTS:

Heather E. Sellers
Heather E. Sellers
Treasurer

Date

7/13/94

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3809

DATE FILMED 8-12-94 CAMERA NO. 2

CAMERAMAN JMH

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FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20461

Microfilm
 Public Records
 Press

THE FOLLOWING DOCUMENTATION IS ADDED TO
THE PUBLIC RECORD IN CLOSED MUR 3809.

8/30/94

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

8/29/94

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from Richard D. Sellers & Heather E. Sellers, check number 731, dated 8/25/94, and in the amount of \$1300.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Rosa E. Swinton
Accounting Technician

FROM: OGC, Docket By aa

In reference to the above check in the amount of \$1,300.00, the MUR number is 3809 and in the name of Sellers for U.S. Senate Cmte.. The account into which it should be deposited is indicated below:

- Budget Clearing Account (OGC), 95P3875.16
- Civil Penalties Account, 95-1099.160
- Other: _____

Anita Alexander
Signature

8-30-94
Date

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RICHARD D. SELLERS
HEATHER E. SELLERS
404 GREAT FALLS STREET
FALLS CHURCH, VA. 22048

731

Aug. 25, 1994

68-11135
560

PAY TO THE
ORDER OF

Federal Election Commission \$1,300.00

One thousand three hundred DOLLARS



FIRST VIRGINIA BANK
SERVING NORTHERN VIRGINIA
FALLS CHURCH, VIRGINIA 22042

MEMO

MUR 3809

Richard D. Sellers

⑆05600⑆1118⑆ 6155 9598⑆ 0731