



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 528

Date: 11/8/78
Film By: J.A.G.



78010073107

FEDERAL ELECTION COMMISSION

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

- | | |
|--|---|
| <input type="checkbox"/> (1) Classified Information | <input type="checkbox"/> (6) Personal privacy |
| <input type="checkbox"/> (2) Internal rules and practices | <input checked="" type="checkbox"/> (7) Investigatory files |
| <input type="checkbox"/> (3) Exempted by other statute | <input type="checkbox"/> (8) Banking Information |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input type="checkbox"/> (5) Internal Documents | |

Signed

Janice Shepard

date

Oct. 19, 1978

78040073106



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 18, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Louis Nine
1424 Wilkins Ave.
Bronx, N.Y. 10549

Re: MUR 528(78)

Dear Mr. Nine:

On October 12, 1978, the Commission voted to accept the conciliation agreement which you signed and dated September 21, 1978. A copy of the agreement signed by you and the Commission's General Counsel is enclosed.

Accordingly, the file is closed with respect to your violations.

Sincerely,

A handwritten signature in cursive script, appearing to read "William C. Oldaker".

William C. Oldaker
General Counsel

Enclosure:

1. Conciliation Agreement

78040773107

6804
5227

FILED
SEP 26 AM 11:34

BEFORE THE FEDERAL ELECTION COMMISSION

70 SEP 26 AM 11:34

In the Matter of)
Louis Nine) MUR 528 (78)
)

806518

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Louis Nine violated 2 U.S.C. §434(a)(1)(A)(i), 2 U.S.C. §434(a)(1)(i)(ii) and 2 U.S.C. §434(a)(1)(C) by failing to file the ten day pre-election report, the thirty day post-election report, and the April 10, 1978 quarterly report within the prescribed deadlines.

NOW, THEREFORE, the respective parties herein, the Federal Election Commission and the respondent Louis Nine having duly entered into conciliation pursuant to §437g(a)(5), hereby agree as follows:

- I. That the Federal Election Commission has jurisdiction over the respondent and the subject of this proceeding.
- II. That respondent Louis Nine has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. The pertinent facts in this matter are as follows:
 - A. That Louis Nine was the Democratic candidate for the U.S. House of Representatives in the New York Special Election held February 14, 1978.

78040073108

- B. The ten day pre-election report for the New York Special Election was due February 4, 1978.
- C. The candidate failed to file the ten day pre-election report on February 4, 1978; the report was filed February 24, 1978, 20 days after the due date.
- D. The thirty day post-election report for the New York Special Election was due March 16, 1978.
- E. The candidate failed to file the thirty day post-election report due March 16, 1978; a termination report covering this reporting period was filed May 19, 1978, 64 days after the due date.
- F. Louis Nine failed to file the first quarterly report for 1978 due April 10, 1978; a termination report covering this reporting period was filed May 19, 1978, 39 days after the due date.

THEREFORE, the Commission and respondent Louis Nine agree:

- I. Respondent's action in failing to file the ten day pre-election report timely violated 2 U.S.C. §434(a)(1)(A)(i).
- II. Respondent's action in failing to file the thirty day post-election report timely violated 2 U.S.C. §434(a)(1)(A)(ii).
- III. Respondent's action in failing to file the April 10, 1978 quarterly report timely violated 2 U.S.C. §434(a)(1)(C).
- IV. The Commission does not contend that the violations in question were knowingly and willfully committed.

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- V. Respondent Louis Nine will pay a civil penalty in the amount of \$100, pursuant to 2 U.S.C. §437g(a)(6)(B)(i).
- VI. Respondent agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

- I. 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 civil action for relief in the United States District Court for the District of Columbia.
- II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.
- III. It is agreed that respondent Louis Nine shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

FEDERAL ELECTION COMMISSION

Date: 10/18/78

William C. Oldaker

 William C. Oldaker
 General Counsel

Date: Sept 21, 1978

LOUIS NINE
Louis Nine

 Louis Nine

78040773110



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 528

7804073111





FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, D.C. 20543

THIS IS THE END OF MUR # 528/NF062

Date Filmed 5/14/80 Camera No. --- 2

Cameraman BPC

60179104008

Return Receipt

PS Form 3811, Apr 1977

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
 Show to whom and date delivered..... c
 Show to whom, date, and address of delivery..... c
 RESTRICTED DELIVERY
 Show to whom and date delivered..... c
 RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
*John J. ...
 ...
 ... 10549*

3. ARTICLE DESCRIPTION:
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.
 | **943684** |
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent
[Signature]

4. DATE OF DELIVERY
1 1978

5. ADDRESS: Complete only if requested.

6. UNABLE TO DELIVER BECAUSE: _____ CLERK'S INITIALS _____

POSTMARK
 1 1978
 115PO



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 18, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Louis Nine
1424 Wilkins Ave.
Bronx, N.Y. 10549

Re: MUR 528(78)

Dear Mr. Nine:

On October 12, 1978, the Commission voted to accept the conciliation agreement which you signed and dated September 21, 1978. A copy of the agreement signed by you and the Commission's General Counsel is enclosed.

Accordingly, the file is closed with respect to your violations.

Sincerely,

A handwritten signature in cursive script, appearing to read "William C. Oldaker".

William C. Oldaker
General Counsel

Enclosure:

1. Conciliation Agreement

30041134796

GFC+
5257

BEFORE THE FEDERAL ELECTION COMMISSION

75 SEP 26 AM 11:54

In the Matter of)
) MUR 528 (78)
Louis Nine)

806518

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Louis Nine violated 2 U.S.C. §434(a)(1)(A)(i), 2 U.S.C. §434(a)(1)(a)(ii) and 2 U.S.C. §434(a)(1)(C) by failing to file the ten day pre-election report, the thirty day post-election report, and the April 10, 1978 quarterly report within the prescribed deadlines.

NOW, THEREFORE, the respective parties herein, the Federal Election Commission and the respondent Louis Nine having duly entered into conciliation pursuant to §437g(a)(5), hereby agree as follows:

- I. That the Federal Election Commission has jurisdiction over the respondent and the subject of this proceeding.
- II. That respondent Louis Nine has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. The pertinent facts in this matter are as follows:
 - A. That Louis Nine was the Democratic candidate for the U.S. House of Representatives in the New York Special Election held February 14, 1978.

30040134777

- 30910134703
- B. The ten day pre-election report for the New York Special Election was due February 4, 1978.
 - C. The candidate failed to file the ten day pre-election report on February 4, 1978; the report was filed February 24, 1978, 20 days after the due date.
 - D. The thirty day post-election report for the New York Special Election was due March 16, 1978.
 - E. The candidate failed to file the thirty day post-election report due March 16, 1978; a termination report covering this reporting period was filed May 19, 1978, 64 days after the due date.
 - F. Louis Nine failed to file the first quarterly report for 1978 due April 10, 1978; a termination report covering this reporting period was filed May 19, 1978, 39 days after the due date.

THEREFORE, the Commission and respondent Louis Nine agree:

- I. Respondent's action in failing to file the ten day pre-election report timely violated 2 U.S.C. §434(a)(1)(A)(i).
- II. Respondent's action in failing to file the thirty day post-election report timely violated 2 U.S.C. §434(a)(1)(A)(ii).
- III. Respondent's action in failing to file the April 10, 1978 quarterly report timely violated 2 U.S.C. §434(a)(1)(C).
- IV. The Commission does not contend that the violations in question were knowingly and willfully committed.

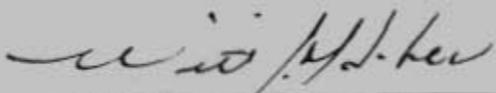
- V. Respondent Louis Nine will pay a civil penalty in the amount of \$100, pursuant to 2 U.S.C. §437g(a)(6)(B)(i).
- VI. Respondent agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

- I. 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 civil action for relief in the United States District Court for the District of Columbia.
- II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.
- III. It is agreed that respondent Louis Nine shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

FEDERAL ELECTION COMMISSION

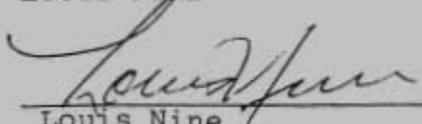
Date: 10/18/78



 William C. Oldaker
 General Counsel

LOUIS NINE

Date: Sept 21, 1978



 Louis Nine

3011134700

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Louis Nine and) MUR 528 (78)
Committee to Elect Louis)
Nine to Congress)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on October 12, 1978, meeting in Executive Session, the Commission determined by a vote of 6-0 to adopt the recommendation of the General Counsel to take the following actions in MUR 528 (78):

1. Approve the conciliation agreement signed by Louis Nine, close the file with respect to respondent Louis Nine, and send the letter attached to the General Counsel's Report dated September 28, 1978.
2. Find probable cause to believe that the Committee to Elect Louis Nine to Congress violated 2 U.S.C. §434(a) (1) and authorize civil action.

Attest:

10/12/78

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

30341134300

BEFORE THE FEDERAL ELECTION COMMISSION
September 28, 1978

In the Matter of)
)
Louis Nine and) MUR 528(78)
Committee To Elect Louis)
Nine To Congress)

General Counsel's Report

Background:

Mr. Nine was a Democratic candidate for the U.S. House of Representatives in the New York Special Election held February 14, 1978. Mr. Nine's name was referred to the Office of the General Counsel from the Reports Analysis Division after the Commission found reasonable cause to believe that Mr. Nine had violated 2 U.S.C. § 434(a)(1) by failing to file the ten day pre-election report for the New York Special election due February 4, 1978. Mr Nine's report was filed on February 24, 1978, 20 days late. On March 23, 1978, the Commission directed the Office of the General Counsel to proceed with conciliation efforts in this matter.

Conciliation Efforts & Additional Commission Findings

A conciliation agreement was sent to Mr. Nine on April 13, 1978, however, the agreement was returned to Commission marked "UNCLAIMED". On April 17, 1978 and May 11, 1978, the Commission found reasonable cause to believe that Mr. Nine additionally violated 2 U.S.C. § 434(a)(1) for failing to file the thirty day post-

election report and the April 10, 1978 quarterly report; and that the Committee To Elect Louis Nine To Congress violated 2 U.S.C. § 434(a)(1) by failing to file the thirty day post-election report. Both Mr. Nine and the Committee To Elect Louis Nine To Congress filed termination reports covering the reporting periods previously unaccounted for. These additional Commission findings were incorporated into a conciliation agreement and sent to Mr. Nine on June 8, 1978.

On July 21, 1978, Mr. Nine sent us a counterproposal. In his counterproposal, Mr. Nine requested that his conciliation agreement be separate from his committee's. On August 14, 1978, a revised agreement was sent to Mr. Nine and an agreement was sent to the committee's treasurer, Mr. Ivy Blecher.

Mr. Nine signed his conciliation agreement (Attachment A) and submitted his civil penalty to the Commission on September 26, 1978.

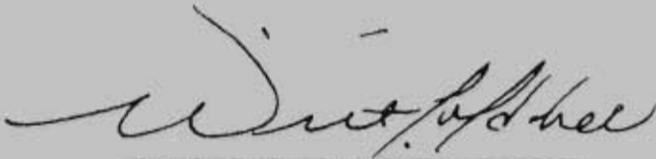
We received no response from the committee treasurer in regard to the agreement he received August 16, 1978. Therefore, on September 15, 1978, we tried to contact Mr. Blecher. We were unable to reach him; however, a message was left. On September 18, 1978, a letter was sent to Mr. Blecher requesting his response to the conciliation agreement by September 22, 1978 and stating our intention to recommend to the Commission that probable cause be

found if we failed to have his response. Mr. Blecher received the letter on September 20, 1978 and did not respond.

Recommendation:

- 1) Approve the conciliation agreement signed by Louis Nine, close the file with respect to respondent Louis Nine, and send the attached letter.
- 2) Find probable cause to believe that the Committee To Elect Louis Nine Congress violated 2 U.S.C. § 434(a)(1) and authorize civil action.

