



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

September 26, 2014

Theron H. Hogle, Treasurer  
New York State Conference of the International  
Union of Operating Engineers  
44-40 11<sup>th</sup> Street  
Long Island City, NY 11101

Re: ADR 736 (RR 14L-22)  
New York State Conference of the International Union of Operating Engineers Fed  
VPAF (NYS CONF IUOE FED VPAF) and Theron H. Hogle, Treasurer

Dear Mr. Hogle:

The Federal Election Commission (FEC or Commission) referred a compliance issue to the FEC's Alternative Dispute Resolution Office (ADR Office) for processing. The referral by the Reports Analysis Division (RAD) was based on a review of reports filed by the New York State Conference of the International Union of Operating Engineers Fed VPAF (NYS CONF IUOE FED VPAF) which reflect a possible failure to comply with the Federal Election Campaign Act of 1971, as amended:

The FEC established the ADR Program to provide an informal means for resolving matters that come before the Commission and to facilitate negotiations directly with the New York State Conference of the International Union of Operating Engineers Fed VPAF (NYS CONF IUOE FED VPAF) and Theron H. Hogle, Treasurer (Respondents or the Committee). The ADR Program provides Respondents with an opportunity to negotiate settlement of a matter that is mutually agreeable. The negotiations occur prior to any Commission consideration of whether there is reason to believe a violation has occurred. If negotiations are successful, the resulting settlement concludes the matter.

The Commission, in referring the matter to the ADR Office, determined that the case is eligible for processing in the ADR program. If Respondents decide to participate in the ADR Program, you must: 1) indicate in writing a willingness to have your case submitted for ADR processing; 2) agree to participate in the bilateral interest based negotiations; and 3) waive the statute of limitations while the matter is being processed under the FEC's ADR program.

The issues referred to the ADRO, and the focus of our subsequent negotiations, are summarized as follows:

FEDERAL ELECTION COMMISSION, ALTERNATIVE DISPUTE RESOLUTION OFFICE  
999 E STREET N.W., WASHINGTON, DC 20463  
TELEPHONE: 202.694.1665 FAX: 202.219.0613  
EMAIL: lfraser@fec.gov

SUMMARY: RAD referred the New York State Conference of the International Union of Operating Engineers Fed VPAF (NYS CONF IUOE FED VPAF) and Theron H. Hogle, Treasurer (Respondents or the Committee) for failing to disclose all its financial activity on its 2012 12 Day Pre-General Report. Respondents filed the original 2012 12 Day Pre-General Report on