10/5/78
Date



William C. Oldaker
General Counsel

ATTACHMENTS:

(A) Conciliation Agreement
Letter

- B. The ten day pre-election report for the New York Special Election was due February 4, 1978.
- C. The candidate failed to file the ten day pre-election report on February 4, 1978; the report was filed February 24, 1978, 20 days after the due date.
- D. The thirty day post-election report for the New York Special Election was due March 16, 1978.
- E. The candidate failed to file the thirty day post-election report due March 16, 1978; a termination report covering this reporting period was filed May 19, 1978, 64 days after the due date.
- F. Louis Nine failed to file the first quarterly report for 1978 due April 10, 1978; a termination report covering this reporting period was filed May 19, 1978, 39 days after the due date.

THEREFORE, the Commission and respondent Louis Nine agree:

- I. Respondent's action in failing to file the ten day pre-election report timely violated 2 U.S.C. §434(a)(1)(A)(i).
- II. Respondent's action in failing to file the thirty day post-election report timely violated 2 U.S.C. §434(a)(1)(A)(ii).
- III. Respondent's action in failing to file the April 10, 1978 quarterly report timely violated 2 U.S.C. §434(a)(1)(C).
- IV. The Commission does not contend that the violations in question were knowingly and willfully committed.

- V. Respondent Louis Nine will pay a civil penalty in the amount of \$100, pursuant to 2 U.S.C. §437g(a)(6)(B)(i).
- VI. Respondent agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

- I. 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 civil action for relief in the United States District Court for the District of Columbia.
- II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.
- III. It is agreed that respondent Louis Nine shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

FEDERAL ELECTION COMMISSION

Date: _____

William C. Oldaker
General Counsel

Date: Sept 21, 1972

LOUIS NINE
Louis Nine
Louis Nine

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003313137



LOUIS NINE
1424 WILKENS AVENUE
BRONX, N.Y. 10460

198

PAY TO THE ORDER OF

Federal Electric Corp.

Sept 21 1978

137/710

\$ 100.00

One hundred and 00/100

DOLLARS



MANUFACTURERS HANOVER
TRUST COMPANY

1254 Southern Blvd., Bronx, N.Y. 10459

FOR

Open Account

Louis NINE

⑆0210⑈0030⑆0081 0⑈03333⑈ 0198



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Louis Nine
1424 Wilkins Ave.
Bronx, N.Y. 10549

Re: MUR 528(78)

Dear Mr. Nine:

On October , 1978, the Commission voted to accept the conciliation agreement which you signed and dated September 21, 1978. A copy of the agreement signed by you and the Commission's General Counsel is enclosed.

Accordingly, the file is closed with respect to your violations.

Sincerely,

William C. Oldaker
General Counsel

Enclosure:
1. Conciliation Agreement

60749194319



LOUIS NINE
1424 WILKENS AVENUE
BRONX, N.Y. 10460

198

DAY TO THE ORDER OF

Sept 21 1978
Federal Electric Co. \$ *100.00*^{00/100}

1-38/210

One hundred and 00/100

DOLLARS



MANUFACTURERS HANOVER
TRUST COMPANY

1254 Southern Blvd., Bronx, N.Y. 10457

FOR

Am. Express

Louis NINE

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507
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THE ASSEMBLY
STATE OF NEW YORK
ALBANY
LOUIS NINE
ASSEMBLYMAN 79TH DISTRICT
BRONX COUNTY
DISTRICT OFFICE
1471 WESTCHESTER AVE.
BRONX NEW YORK 10472
RESIDENCE
1424 WILKINS AVE
BRONX, NEW YORK 10459



Federal Election Commission
1325 K Street N.W.
Washington, D.c. 20463

SEP 28 1967



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO CHARLES STEELE
FROM: MARJORIE W. EMMONS *MWE*
DATE: SEPTEMBER 26, 1978
SUBJECT: MUR 528 "Intermin" Conciliation Report dated
9-19-78 Signed: 9-22-78. Received in
OCS 9-22-78. 2:33

The above-named document was circulated on a 24
hour no-objection basis at 10:00 a.m., September 25, 1978.

The Commission Secretary's Office has received
no objections to the above-named report as of 11:30 this
date.

September 22, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 528

Please have the attached Interim conciliation Report
on MUR 528 distributed to the Commission.

Thank you.

BEFORE THE FEDERAL ELECTION COMMISSION
September 19, 1978

In the Matter of)
)
Louis Nine) MUR 528 (78)
Committee to Elect Louis Nine)
to Congress)

INTERMIN CONCILIATION REPORT

3001134310
Respondents Louis Nine and Committee to Elect Louis Nine to Congress ("the Committee") received their conciliation agreements on August 19, 1978 and August 16, 1978, respectively. Mr. Nine requested a copy of the agreement sent to him; he had misplaced his agreement. Mr. Blecher, treasurer of the Committee, failed to return our call. On September 18, 1978, a letter was sent to Mr. Blecher requesting his response to the conciliation agreement by Friday, September 22, 1978; and stating that if we failed to receive his response by Friday, the Office of the General Counsel would recommend to the Commission that probable cause be found.

22 Sept 1978
Date


William C. Oldaker
General Counsel



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

EXPRESS MAIL

September 18, 1978

Mr. Ivy Kenneth Blecher, Treasurer
Committee to Elect Louis Nine to
Congress
369 East 149th Street
Bronx, NY 10455

RE: MUR 528

Dear Mr. Blecher:

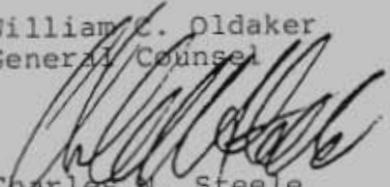
On August 16, 1978, you received a conciliation agreement that this office proposes in settlement of MUR 528. You were also notified that you had ten days from the date you received the letter to agree to the provisions stated in the agreement or to notify us of any suggestions for changes. To date, we have not received a response from you.

Please note, that under 2 U.S.C. §437q(a)(5)(A), the Commission has a duty to attempt to correct such violations for a period of thirty days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement. If we are unable to reach an agreement during that period, the Commission, upon a finding of probable cause to believe a violation has occurred, may institute a civil suit in United States District Court and seek a civil penalty.

Unless we receive your response by Friday, September 22, 1978, this office will recommend to the Commission that they find probable cause to believe a violation has occurred.

Sincerely,

William C. Oldaker
General Counsel



Charles W. Steele
Associate General Counsel



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *MWE*
FROM: MARJORIE W. EMMONS
DATE: AUGUST 25, 1978
SUBJECT: MUR 528 Interim Conciliation Report
dated 8-21-78, Signed 8-24-78
Received in Office of Commission
Secretary 8-24-78, 1:22

The above-named document was circulated to the Commission on a 24-hour no-objection basis at 4:30 p.m. August 24, 1978.

There were no objections to the Interim Conciliation Report.

BEFORE THE FEDERAL ELECTION COMMISSION
August 21, 1978

In The Matter Of)
)
Louis Nine and) MUR 528 (78)
Committee to Elect Louis Nine)
to Congress)

INTERIM CONCILIATION REPORT

Mr. Nine's counterproposal requested his agreement to be separate from his committee's, the civil penalty lowered, and "a stipulation that there was no deliberate wrongdoing" on his part be added to his agreement. A revised agreement was sent to Mr. Nine for his signature on August 14, 1978.

A letter has also been sent to Mr. Blecher, treasurer of the Committee to Elect Louis Nine to Congress, restating the Commission's reasonable cause to believe finding and enclosing a proposed conciliation agreement in settlement of the committee's violations.

8/24/78

DATE



WILLIAM C. OLDAKER
GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 14, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ivy Kenneth Blecher, Treasurer
Committee to Elect Louis Nine
to Congress
369 East 149th Street
Bronx, New York 10455

Re: MUR 528 (78)

Dear Mr. Blecher:

On April 17, 1978, the Federal Election Commission found reasonable cause to believe that your committee violated 2 U.S.C. §434(a)(1)(ii) for failing to file the thirty day post-election report for the New York Special Election.

The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement, 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in the United States District Court and seek a civil penalty.

We enclose a conciliation agreement that this office is prepared to recommend to the Commission 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 approve the agreement.

If you have any questions, or suggestions for changes in the enclosed conciliation agreement, please contact

Judy Thedford, the staff member assigned to this matter, at 202-523-4057 within ten days.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

MUR 528 Mapad

PS Form 3811, Apr 1977

RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
 Show to whom and date delivered. C
 Show to whom, date, and address of delivery. C
 RESTRICTED DELIVERY Show to whom and date delivered. C
 RESTRICTED DELIVERY Show to whom, date, and address of delivery. \$ ____ (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO
The Judy Thedford Blicher has come to Elect Paris News To Long. Box East 179th St 204 58

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
438133

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent
M. Tripes

4. DATE OF DELIVERY *8/16/78* POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS *CP*

☆GPO: 1977-0-249-596

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Committee to Elect Louis) MUR 528 (78)
Nine to Congress)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Committee to Elect Louis Nine to Congress violated 2 U.S.C. §434(a) (1)(A)(ii) by failing to file the thirty day post-election report within the prescribed deadline.

NOW, THEREFORE, the respective parties herein, the Federal Election Commission and the respondent Committee to Elect Louis Nine to Congress, having duly entered into conciliation pursuant to §437g(a)(5), hereby agree as follows:

- I. That the Federal Election Commission has jurisdiction over the respondent and the subject of this proceeding.
- II. That the respondent Committee to Elect Louis Nine to Congress has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. The pertinent facts in this matter are as follows:
 - A. That Louis Nine was the Democratic candidate for the U.S. House of Representatives in the New York Special Election held February 14, 1978.

- B. Louis Nine designated the Committee to Elect Louis Nine Congress as his principal campaign committee on February 10, 1978. The committee's Statement of Organization was filed February 15, 1978.
- C. The thirty day post-election report for the New York Special Election was due March 16, 1978.
- D. The committee failed to file the thirty day post-election report on March 16, 1978. A termination report covering this reporting period was filed May 2, 1978, 47 days after the due date.

THEREFORE, the Commission and respondent Committee to Elect Louis Nine to Congress agree:

- I. Respondent's action in failing to file the thirty day post-election report timely violated 2 U.S.C. §434(a)(1)(A)(ii).
- II. Respondent will pay a civil penalty in the amount of \$100, pursuant to 2 U.S.C. §437g(a)(6)(B)(i).
- III. Respondent agrees that it will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

- I. 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 civil action for relief in the United States District Court for the District of Columbia.

- II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.
- III. It is agreed that respondent Committee to Elect Louis Nine to Congress shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

FEDERAL ELECTION COMMISSION

Date: _____

William C. Oldaker
General Counsel

COMMITTEE TO ELECT LOUIS NINE
TO CONGRESS

Date: _____

By: _____

Its: _____



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 14, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Louis Nine
1424 Wilkins Avenue
Bronx, New York 10459

Re: MUR 528 (78)

Dear Mr. Nine:

The enclosed conciliation agreement reflects modifications of the agreement previously sent to you. Upon review of your response, this office is prepared to present the revised agreement to the Commission in settlement of this matter.

If you agree with the provisions of the enclosed conciliation agreement, please sign and return it along with the civil penalty to the Commission within ten days. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed agreement, please contact Judy Thedford, the staff member assigned to this matter, at 202-523-4057.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

MUK 538 *Stuffed*

PS Form 3811 Apr 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER. Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
 Show to whom and date delivered ¢
 Show to whom, date, and address of delivery ¢
 RESTRICTED DELIVERY
Show to whom and date delivered ¢
 RESTRICTED DELIVERY
Show to whom, date, and address of delivery. \$ ____
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO
*Mr. Louis King
1424 Willden Ave.
Bronx, N.Y. 10459*

3. ARTICLE DESCRIPTION
REGISTERED NO. | CERTIFIED NO. | INSURED NO.
| *458134* | |

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Addressee Authorized agent
[Signature]

4. DATE OF DELIVERY | POSTMARK
| *AUG 19 1978* |

5. ADDRESS (Complete only if required)

6. UNABLE TO DELIVER BECAUSE *USPO* | CLERK'S INITIALS

- B. The ten day pre-election report for the New York Special Election was due February 4, 1978.
- C. The candidate failed to file the ten day pre-election report on February 4, 1978; the report was filed February 24, 1978, 20 days after the due date.
- D. The thirty day post-election report for the New York Special Election was due March 16, 1978.
- E. The candidate failed to file the thirty day post-election report due March 16, 1978; a termination report covering this reporting period was filed May 19, 1978, 64 days after the due date.
- F. Louis Nine failed to file the first quarterly report for 1978 due April 10, 1978; a termination report covering this reporting period was filed May 19, 1978, 39 days after the due date.

THEREFORE, the Commission and respondent Louis Nine agree:

- I. Respondent's action in failing to file the ten day pre-election report timely violated 2 U.S.C. §434(a)(1)(A)(i).
- II. Respondent's action in failing to file the thirty day post-election report timely violated 2 U.S.C. §434(a)(1)(A)(ii).
- III. Respondent's action in failing to file the April 10, 1978 quarterly report timely violated 2 U.S.C. §434(a)(1)(C).
- IV. The Commission does not contend that the violations in question were knowingly and willfully committed.

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- V. Respondent Louis Nine will pay a civil penalty in the amount of \$100, pursuant to 2 U.S.C. §437g(a)(6)(B)(i).
- VI. Respondent agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

- I. 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 civil action for relief in the United States District Court for the District of Columbia.
- II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.
- III. It is agreed that respondent Louis Nine shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

FEDERAL ELECTION COMMISSION

Date: _____

William C. Oldaker
General Counsel

LOUIS NINE

Date: _____

Louis Nine



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO CHARLES STEELE
FROM: MARJORIE W. EMMONS *MWE*
DATE: JULY 31, 1978
SUBJECT: MUR 528 - Interim Conciliation Report
Dated: July 24, 1978
Received in Office of Commission
Secretary: 7-28-78, 11:40

The above-named document was circulated on a 24 hour no-objection basis at 3:00 p.m. on July 28, 1978.

The Commission Secretary's Office has received no objections to the Interim Conciliation Report as of 4:00 p.m. this date.

Commissioners Harris, Springer, Staebler, Thomson, and Tiernan returned their papers by the deadline.

July 28, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 528

Please have the attached Interim Conciliation Report
on MUR 528 distributed to the Commission.

Thank you.

ACC 4246 NAW



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

LOUIS NINE
Assemblyman 79th District
Bronx County

District Office:
1471 Westchester Ave.
Bronx, New York 10472

Residence:
1424 Wilkins Ave.
Bronx, New York 10459
(212) 589-3543
(212) 542-3355

Chairman:
Speaker's Task Force on Air Fares

Chairman:
Democratic Conference

Chairman:
Sub-Committee Civil Service Employees

Committee Assignments:
Rules
Social Services
Governmental Employees
Election Law

July 21, 1978

Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

Attention: Ms. Judy Thedford, Staff Member

Re: MUR 528 (78)

Dear Ms. Thedford:

This letter will confirm our telephone conversation concerning the enclosed conciliation agreement.

As I indicated to you although I did file late as stated there were attenuating circumstances that warrant a dismissal of the complaint or a very small fine.

As soon as I was designated by my party to be the candidate it was suggested to me the name of an accountant who supposedly was experienced in this matter. I also appointed a treasurer to a committee.

Since I was giving all necessary information concerning my expenses all of which were being met with my own funds I assumed that the reporting was being taken care of.

The first indication to me that somethin was wrong was when the day before the election I heard some adverse news on the radio to the fact that I had failed to file the reports and was being disqualified. I immediately spoke to Mr. Blecher who spoke to the accountant and I was told that the papers had been filed that it was an error. Apparently this was not true; but at least I was able to secure a retraction of the media, on the same day, to the effect that I had not been disqualified.

I continued to give an account of my expenses to the treasurer and to the accountant and again I assumed that the reporting was complied with until I started receiving your notices.

I discussed the matter with the accountant who promised to bring the reporting up to date and file a final report.

He failed to do so and I had to reconstruct the whole account and I did the reporting myself. This is the one in your file.

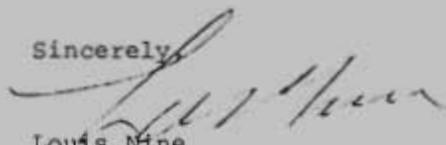
As to the Committee's reporting that was completely out of my hands. To my knowledge there was only one contribution and one expenditure. Mr. Bleecher filed this report

I submit that if I have to be fined, the fine should be minimal, not to exceed one hundred dollars.

In so far as there was no deliberate wrong doing on my part, I respectfully request that there be a stipulation that there was no deliberate wrongdoing on my part.

I thank you very much.

Sincerely,



Louis Nine
Member of the Assembly

Enclosure

LN/mjt

A. That Louis Nine was the Democratic candidate for the U.S. House of Representatives in the New York Special Election held February 14, 1978.

B. The ten day pre-election report for the New York Special Election was due February 4, 1978.

C. The candidate failed to file the ten day pre-election report on February 4, 1978; the report was filed February 24, 1978, 20 days after the due date.

D. Louis Nine designated the Committee to Elect Louis Nine to Congress as his principal campaign committee on February 10, 1978, the committee's Statement of Organization was filed February 15, 1978.

E. The thirty day post-election report for the New York Special Election was due March 16, 1978.

F. The candidate failed to file the thirty day post-election report due March 16, 1978; a termination report covering this reporting period was filed May 19, 1978, 64 days after the due date.

G. The principal campaign committee failed to file the thirty day post-election report on March 16, 1978, a termination report covering this reporting period was filed May 2, 1978, 47 days after the due date.

H. Louis Nine failed to file the first quarterly report for 1978 due April 10, 1978; a termination report covering this reporting period was filed May 19, 1978, 39 days after the due date.

THEREFORE, respondents Louis Nine and the Committee to Elect Louis Nine to Congress agree:

I. Respondent Louis Nine's action in failing to file the ten day pre-election report timely violated 2 U.S.C. §434(a)(1)(A)(i).

II. Respondent Louis Nine's action in failing to file the thirty day post-election report timely violated 2 U.S.C. §434(a)(1)(A)(ii).

III. Respondent Louis Nine's action in failing to file the April 10, 1978 quarterly report timely violated 2 U.S.C. §434(a)(1)(C).

IV. Respondent Committee to Elect Louis Nine to Congress's action in failing to file the thirty day post-election report timely violated 2 U.S.C. §434(a)(1)(A)(ii).

V. Respondent Louis Nine will pay a civil penalty in the amount of \$300, pursuant to 2 U.S.C. §437g(a)(6)(B)(i).

VI. Respondent Committee to Elect Louis Nine to Congress will pay a civil penalty in the amount of \$100, pursuant to 2 U.S.C. §437g(a)(6)(B)(i).

VII. Respondents agree that they will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

I. 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 civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondents Louis Nine and the Committee to Elect Louis Nine to Congress shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

FEDERAL ELECTION COMMISSION

Date: _____

William C. Oldaker
General Counsel

LOUIS NINE

Date: _____

Louis Nine

COMMITTEE TO ELECT LOUIS NINE
TO CONGRESS

Date: _____

By: _____

Its: _____

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THE ASSEMBLY
STATE OF NEW YORK

ALBANY
LOUIS NINE

ASSEMBLYMAN 79TH DISTRICT
BRONX COUNTY

DISTRICT OFFICE
1471 WESTCHESTER AVE
BRONX, NEW YORK 10472

RESIDENCE
1424 WILKINS AVE
BRONX, NEW YORK 10459

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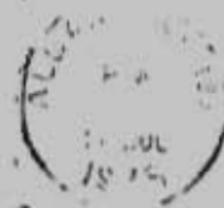
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11 1:14

Federal Election Commission
1325 K Street N.W.
Washington, D. C. 10463

Attention: Ms. Judy Thedford

PERSONAL AND UNOFFICIAL



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

July 6, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Louis Nine
Room 656
Legislative Office Building
Albany, NY 12248

Re: MUR 528 (78)

Dear Mr. Nine:

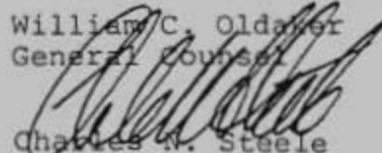
On June 8, 1978, a letter and conciliation agreement were sent to you notifying you that the Commission had found reasonable cause to believe that you violated certain provisions of the Federal Election Campaign Act of 1971, as amended.

As of this date, we have not received the signed agreement or a counterproposal expressing your view in this matter. Please note that the Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement, 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in the United States District Court and seek a civil penalty.

If you have any questions regarding this matter, please call Judy Thedford, the staff member assigned to this matter, at 202-523-4057.

Sincerely,

William C. Oldaker
General Counsel


Charles N. Steele
Associate General Counsel

0184311003

NOV 528 *Thompson*

PS Form 3811, Nov. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
- Show to whom and date delivered.....
 - Show to whom, date, and address of delivery.....
 - RESTRICTED DELIVERY
Show to whom and date delivered.....
 - RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.....
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
*Mr. James P. ...
Room 656
Legislative Office Bldg.
Albany, NY 12249*

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943532	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

James P. ...

4. DATE OF DELIVERY: *7/25/78* POSTMARK

5. ADDRESS (Complete only if requested):
2942 Brighton

6. UNABLE TO DELIVER BECAUSE:





FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

July 10, 1978

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS

mwe

SUBJECT: MUR 528 - Interim Report dated 6-28-78
Signed 7-6-78
Received in Office of Commission
Secretary 7-6-78, 3:41

The above-mentioned document was circulated on a 24 hour no-objection basis at 9:00 a.m., July 7, 1978.

As of 9:30 a.m., this date, no objections have been received in the Office of Commission Secretary to the Interim Report.

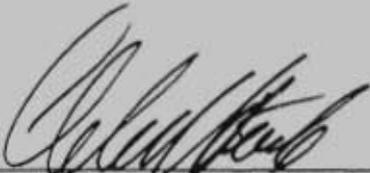
BEFORE THE FEDERAL ELECTION COMMISSION
June 28, 1978

In the Matter of)
)
Louis Nine) MUR 528 (78)

INTERIM REPORT

On June 8, 1978, the respondent was sent a revised letter and conciliation agreement which the Commission approved June 7, 1978. To date, we have not received a signed agreement or a counterproposal from the respondent. A letter has been sent to Mr. Nine notifying him of his delinquency in responding.

6 July 1978
DATE



WILLIAM C. OLDAKER
GENERAL COUNSEL

200113134313



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 8, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Louis Nine
Room 656
Legislative Office Building
Albany, NY 12248

Re: MUR 528 (78)

Dear Mr. Nine:

On February 8, 1978, April 17, 1978, and May 11, 1978, the Federal Election Commission found reasonable cause to believe that you violated 2 U.S.C. §434(a)(1)(A)(i) for failing to file the ten day pre-election report, 2 U.S.C. §434(a)(1)(A)(ii) for failing to file the thirty day post-election report, and 2 U.S.C. §434(a)(1)(C) for failing to file the April 10, 1978 quarterly report, respectively. Additionally, the Commission found reasonable cause to believe that your principal campaign committee, Committee to Elect Louis Nine to Congress, violated 2 U.S.C. §434(a)(1)(A)(ii) for failing to file the thirty day post-election report.

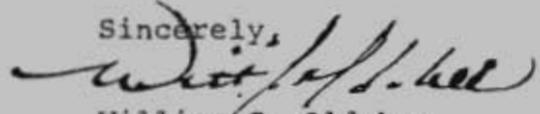
The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement, 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in the United States District Court and seek a civil penalty.

If you agree with the provisions of the enclosed conciliation agreement, please sign and return it along with the civil penalty to the Commission in ten days. I will then recommend that the Commission approve the agreement.

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If you have any questions or suggestions for changes in the enclosed agreement, please contact Judy Thedford, the staff member assigned to this matter, at 202-523-4057.

Sincerely,



William C. Oldaker
General Counsel

Enclosure

20041134613

THEREFORE, respondents Louis Nine and the Committee to Elect Louis Nine to Congress agree:

I. Respondent Louis Nine's action in failing to file the ten day pre-election report timely violated 2 U.S.C. §434(a)(1)(A)(i).

II. Respondent Louis Nine's action in failing to file the thirty day post-election report timely violated 2 U.S.C. §434(a)(1)(A)(ii).

III. Respondent Louis Nine's action in failing to file the April 10, 1978 quarterly report timely violated 2 U.S.C. §434(a)(1)(C).

IV. Respondent Committee to Elect Louis Nine to Congress's action in failing to file the thirty day post-election report timely violated 2 U.S.C. §434(a)(1)(A)(ii).

V. Respondent Louis Nine will pay a civil penalty in the amount of \$300, pursuant to 2 U.S.C. §437g(a)(6)(B)(i).

VI. Respondent Committee to Elect Louis Nine to Congress will pay a civil penalty in the amount of \$100, pursuant to 2 U.S.C. §437g(a)(6)(B)(i).

VII. Respondents agree that they will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

I. 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 civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondents Louis Nine and the Committee to Elect Louis Nine to Congress shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

FEDERAL ELECTION COMMISSION

Date: _____

William C. Oldaker
General Counsel

LOUIS NINE

Date: _____

Louis Nine

COMMITTEE TO ELECT LOUIS NINE
TO CONGRESS

Date: _____

By: _____

Its: _____

June 2, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 528

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Please have the attached Memo and conciliation agreement in MUR 528 distributed to the Commission on a 43 hour tally basis.

Thank you.



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

May 31, 1978

MEMORANDUM

TO: The Commissioners

FROM: William C. Oldaker

A handwritten signature in dark ink, appearing to read "W.C. Oldaker", written over the printed name.

SUBJECT: MUR 528 Conciliation Agreement

Attached for the Commission's approval is a revised conciliation agreement in connection with MUR 528. The revised conciliation agreement reflects the recent filing of the candidate's termination report on May 19, 1978.

Minor changes have made to the agreement to state the candidate's late filing status instead of non-filing, and the fine has also been modified to reflect the late filing status.

60343184952

BEFORE THE FEDERAL ELECTION COMMISSION
May 24, 1978

In the Matter of)
Louis Nine and) MUR 528 (78)
Committee to Elect Louis)
Nine to Congress)

CONCILIATION AGREEMENT

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This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Louis Nine violated 2 U.S.C. §434(a)(1)(A)(i), 2 U.S.C. §434(a)(1)(A)(ii) and 2 U.S.C. §434(a)(1)(C) by failing to file the ten day pre-election report, the thirty day post-election report, and the April 10, 1978 quarterly report within the prescribed deadlines; and that respondent Committee to Elect Louis Nine to Congress violated 2 U.S.C. §434(a)(1)(A)(ii) by failing to file the thirty day post-election report within the prescribed deadline.

NOW, THEREFORE, the respective parties herein, the Federal Election Commission and the respondents Louis Nine and Committee to Elect Louis Nine to Congress, having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over the respondents and the subject of this proceeding.

II. That respondents Louis Nine and Committee to Elect Louis Nine to Congress have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

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

A. That Louis Nine was the Democratic candidate for the U.S. House of Representatives in the New York Special Election held February 14, 1978.

B. The ten day pre-election report for the New York Special Election was due February 4, 1978.

C. The candidate failed to file the ten day pre-election report on February 4, 1978; the report was filed February 24, 1978, 20 days after the due date.

D. Louis Nine designated the Committee to Elect Louis Nine to Congress as his principal campaign committee on February 10, 1978, the committee's Statement of Organization was filed February 15, 1978.

E. The thirty day post-election report for the New York Special Election was due March 16, 1978.

F. The candidate failed to file the thirty day post-election report due March 16, 1978; a termination report covering this reporting period was filed May 19, 1978, 64 days after the due date.

G. The principal campaign committee failed to file the thirty day post-election report on March 16, 1978, a termination report covering this reporting period was filed May 2, 1978, 47 days after the due date.

H. Louis Nine failed to file the first quarterly report for 1978 due April 10, 1978; a termination report covering this reporting period was filed May 19, 1978, 39 days after the due date.

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THEREFORE, respondents Louis Nine and the Committee to Elect Louis Nine to Congress agree:

I. Respondent Louis Nine's action in failing to file the ten day pre-election report timely violated 2 U.S.C. §434(a)(1)(A)(i).

II. Respondent Louis Nine's action in failing to file the thirty day post-election report timely violated 2 U.S.C. §434(a)(1)(A)(ii).

III. Respondent Louis Nine's action in failing to file the April 10, 1978 quarterly report timely violated 2 U.S.C. §434(a)(1)(C).

IV. Respondent Committee to Elect Louis Nine to Congress's action in failing to file the thirty day post-election report timely violated 2 U.S.C. §434(a)(1)(A)(ii).

V. Respondent Louis Nine will pay a civil penalty in the amount of \$300, pursuant to 2 U.S.C. §437g(a)(6)(B)(i).

VI. Respondent Committee to Elect Louis Nine to Congress will pay a civil penalty in the amount of \$100, pursuant to 2 U.S.C. §437g(a)(6)(B)(i).

VII. Respondents agree that they will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

I. The Commission, on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matters at issue herein,

900) 184355

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 civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondents Louis Nine and the Committee to Elect Louis Nine to Congress shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

FEDERAL ELECTION COMMISSION

Date: _____

William C. Oldaker
General Counsel

LOUIS NINE

Date: _____

Louis Nine

COMMITTEE TO ELECT LOUIS NINE
TO CONGRESS

Date: _____

By: _____

Its: _____

300181856



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

May 22, 1978

MEMORANDUM

TO: The Commissioners

FROM: William C. Oldaker

SUBJECT: MUR 528 (78)

Attached is a revised conciliation agreement for Louis Nine and his principal campaign committee, Committee to Elect Louis Nine to Congress. The revised agreement includes the additional reasonable cause determinations by the Commission pertaining to Mr. Nine's failure to file the 30 day post-election report and the April 10, 1978 quarterly report, and his committee's failure to file the 30 day post-election report.

*Please note that the date of receipt of Mr. Nine's pre-election report reads February 24, 1978. The date was incorrectly reported February 19, 1978 in the General Counsel's Report and conciliation report previously circulated to the Commission.

30041853

May 22, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 528

Please have the attached Memo and conciliation agreement on MUR 528 distributed to the Commission on a 48 hbor ~~daily~~ basis.

Thank you.

20710134859



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Louis Nine
Room 656
Legislative Office Building
Albany, NY 12248

Re: MUR 528 (78)

Dear Mr. Nine:

On February 8, 1978, April 17, 1978, and May 11, 1978, the Federal Election Commission found reasonable cause to believe that you violated 2 U.S.C. §434(a)(1)(A)(i) for failing to file the ten day pre-election report, 2 U.S.C. §434(a)(1)(A)(ii) for failing to file the thirty day post-election report, and 2 U.S.C. §434(a)(1)(C) for failing to file the April 10, 1978 quarterly report, respectively. Additionally, the Commission found reasonable cause to believe that your principal campaign committee, Committee to Elect Louis Nine to Congress, violated 2 U.S.C. §434(a)(1)(A)(ii) for failing to file the thirty day post-election report.

The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement, 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in the United States District Court and seek a civil penalty.

If you agree with the provisions of the enclosed conciliation agreement, please sign and return it along with the civil penalty to the Commission in ten days. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed agreement, please contact Judy Thedford, the staff member assigned to this matter, at 202-523-4057.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

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BEFORE THE FEDERAL ELECTION COMMISSION
May 11, 1978

In the Matter of)
)
Louis Nine and) MUR 528 (78)
Committee to Elect Louis Nine)
to Congress)

CONCILIATION AGREEMENT

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This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Louis Nine violated 2 U.S.C. §434(a)(1)(A)(i) by failing to file the ten day pre-election report within the prescribed deadline, and 2 U.S.C. §434(a)(1)(A)(ii) and (C) for failing to file the thirty day post-election and the April 10, 1978 quarterly reports; and that respondent Committee to Elect Louis Nine to Congress violated 2 U.S.C. §434(a)(1)(A)(ii) by failing to file the thirty day post-election report within the prescribed deadline.

NOW, THEREFORE, the respective parties herein, the Federal Election Commission and the respondents Louis Nine and Committee to Elect Louis Nine to Congress, having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

- I. That the Federal Election Commission has jurisdiction over the respondents and the subject of this proceeding.
- II. That respondents Louis Nine and Committee to Elect Louis Nine to Congress have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. The pertinent facts in this matter are as follows:

A. That Louis Nine was the Democratic candidate for the U.S. House of Representatives in the New York Special Election held February 14, 1978.

B. The ten day pre-election report for the New York Special Election was due February 4, 1978.

C. The candidate failed to file the ten day pre-election report on February 4, 1978; the report was filed February 24, 1978, 20 days after the due date.

D. Louis Nine designated the Committee to Elect Louis Nine to Congress as his principal campaign committee on February 10, 1978, the committee's Statement of Organization was filed February 15, 1978.

E. The thirty day post-election report for the New York Special Election was due March 16, 1978.

F. The candidate failed to file the thirty day post-election report due March 16, 1978.

G. The principal campaign committee failed to file the thirty day post-election report on March 16, 1978; the report was filed May 2, 1978, 47 days after the due date.

H. Louis Nine failed to file the first quarterly report for 1978 due April 10, 1978.

THEREFORE, respondents Louis Nine and the Committee to Elect Louis Nine to Congress agree:

I. Respondent Louis Nine's action in failing to file the ten day pre-election report timely violated 2 U.S.C. §434(a)(1)(A)(i).

II. Respondent Louis Nine's action in failing to file the thirty day post-election report violated 2 U.S.C. §434(a)(1)(A)(ii).

III. Respondent Louis Nine's action in failing to file the April 10, 1978 quarterly report violated 2 U.S.C. §434(a)(1)(C).

IV. Respondent Louis Nine agrees to file all disclosure reports required by 2 U.S.C. §434(a) until such time as he terminates his filing status.

V. Respondent Committee to Elect Louis Nine to Congress's action in failing to file the thirty day post-election timely violated 2 U.S.C. §434(a)(1)(C).

VI. Respondent Louis Nine will pay a civil penalty in the amount of \$600, pursuant to 2 U.S.C. §437g(a)(6)(B)(i).

VII. Respondent Committee to Elect Louis Nine to Congress will pay a civil penalty in the amount of \$100, pursuant to 2 U.S.C. §437g(a)(6)(B)(i).

VIII. Respondents agree they will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

I. 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 civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondents Louis Nine and the

Committee to Elect Louis Nine to Congress shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or so notify the Commission.

FEDERAL ELECTION COMMISSION

DATE

WILLIAM C. OLDAKER
GENERAL COUNSEL

LOUIS NINE

DATE

LOUIS NINE

COMMITTEE TO ELECT LOUIS NINE
TO CONGRESS

DATE

By: _____

Its: _____

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FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

MIR 528

May 11, 1978

MEMORANDUM

TO: WILLIAM C. OLDAKER
THROUGH: ORLANDO B. POTTER
TOM HASELHORST
FROM: PETER KELL, JR.

SUBJECT: REFERRAL OF NEW YORK SPECIAL ELECTION CANDIDATE WHO FAILED TO FILE A 30 DAY POST ELECTION REPORT

The following House candidate has failed to file a 30 Day Post Special Election report with the Clerk of the House.

Louis Nine NY/21

Reason to believe was found March 24, 1978.

Reasonable cause to believe was found April 17, 1978.

The candidates name was published on a list of non-filers on May 2, 1978.



LOUIS NINE

DISTRICT 21

RTB was found March 24, 1978. Return receipt received.
RCTB was found April 17, 1978. Return receipt received.
Candidate was published on a list of non-filers on May 2, 1978.

PS Form 3811, Apr. 1977

300413437

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
 Show to whom and date delivered.
 Show to whom, date, and address of delivery.
 RESTRICTED DELIVERY
 Show to whom and date delivered.
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery: \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 943289

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent
 X *W. P. Pires*

4. DATE OF DELIVERY POSTMARK
 4-17-78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

LN-NY-4B-RA 30A

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
 Show to whom and date delivered.
 Show to whom, date, and address of delivery.
 RESTRICTED DELIVERY
 Show to whom and date delivered.
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery: \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 943671

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent
W. P. Pires

4. DATE OF DELIVERY POSTMARK
 4-17-78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

LN-NINE/NY/4B

RC7030



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

May 9, 1978

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *mwe*
SUBJECT: Interim Conciliation Report dated 5-4-78
MUR 528 (78) Signed by General Counsel: 5-5-78
Received in Office of Commission Secretary: 5-5-78, 3:20

The above-mentioned document was circulated on a 24 hour no-objection basis at 3:00 p.m., May 8, 1978.

As of 4:00 p.m., this date, no objections have been received in the Office of Commission Secretary to the Interim Conciliation Report.

8004194859

May 5, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 528

Please have the attached Interim Conciliation Report on MUR 528 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

3074113495

BEFORE THE FEDERAL ELECTION COMMISSION

May 4, 1978

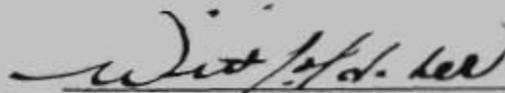
In the Matter of)
)
Louis Nine) MUR 528 (78)
)

INTERIM CONCILIATION REPORT

At the present, we have not received a response to our proposed conciliation agreement in connection with Mr. Nine's late filing of the 10 day pre-election report. Since the Commission's finding of reasonable cause regarding Mr. Nine's failure to file his pre-election report, the Commission has additionally found reasonable cause to believe in connection with Mr. Nine's and his principal campaign committee's (Committee to Elect Louis Nine to Congress) failure to file the 30 day post-election report. We are presently amending the original conciliation proposal to incorporate this second count.

5/5/78

DATE



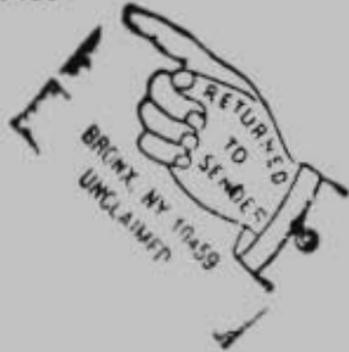
WILLIAM C. OLDAKER
GENERAL COUNSEL

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

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Mr. Louis Fine
1414 Wilkins Avenue
New York, NY 10459



POSTAGE AND FEES PAID



NAME _____
1st Notice APR 18 1978
2nd Notice _____
Return _____

CERTIFIED
943655

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PS Form 3811, Apr. 1977

528-57

<p>● SENDER: Complete items 1., 2., and 3. Add your address in the "RETURN TO" space on reverse.</p>	
<p>1. The following service is requested (check one):</p> <p><input type="checkbox"/> Show to whom and date delivered.</p> <p><input checked="" type="checkbox"/> Show to whom, date, and address of delivery.</p> <p><input type="checkbox"/> RESTRICTED DELIVERY</p> <p> Show to whom and date delivered.</p> <p><input type="checkbox"/> RESTRICTED DELIVERY.</p> <p> Show to whom, date, and address of delivery. \$ _____</p> <p> (CONSULT POSTMASTER FEES)</p>	
<p>2. ARTICLE ADDRESSED TO:</p> <p><i>Mrs. Louis N. ...</i> <i>1424 ...</i> <i>NY NY 100...</i></p>	
<p>3. ARTICLE DESCRIPTION:</p> <p>REGISTERED NO. <i>943655</i></p> <p>INSURED NO. _____</p>	<p><i>(Always obtain signatures of addressee or agent)</i></p>
<p>I have received the article described above.</p> <p>SIGNATURE <i>A. B. U.</i> <input type="checkbox"/> Address <input type="checkbox"/> Authorized agent</p>	
<p>4. DATE OF DELIVERY</p>	<p>POSTMARK</p>
<p>5. ADDRESS (Complete only if requested)</p>	
<p>6. UNABLE TO DELIVER BECAUSE:</p>	<p>CLERK'S INITIALS</p>

☆ 490 : 187-O-224-227

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20461

April 13, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Louis Nine
1424 Wilkins Avenue
New York, NY 10459

Re: MUR 528 (78)

Dear Mr. Nine:

On February 8, 1978, the Commission determined there was reasonable cause to believe that you committed a violation of 2 U.S.C. §434(a) of the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission found reasonable cause to believe that your late filing of the 10 day pre-election report for the New York Special election, due February 4, 1978, violates 2 U.S.C. §434(a)(1)(A)(i) which requires the report to be filed not later than 10 days before an election is held.

The Commission has a duty to attempt to correct such violation for a period of 30 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in United States District Court and seek payment of a civil penalty not in excess of \$5000.

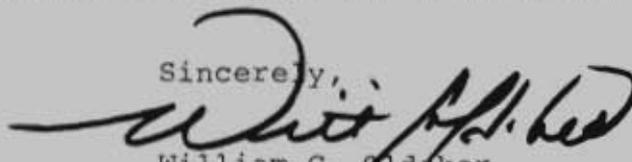
We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed conciliation agreement, please sign and return it along with the civil penalty to the Commission within ten days. I will then recommend that the Commission approve the agreement.



800413973

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Judy Theford, the staff member assigned to this matter, at 202-523-4057.

Sincerely,



William C. Oldaker
General Counsel

Enclosure

80040131374

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Louis Nine

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MUR 528 (78)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Louis Nine violated 2 U.S.C. §434 (a)(1)(A)(i) by failing to file the ten day pre-election report within the prescribed deadline.

NOW, THEREFORE, the respective parties herein, the Federal Election Commission and respondent Louis Nine, having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over the respondent and the subject of this proceeding.

II. That respondent Louis Nine has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. That Louis Nine was the Democratic candidate for the U.S. House of Representatives in the New York Special Election held February 14, 1978.

B. The ten day pre-election report for the New York

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Special election was due February 4, 1978.

C. The candidate failed to file the ten day pre-election report on February 4, 1978; the report was filed February 19, 1978, 15 days after the due date.

THEREFORE, respondent Louis Nine agrees:

I. Respondent's action in failing to file the 10 day pre-election report on February 4, 1978 was in violation of 2 U.S.C. §434(a)(1)(A)(i).

II. That he will pay a civil penalty in the amount of \$100, pursuant to 2 U.S.C. §437g(a)(6)(B)(i).

III. Respondent agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

I. The Commission, on the 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 civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Committee shall have no

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more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or so notify the Commission.

DATE

WILLIAM C. OLDAKER
GENERAL COUNSEL

DATE

LOUIS NINE

30047131377



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

April 13, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Louis Nine
1424 Wilkins Avenue
New York, NY 10459

Re: MUR 528 (78)

Dear Mr. Nine:

On February 8, 1978, the Commission determined there was reasonable cause to believe that you committed a violation of 2 U.S.C. §434(a) of the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission found reasonable cause to believe that your late filing of the 10 day pre-election report for the New York Special election, due February 4, 1978, violates 2 U.S.C. §434(a)(1)(A)(i) which requires the report to be filed not later than 10 days before an election is held.

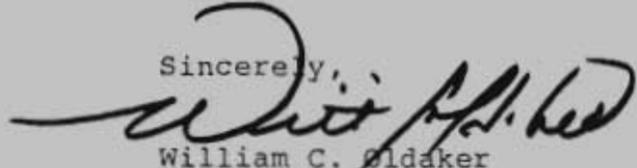
The Commission has a duty to attempt to correct such violation for a period of 30 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in United States District Court and seek payment of a civil penalty not in excess of \$5000.

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed conciliation agreement, please sign and return it along with the civil penalty to the Commission within ten days. I will then recommend that the Commission approve the agreement.



If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Judy Thedford, the staff member assigned to this matter, at 202-523-4057.

Sincerely,

A handwritten signature in cursive script, appearing to read "William C. Oldaker".

William C. Oldaker
General Counsel

Enclosure

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Louis Nine

)
)
)
)

MUR 528 (78)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Louis Nine violated 2 U.S.C. §434 (a)(1)(A)(i) by failing to file the ten day pre-election report within the prescribed deadline.

NOW, THEREFORE, the respective parties herein, the Federal Election Commission and respondent Louis Nine, having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over the respondent and the subject of this proceeding.

II. That respondent Louis Nine has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. That Louis Nine was the Democratic candidate for the U.S. House of Representatives in the New York Special Election held February 14, 1978.

B. The ten day pre-election report for the New York

300131939

Special election was due February 4, 1978.

C. The candidate failed to file the ten day pre-election report on February 4, 1978; the report was filed February 24, 1978, 20 days after the due date.

THEREFORE, respondent Louis Nine agrees:

I. Respondent's action in failing to file the 10 day pre-election report on February 4, 1978 was in violation of 2 U.S.C. §434(a)(1)(A)(i).

II. That he will pay a civil penalty in the amount of \$100, pursuant to 2 U.S.C. §437g(a)(6)(B)(i).

III. Respondent agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

I. The Commission, on the 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 civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Committee shall have no

30047134891

more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or so notify the Commission.

DATE

WILLIAM C. OLDAKER
GENERAL COUNSEL

DATE

LOUIS NINE

3034:134832

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Louis Nine)

MUR 528 (78)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 12, 1978, the Commission approved by a vote of 5-0 the proposed letter and conciliation agreement attached to the General Counsel's Memorandum dated April 7, 1978 regarding the above-captioned matter.

Commissioner Thomson was not present at the time of the vote.

Marjorie W. Emmons

Date: 4-12-78

Marjorie W. Emmons
Secretary to the Commission

Received in the Office of Commission Secretary:
Circulated on 72 hour vote basis:

4-7-78, 1:06
4-7-78, 4:30

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april 7, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 528

Please have the attached Memo to the Commission
and Conciliation Agreement circulated to the Commission
on a 72 hour vote (tally sheet) basis.

Thank you.

307421333



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

April 7, 1978

MEMORANDUM

TO: The Commissioners

FROM: William C. Oldaker, General Counsel

SUBJECT: MUR 528 (78)

Attached are a proposed letter and conciliation agreement to the respondent in connection with MUR 528. This action was authorized by the Commission at the March 23, 1978 meeting.

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FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Louis Nine
1424 Wilkins Avenue
New York, NY 10459

Re: MUR 528 (78)

Dear Mr. Nine:

On February 8, 1978, the Commission determined there was reasonable cause to believe that you committed a violation of 2 U.S.C. §434(a) of the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission found reasonable cause to believe that your late filing of the 10 day pre-election report for the New York Special election, due February 4, 1978, violates 2 U.S.C. §434(a)(1)(A)(i) which requires the report to be filed not later than 10 days before an election is held.

The Commission has a duty to attempt to correct such violation for a period of 30 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in United States District Court and seek payment of a civil penalty not in excess of \$5000.

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed conciliation agreement, please sign and return it along with the civil penalty to the Commission within ten days. I will then recommend that the Commission approve the agreement.

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If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Judy Thedford, the staff member assigned to this matter, at 202-523-4057.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

8074)131337

Special election was due February 4, 1978.

C. The candidate failed to file the ten day pre-election report on February 4, 1978; the report was filed February 24, 1978, 20 days after the due date.

THEREFORE, respondent Louis Nine agrees:

I. Respondent's action in failing to file the 10 day pre-election report on February 4, 1978 was in violation of 2 U.S.C. §434(a)(1)(A)(i).

II. That he will pay a civil penalty in the amount of \$100, pursuant to 2 U.S.C. §437g(a)(6)(B)(i).

III. Respondent agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

I. The Commission, on the 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 civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Committee shall have no

more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or so notify the Commission.

DATE

WILLIAM C. OLDAKER
GENERAL COUNSEL

DATE

LOUIS NINE

807431800

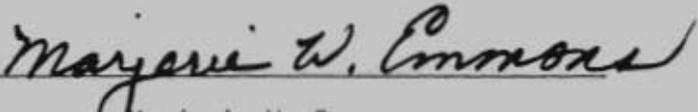
BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of }
Louis Nine }

MUR 528 (78)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on March 23, 1978, at an Executive Session of the Federal Election Commission at which a quorum was present, the Commission determined by a vote of 6-0 to direct the Office of the General Counsel to proceed with conciliation efforts in the above-captioned matter.


Marjorie W. Emmons
Secretary to the Commission

March 24, 1978

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Before the Federal Election Commission

March 2, 1978

In the Matter of
Louis Nine

)
)
)

MUR 528 (78)

EXECUTIVE SESSION

MAR 23 1978

General Counsel's Report

I. Allegation

Louis Nine, a candidate for the U.S. House of Representatives in the 21st district of New York, failed to file the ten day pre-election report required by 2 U.S.C. §434(a)(1). This matter was referred to the Office of General Counsel from the Reports Analysis Division.

II. Evidence

Mr. Nine's name appeared on the New York Special Election ballot on February 14, 1978 as the Democratic candidate for the U.S. House of Representatives in the twenty-first district. Mr. Nine and his principal campaign committee, Committee to Elect Louis Nine to Congress, recently filed a Statement of Candidacy and a Statement of Organization with the Office of Records and Registration on February 15, 1978.^{1/}

A notice was sent to Mr. Nine by the Office of Public Communications on January 20, 1978 notifying him of his filing requirements as a federal candidate. After the notice was sent the

^{1/}It appears that the principal campaign committee was not in existence at the time the report was due.

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Office of Public Communications spoke with Mr. Nine's accountant concerning receipt of the filing notices and forms (Attachment A).

The ten day pre-election report due February 4, 1978 was not filed by the respondent. The Commission, upon recommendation from the Reports Analysis Division, found reason to believe and reasonable cause to believe that Mr. Nine had violated 2 U.S.C. §434(a)(1). The respondent was notified of these findings on February 8, 1978 and February 10, 1978. Mr. Nine's report was not filed; therefore, the Commission published the candidate's name on February 10, 1978.

Upon receipt of the referral from the Reports Analysis Division, a letter was sent to Mr. Nine from the General Counsel's Office informing him that his name has been referred to the Office of General Counsel for possible civil action and that if the report was not filed within 5 days from receipt of the letter, the General Counsel Office would recommend to the Commission that civil action be instituted. Mr. Nine's 10 day pre-election report was recently received by the Commission on February 28, 1978.

III. Analysis

2 U.S.C. §434 states that during a year in which an election is held, a Federal candidate is required to file a report not later than the tenth day before the election is held. While Mr. Nine's report was not filed within this prescribed deadline, it appears that he has made an effort to respond to the notices sent to him by the Commission to correct a violation.

Mr. Nine received notices from the Commission on February 8,

1978 and February 10, 1978 notifying him that the Commission had found reason to believe and reasonable cause to believe that he failed to designate a principal campaign committee and file the ten day pre-election report. The Candidate Statement and his committee's Statement of Organization were received by the Office of Records and Registration on February 15, 1978.

Upon receipt of this matter from the Reports Analysis Division, the General Counsel Office notified the respondent once again of his filing requirements. This letter was sent February 22, 1978. The respondent's ten day pre-election report was received by the Clerk of the House of Representatives on February 24, 1978 and by the Commission on February 28, 1978 (Attachment B).

In light of the respondent's filing of the required report, no further action appears to be warranted.

IV. Recommendation:

It is recommended that the Commission:

- 1) Take no further action in this matter;
- 2) Close the file;
- 3) Send the attached letter.

307
11313
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Date 3/17/78

William C. Oldaker
William C. Oldaker
General Counsel



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20461

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Louis Nine
1424 Wilkins Avenue
New York, New York 10459

Re: MUR 528 (78)

Dear Mr. Nine:

On March , 1978, the Commission voted to take no further action in this matter due to the filing of the ten day pre-election report. Accordingly, upon my recommendation, the Commission has closed the file in this matter.

If you have any questions, please contact Judy Thedford, the staff member assigned to this matter, at 202/523-4057.

Sincerely yours,

William C. Oldaker
General Counsel

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FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

Feb. 21, 1978

MEMORANDUM TO: JUDY THEDFORD

FROM: JOHN K. REYNOLDS *J.K.R.*

SUBJECT: LOUIS NINE: 18th & 21st New York Congressional Districts Special Elections

This is in response to your request for a listing of our communications with Mr. Louis Nine, candidate, and his people.

1. January 10. We sent mailgrams and candidate packages to a list of 20 people, whose names had been given to us as likely candidates for Party nominations.

The handwritten address for Mr. Nine was incorrectly transcribed as 1424 Willow Street, instead of 1424 Wilkins Street, so the materials did not reach him.

2. January 20. We sent an Information Notice and candidate package to 10 candidates whose names were identified as being on the general ballot, following the close of nominations and admission by petition. Using the candidate's addresses, we also sent packages to three registered committees.

The correct address was used for Mr. Nine.

3. February 1. The question was raised that we should mail to the committees using their addresses, which might be different than the candidates. The point was that the candidates might not have passed the materials on to the committees. At this point we had the names of five registered committees.

Given the nearness of the election, we called each of the ten candidates or their campaign headquarters and asked to talk to the campaign committee treasurers or some other person to verify that they had the materials. Almost all had them.

In Mr. Nine's case, the accountant-treasurer said that he had been given Forms 1 & 2 filled out in pencil earlier in the week, but had not received anything else, and was holding the 1 & 2 for clean copies. After being promised a special delivery of the materials, he called back to say that he had talked to the attorney who had been holding the other materials, and the attorney was delivering them to him. In the conversation with the accountant, I answered some questions about how to fill out the forms and indicated that pre-election and post-election reports were required. I also said that the Commission will not waive reporting dates so they should get a move on.



ATTACHMENT A

307:1335

EDWARDS

Report of Receipts and Expenditures
for a Candidate or Committee
Supporting any Candidate(s) for
Nomination or Election to Federal Office

COPY

Note: Committees authorized by a candidate to raise or contribute and make expenditures in connection with the election must maintain separate records with respect to each election.

REGULAR MAIL FEB 19 1978

1(a) Name of Candidate or Committee (in full) Check if name or address is changed
Louis Nine

2 Identification Number
NY 2109

3(a) Is this report of receipts and expenditures for only one election? Yes No

3(b) **Dist. Special** on **2-14-78** (date)

4 Type of Report (Check appropriate box and complete, if applicable):
 (a) Amendment For _____ (c) July 10 Quarterly Report
 (b) April 10 Quarterly Report **Congressional** (d) October 10 Quarterly Report
 (h) Tenth day report preceding **District Special** election on **2-14-78** in the State of **New York**
 (i) Thirtieth day report following _____ election on _____ in the State of _____

Candidate or Committee Summary of Receipts and Expenditures

5 Covering Period from **Dec. 12, 1977** through **January 30, 1978**

Section A - Cash Balance Summary

	Column A This Period	Column B Current Year To Date
6 Cash on hand January 1, 1978	\$	\$
7 Cash on hand at beginning of reporting period	\$ None	\$
8 Total receipts (from line 19)	\$ None	\$
(a) Subtotal (Add lines 7 and 8)	\$ None	\$
9 Total expenditures (From line 25)	\$ 5,240.30	\$
10 Cash on hand at close of reporting period (Subtract line 9 from line 8)	\$ None	\$
11 Contributed items on hand to be liquidated (attach itemized list)	\$	\$

Section B - Presidential Campaign Expenditures Subject to Limitation - Summary
(To Be Used Only By Presidential Candidates Receiving Federal Funds)

12 Operating expenditures (from line 20)	\$	\$
13 Refunds and Reverts (from line 17)	\$	\$
14 (a) Expenditures subject to limitation (Subtract line 13 from line 12)	\$	\$
(b) Expenditures from prior years subject to limitation		\$
(c) Total expenditures subject to limitation (Add lines 14a and 14b)		\$

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

Louis Nine

X Louis Nine

February 16, 1978

(Typed name of Treasurer or Candidate)

(Signature of Treasurer or Candidate)

(Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 1432g or 1443. (See reverse side of form)

For further information contact: **Federal Election Commission**
1275 K Street, N.W.
Washington, D.C. 20463

Any information recorded herein may not be used for sale or use by any person for purposes of soliciting contributions or for any commercial purpose.

ATTACHMENT B pg 1

Name of Candidate or Committee Louis Hino	REPORT COVERING THE PERIOD	
	FROM 12-12-77	TO 1-30-78
	Column A This Period	Column B (calendar year to date)
PART I - RECEIPTS		
15 Contributions and other income:		
(a) Itemized (use Schedule A)	\$	
(b) Unitemized	\$	
(c) Sales and Collections Included Above List by event on memo Schedule D (\$		
(d) Subtotal of contributions and other income	\$	\$
16 Loans and Loan Repayments Received:		
(a) Itemized (use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of loans and loan repayments received	\$	\$
17 Refunds, Rebates, Returns Received:		
(a) Itemized (use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of refunds, rebates, returns	\$	\$
18 Transfers In:		
(a) From Affiliated Committee (itemize on Schedule A Regardless of Amount)	\$	
(b) From other Committees (itemize on Schedule A Regardless of Amount)	\$	
(c) Subtotal of transfers in	\$	\$
19 Total Receipts	\$ None	\$
PART II - EXPENDITURES		
20 Operating Expenditures (Committees Not Receiving Federal Funds Include Fundraising, Legal and Accounting Expenditures):		
(a) Itemized (use Schedule B)	\$ 5,240.30	
(b) Unitemized	\$	
(c) Subtotal of operating expenditures	\$	\$
21 Independent Expenditures (use Schedule E)	\$	\$
22 Loans, Loan Repayments, and Contribution Refunds Made:		
(a) Itemized (use Schedule B)	\$	
(b) Unitemized	\$	
(c) Subtotal of loans and loan repayments made and contribution refunds	\$	\$
23 For Use Only By Presidential Campaigns Receiving Federal Funds, Exempt Fundraising, Legal and Accounting Expenditures:		
(a) Itemized (use Schedule B)	\$	
(b) Unitemized	\$	
(c) Subtotal of fundraising expenditures	\$	\$
24 Transfers Out:		
(a) To Affiliated Committee (itemize on Schedule B Regardless of Amount)	\$	
(b) To Other Committees (itemize on Schedule B Regardless of Amount)	\$	
(c) Subtotal of transfers out	\$	\$
25 Total Expenditures	\$	\$
PART III - DEBTS AND OBLIGATIONS		
26 Debts and obligations owed to the Committee (itemize all on Schedule C)	\$	
27 Debts and obligations owed by the Committee (itemize all on Schedule C)	\$	
PART IV - RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES		
28 Total Receipts (from line 19)	\$	
29 Transfers In (from line 18(a))	\$	
30 Net Receipts (Subtract line 29 from line 28)	\$	
31 Total Expenditures (from line 25)	\$	
32 Transfers out (from line 24(a))	\$	
33 Net Expenditures (Subtract line 32 from line 31)	\$ 5,240.30	

ATTACHMENT B pg 2

(See Instructions on back)

(Use separate schedule for each numbered line)

Name of Candidate or Committee in full

Louis Nine

Full Name, mailing address and ZIP code

St. Lawrence Press
Bronx, New York

Purpose of Expenditure

Printing
literature

Date (month,
day, year)

1-18-78
1-26-78

Amount of each expenditure this period

405.00
489.00

Full Name, mailing address and ZIP code

Jack Gold Results Unlimited
Jerome Avenue
Bronx, New York

Purpose of Expenditure

Printing
literature

Date (month,
day, year)

1-18-78
1-23-78
1-25-78

Amount of each expenditure this period

167.40
167.40
100.00

Full Name, mailing address and ZIP code

New York Telephone Co.
New York, New York

Purpose of Expenditure

Deposit

Date (month,
day, year)

1-19-78
1-30-78

Amount of each expenditure this period

1,310.00
536.00

Full Name, mailing address and ZIP code

Marcos Antonio Garcia
Bronx River Avenue
Bronx, New York

Purpose of Expenditure

Sign painting

Date (month,
day, year)

1-28-78

Amount of each expenditure this period

100.00

Full Name, mailing address and ZIP code

Tri Star Offset Corp.
Bronx, New York

Purpose of Expenditure

Printing campaign
literature

Date (month,
day, year)

1-13-78

Amount of each expenditure this period

400.00

Full Name, mailing address and ZIP code

Raphael Perez D/B/A
Spanish Star
Evergreen Avenue
Bronx, New York

Purpose of Expenditure

Advertising

Date (month,
day, year)

1-21-78

Amount of each expenditure this period

400.00

Full Name, mailing address and ZIP code

El Mundo de Hoy
138th Street
Bronx, New York

Purpose of Expenditure

Advertising

Date (month,
day, year)

12-12-77

Amount of each expenditure this period

400.00

Full Name, mailing address and ZIP code

Board of Election
1780 Grand Concourse
Bronx, New York

Purpose of Expenditure

Computer listings
and maps

Date (month,
day, year)

1-25-78

Amount of each expenditure this period

91.00

Subtotal of expenditures this page (optional)

\$ 4,865.80

Total this period (last page this line number only)

\$

ATTACHMENT B pg 3

Itemized Expenditures
 Campaign Fundraising, Loans, and Transfers
 for Lines 20, 22, 23, and/or 24 of FEC Form 3
 (See Instructions on back)

Name of Candidate or Committee in full			
Full name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Louis Nino New Democratic Coalition 796 Southern Boulevard Bronx, New York	Rent - Feb. 1978	1-30-78	175.00
J. Halperin Southern Boulevard Bronx, New York	Lumber for signs	1-25-78	110.00
Fishman & Sons Westchester Avenue Bronx, New York	Paint for signs	1-25-78	29.50
Full name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Subtotal of expenditures this page (optional)			\$ 374.50
Total this period (last page this line number only)			\$ 5,240.3

RECEIVED

ATTACHMENT B of 4



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

March 2, 1978

MEMORANDUM

TO: Charlie Steele and Bill Oldaker

THROUGH: Hal Ponder

FROM: Judy Thedford

SUBJECT: MUR 528

This matter is being brought to your attention due to various Commission meetings and decisions on late filers.

MUR 528 involves a late filer, Louis Nine. This matter was referred to OGC form the Reports Analysis Division as a non-filer at the RCTB stage.

The recommendation in MUR 528 is for the Commission to take no further action in this matter and close the file. Previously the Commission decided to find probable cause to believe against a late filer in MUR 455. However, we feel that this matter differs somewhat to warrant our recommendation:

1) Louis Nine's report was 15 days late in comparison to the Constanza report being 90 days late.

2) MUR 455 involved the non-reporting of \$21,000 in comparison to this matter which involves only \$5,000 in expenditures.

3) To our knowledge Louis Nine was not a candidate before and therefore, may not have been aware of the federal requirements before our notification. The respondent in MUR 455 had previously been a candidate in 1974 and had previously filed reports with the Commission.



Before the Federal Election Commission

March 2, 1978

In the Matter of)
) MUR 528 (78)
Louis Nine)

General Counsel's Report

I. Allegation

Louis Nine, a candidate for the U.S. House of Representatives in the 21st district of New York, failed to file the ten day pre-election report required by 2 U.S.C. §434(a)(1). This matter was referred to the Office of General Counsel from the Reports Analysis Division.

II. Evidence

Mr. Nine's name appeared on the New York Special Election ballot on February 14, 1978 as the Democratic candidate for the U.S. House of Representatives in the twenty-first district. Mr. Nine and his principal campaign committee, Committee to Elect Louis Nine to Congress, recently filed a Statement of Candidacy and a Statement of Organization with the Office of Records and Registration on February 15, 1978.^{1/}

A notice was sent to Mr. Nine by the Office of Public Communications on January 20, 1978 notifying him of his filing requirements as a federal candidate. After the notice was sent the

^{1/}It appears that the principal campaign committee was not in existence at the time the report was due.

Office of Public Communications spoke with Mr. Nine's accountant concerning receipt of the filing notices and forms (Attachment A).

The ten day pre-election report due February 4, 1978 was not filed by the respondent. The Commission, upon recommendation from the Reports Analysis Division, found reason to believe and reasonable cause to believe that Mr. Nine had violated 2 U.S.C. §434(a)(1). The respondent was notified of these findings on February 8, 1978 and February 10, 1978. Mr. Nine's report was not filed; therefore, the Commission published the candidate's name on February 10, 1978.

Upon receipt of the referral from the Reports Analysis Division, a letter was sent to Mr. Nine from the General Counsel's Office informing him that his name has been referred to the Office of General Counsel for possible civil action and that if the report was not filed within 5 days from receipt of the letter, the General Counsel Office would recommend to the Commission that civil action be instituted. Mr. Nine's 10 day pre-election report was recently received by the Commission on February 28, 1978.

III. Analysis

2 U.S.C. §434 states that during a year in which an election is held, a Federal candidate is required to file a report not later than the tenth day before the election is held. While Mr. Nine's report was not filed within this prescribed deadline, it appears that he has made an effort to respond to the notices sent to him by the Commission to correct a violation.

Mr. Nine received notices from the Commission on February 8,

1978 and February 10, 1978 notifying him that the Commission had found reason to believe and reasonable cause to believe that he failed to designate a principal campaign committee and file the ten day pre-election report. The Candidate Statement and his committee's Statement of Organization were received by the Office of Records and Registration on February 15, 1978.

Upon receipt of this matter from the Reports Analysis Division, the General Counsel Office notified the respondent once again of his filing requirements. This letter was sent February 22, 1978. The respondent's ten day pre-election report was received by the Clerk of the House of Representatives on February 24, 1978 and by the Commission on February 28, 1978 (Attachment B).

In light of the respondent's filing of the required report, no further action appears to be warranted.

IV. Recommendation:

It is recommended that the Commission:

- 1) Take no further action in this matter;
- 2) Close the file;
- 3) Send the attached letter.

Date

William C. Oldaker
General Counsel



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

Feb. 21, 1978

MEMORANDUM TO: JUDY THEDFORD

FROM: JOHN K. REYNOLDS *J.K.R.*

SUBJECT: LOUIS NINE: 18th & 21st New York Congressional
Districts Special Elections

This is in response to your request for a listing of our communications with Mr. Louis Nine, candidate, and his people.

1. January 10. We sent mailgrams and candidate packages to a list of 20 people, whose names had been given to us as likely candidates for Party nominations.

The handwritten address for Mr. Nine was incorrectly transcribed as 1424 Willow Street, instead of 1424 Wilkins Street, so the materials did not reach him.

2. January 20. We sent an Information Notice and candidate package to 10 candidates whose names were identified as being on the general ballot, following the close of nominations and admission by petition. Using the candidate's addresses, we also sent packages to three registered committees.

The correct address was used for Mr. Nine.

3. February 1. The question was raised that we should mail to the committees using their addresses, which might be different than the candidates. The point was that the candidates might not have passed the materials on to the committees. At this point we had the names of five registered committees.

Given the nearness of the election, we called each of the ten candidates or their campaign headquarters and asked to talk to the campaign committee treasurers or some other person to verify that they had the materials. Almost all had them.

In Mr. Nine's case, the accountant-treasurer said that he had been given Forms 1 & 2 filled out in pencil earlier in the week, but had not received anything else, and was holding the 1 & 2 for clean copies. After being promised a special delivery of the materials, he called back to say that he had talked to the attorney who had been holding the other materials, and the attorney was delivering them to him. In the conversation with the accountant, I answered some questions about how to fill out the forms and indicated that pre-election and post-election reports were required. I also said that the Commission will not waive reporting dates so they should get a move on.



ATTACHMENT A

Report of Receipts and Expenditures
for a Candidate or Committee
Supporting any Candidate(s) for
Nomination or Election to Federal Office

copy

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with such campaign must maintain separate records with respect to each election.

REGULAR MAIL FEB 19 1978

1(a) Name of Candidate or Committee in full: Louis Nino
 (b) Address (number and street): c/o Ivy Kenneth Blecher
369 East 149th Street
 (c) City, State and ZIP code: Bronx, New York 10455

2 Identifying Number: NY2109
 3(a) District of receipt and expenditure: Dist. Special
 (b) Congression: 2-14-78
 (c) Date: 2-14-78

4 Type of Report (Check appropriate box and complete, if applicable):
 (a) Amendment for _____
 (b) January 31 Year End Report
 (c) July 10 Quarterly Report
 (d) October 10 Quarterly Report
 (e) Termination Report
 (f) Thirty day report preceding _____
 (g) Thirtieth day report following _____
 (h) Thirty day report preceding _____
 (i) Thirtieth day report following _____

Candidate or Committee Summary of Receipts and Expenditures

5 Covering Period from <u>Dec. 12, 1977</u> Through <u>January 30, 1978</u>		Column A This Period	Column B Current Year To Date
Section A - Cash Balance Summary			
6 Cash on hand January 1, 1978		\$ None	\$
7 Cash on hand at beginning of reporting period		\$ None	\$
8 Total receipts (from line 19)		\$ None	\$
(a) Subtotal (Add lines 7 and 8)		\$ None	\$
9 Total expenditures (from line 25)		\$ 5,240.30	\$
10 Cash on hand at close of reporting period (Subtract line 9 from line 8)		\$ None	\$
11 Contributed items of value to be liquidated (attach itemized list)		\$	\$
Section B - Presidential Campaign Expenditures Subject to Limitation - Summary (To Be Used Only By Presidential Candidates Receiving Federal Funds)			
12 Operating expenditures (from line 20)		\$	\$
13 Refunds and Repeats (from line 17)		\$	\$
14 (a) Expenditures subject to limitation (Subtract line 13 from line 12)		\$	\$
(b) Expenditures from prior years subject to limitation			\$
(c) Total expenditures subject to limitation (Add lines 14a and 14b)			\$

I certify that I have examined this Report, and to the best of my knowledge and belief, it is true, correct and complete.
Louis Nino X [Signature] February 16, 1978
 (Typed Name of Treasurer or Candidate) (Signature of Treasurer or Candidate) (Date)

Note: Submission of false information to misrepresent information may subject the person signing this Report to the penalties of 2 U.S.C. 4379(a)(4) and 5481. See reverse side of form.

For further information contact: Federal Election Commission, 1325 N Street, N.W., Washington, D.C. 20463. Any information on this report form may not be used for sale or other purposes, or for any commercial purpose.

304413497

ATTACHMENT B p81

3074131973

Name of Candidate or Committee Louis Nino	REPORT COVERING THE PERIOD FROM 12-12-77 TO 1-30-78	
	Column A This Period	Column B Calendar Year to Date
PART I - RECEIPTS		
15 Contributions and other Income:		
(a) Itemized (use Schedule A)	\$	
(b) Unitemized	\$	
(c) Sales and Collections Included Above List by event on memo Schedule D (if _____)		
(d) Subtotal of contributions and other income	\$	\$
16 Loans and Loan Repayments Received:		
(a) Itemized (use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of loans and loan repayments received	\$	\$
17 Refunds, Rebates, Returns Received:		
(a) Itemized (use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of refunds, rebates, returns	\$	\$
18 Transfers In:		
(a) From Affiliated Committee (Itemize on Schedule A Regardless of Amount)	\$	
(b) From other Committees (Itemize on Schedule A Regardless of Amount)	\$	
(c) Subtotal of transfers in	\$	\$
19 Total Receipts	\$ None	\$
PART II - EXPENDITURES		
20 Operating Expenditures (Committees Not Receiving Federal Funds Include Fundraising, Legal and Accounting Expenditures):		
(a) Itemized (use Schedule B)	\$ 5,210.30	
(b) Unitemized	\$	
(c) Subtotal of operating expenditures	\$	\$
21 Independent Expenditures (use Schedule E)	\$	\$
22 Loans, Loan Repayments, and Contribution Refunds Made:		
(a) Itemized (use Schedule B)	\$	
(b) Unitemized	\$	
(c) Subtotal of loans and loan repayments made and contribution refunds	\$	\$
23 For Use Only By Presidential Campaigns Receiving Federal Funds, Exempt Fundraising, Legal and Accounting Expenditures:		
(a) Itemized (use Schedule B)	\$	
(b) Unitemized	\$	
(c) Subtotal of fundraising expenditures	\$	\$
24 Transfers Out:		
(a) To Affiliated Committee (Itemize on Schedule B Regardless of Amount)	\$	
(b) To Other Committees (Itemize on Schedule B Regardless of Amount)	\$	
(c) Subtotal of transfers out	\$	\$
25 Total Expenditures	\$	\$
PART III - DEBTS AND OBLIGATIONS		
26 Debts and obligations owed to the Committee (Itemize all on Schedule C)	\$	
27 Debts and obligations owed by the Committee (Itemize all on Schedule C)	\$	
PART IV - RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES		
28 Total Receipts (from line 19)	\$	
29 Transfers In (from line 18(a))	\$	
30 Net Receipts (Subtract line 29 from line 28)	\$	
31 Total Expenditures (from line 25)	\$	
32 Transfers out (from line 24(a))	\$	
33 Net Expenditures (Subtract line 32 from line 31)	\$ 5,210.30	

ATTACHMENT B pg 2

Name of Candidate or Committee in full

Louis Nine

Full Name, mailing address and ZIP code

St. Lawrence Press
Bronx, New York

Purpose of Expenditure

Printing
literature

Date (month,
day, year)

1-18-78
1-26-78

Amount of each expenditure this period

405.00
489.00

Full Name, mailing address and ZIP code

Jack Gold Results Unlimited
Jerome Avenue
Bronx, New York

Purpose of Expenditure

Printing
literature

Date (month,
day, year)

1-18-78
1-23-78
1-25-78

Amount of each expenditure this period

167.40
167.40
100.00

Full Name, mailing address and ZIP code

New York Telephone Co.
New York, New York

Purpose of Expenditure

Deposit

Date (month,
day, year)

1-19-78
1-30-78

Amount of each expenditure this period

1,310.00
836.00

Full Name, mailing address and ZIP code

Marcos Antonio Garcia
Bronx River Avenue
Bronx, New York

Purpose of Expenditure

Sign painting

Date (month,
day, year)

1-28-78

Amount of each expenditure this period

100.00

Full Name, mailing address and ZIP code

Tri Star Offset Corp.
Bronx, New York

Purpose of Expenditure

Printing campaign
literature

Date (month,
day, year)

1-13-78

Amount of each expenditure this period

400.00

Full Name, mailing address and ZIP code

Raphael Perez D/B/A
Spanish Star
Evergreen Avenue
Bronx, New York

Purpose of Expenditure

Advertising

Date (month,
day, year)

1-21-78

Amount of each expenditure this period

400.00

Full Name, mailing address and ZIP code

El Mundo de Hoy
138th Street
Bronx, New York

Purpose of Expenditure

Advertising

Date (month,
day, year)

12-12-77

Amount of each expenditure this period

400.00

Full Name, mailing address and ZIP code

Board of Election
1780 Grand Concourse
Bronx, New York

Purpose of Expenditure

Computer listings
and maps

Date (month,
day, year)

1-25-78

Amount of each expenditure this period

91.00

Subtotal of expenditures this page (optional)

\$ 4,865.80

Total this period (last page this line number only)

\$

3094134979

Itemized Expenditures
 Campaign Fundraising, Loans, and Transfers
 for Lines 20, 22, 23, and/or 24 of FEC Form 3

Use separate schedule for each numbered line.

(See Instructions on back)

Name of Candidate or Committee in full

Louis Nine

Full Name, mailing address and ZIP code

New Democratic Coalition
 796 Southern Boulevard
 Bronx, New York

Purpose of Expenditure

Rent - Feb. 1978

Date (month, day, year)

1-30-78

Amount of each expenditure this period

175.00

Full Name, mailing address and ZIP code

J. Halperin
 Southern Boulevard
 Bronx, New York

Purpose of Expenditure

Lumber for signs

Date (month, day, year)

1-25-78

Amount of each expenditure this period

110.00

Full Name, mailing address and ZIP code

Fishman & Sons
 Westchester Avenue
 Bronx, New York

Purpose of Expenditure

Paint for signs

Date (month, day, year)

1-25-78

Amount of each expenditure this period

39.50

Full Name, mailing address and ZIP code

Purpose of Expenditure

Date (month, day, year)

Amount of each expenditure this period

Full Name, mailing address and ZIP code

Purpose of Expenditure

Date (month, day, year)

Amount of each expenditure this period

Full Name, mailing address and ZIP code

Purpose of Expenditure

Date (month, day, year)

Amount of each expenditure this period

Full Name, mailing address and ZIP code

Purpose of Expenditure

Date (month, day, year)

Amount of each expenditure this period

Full Name, mailing address and ZIP code

Purpose of Expenditure

Date (month, day, year)

Amount of each expenditure this period

Subtotal of expenditures this page (optional)

\$ 324.50

Total this column (last page this line number only)

\$ 3,240.20

ATTACHMENT B pg 4

90971184910

February 16, 1978

Clerk of the House of Representatives
U. S. House of Representatives
Room 1036, Longworth House Office Building
Washington, D. C. 20515

Gentlemen:

Enclosed please find Federal Election Commission Form 3, Report of Receipts and Expenditures for a Candidate, for the Pre-Election period up to January 30, 1978 for the Congressional District Special Election of February 14, 1978, which was due on February 4, 1978.

Please note that all of the expenditures made during this period were made only by the Candidate himself, and there were no receipts during the period. No separate bank account was used for these expenditures.

During the Pre-Election and Post-Election periods relating to the Nomination which occurred on January 11, 1978 there were no receipts and expenditures by the Candidate.

During the aforementioned periods the Committee to Elect Louis NINE to Congress, for which FEC Form 1 was filed on February 10, 1978 had no receipts and expenditures. This information is furnished in lieu of FEC Form 3.

Yours very truly,

Louis NINE
LOUIS NINE

LK:HM:nl

ATTACHMENT B pg. 5

1 1 1 0 3 0 7 4 0 1 3 4 9 1 1



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

February 22, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Louis Nine
1424 Wilkins Ave.
New York, NY 10459

RE: MUR 528(78)

Dear Mr. Nine:

This letter is to notify you that your name has been referred to the Office of General Counsel for possible civil action regarding your failure to file the ten day pre-election report.

As prescribed in 2 U.S.C. §434, during a year in which an election is held, a candidate for Federal office is required to file a report not later than the tenth day before the election is held. Your ten day pre-election report for the February 14, 1978 New York Special Election was due February 4, 1978.

The Commission has previously notified you of your failure to comply with the Act; therefore, if your report is not received by this office within five days from your receipt of this notice, we intend to recommend to the Commission that civil action be instituted.

If you have any questions, please contact Judy Thedford, the staff member assigned to this matter, at 202-523-4057.

Sincerely,

William C. Oldaker
General Counsel



3 0 0 1 1 8 4 9 1 2

3 0 0 4 0 1 3 4 9 1 3

MUR 528 Thadford

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 4.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
- Show to whom and date delivered.
 - Show to whom, date, and address of delivery.
 - RESTRICTED DELIVERY
Show to whom and date delivered.
 - RESTRICTED DELIVERY.
Show to whom, date, and address of delivery: \$
- (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
*Mr. Rowe
 142 Wilkes Ave
 New York, N.Y. 10459*

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<i>438184</i>	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Addressee Authorized agent

4. *[Signature]*
 DATE OF DELIVERY

5. ADDRESS (Complete only if requested)



6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

MUR 528



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

February 13, 1978

MEMORANDUM

TO: WILLIAM C. OLDAKER

THROUGH: ORLANDO B. POTTER *OBP*
TOM HASELHORST *TH*

FROM: PETER KELL, JR. *PKJ*

RE: LOUIS NINE 21st DISTRICT N.Y.
SPECIAL ELECTION

The name of the above captioned candidate was published on February 10, 1978 for failure to file a 10 Day Pre-Election Report with the Clerk of the House.

I am forwarding this information to your office for any action you may deem appropriate.

Attachments

10040184913





FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, D.C. 20463

February 10, 1978

MEMORANDUM

TO: The Commissioners

THROUGH: Orlando B. Potter *OBP*
Lois Zella *L. Zella*
William C. Didaker *W.C. Didaker*

FROM: Beverly White-House Team/Reports Analysis Division

SUBJECT: HOUSE CANDIDATES IN THE NEW YORK 18th AND 21st DISTRICTS
WHO HAVE FAILED TO FILE A 10 DAY PRE-SPECIAL ELECTION REPORT

Attached is a list of candidates who have failed to file a 10 Day Pre-Special Election Report with the Clerk of the House for the Special Election in the 18th and 21st Districts of New York on February 14, 1978. It is recommended that the Commission publish the names of these candidates who are in violation of 2 U.S.C. 434(a)(1).

- () I approve the recommendation in this memorandum.
- () I object to the recommendation in this memorandum.

Comments: _____

Date: _____ Signature: _____

Please note that the recommended action will be taken at 12:00 noon
February 11, 1978
in the absence of three Commission objections.

30040184915





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

February 10, 1978

MEMORANDUM TO: LOIS ZELLA *LZ*

THROUGH: PETER KELL, JR. *PKJ*

FROM: BEVERLY WHITE *BW*

SUBJECT: SPECIAL ELECTION CANDIDATES WHO HAVE FAILED
TO FILE A 10 DAY PRE-SPECIAL ELECTION REPORT
(NEW YORK 18TH AND 21ST DISTRICTS)

The following is a list of candidates who have failed to file a 10 Day Pre-Special Election Report with the Clerk of the House.

18th Dist

21st District: Nine, Louis

Prior Notice was sent to the candidates on January 20th.
Reason To Believe Mailgrams were sent on February 7th.
Reasonable Cause to Believe Mailgrams were sent on February 8th.

30040184915





FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, D.C. 20461

THIS IS THE BEGINNING OF MUR # 528/NF062

Date Filmed 5/14/80 Camera No. --- 2

Cameraman SPC

8004184917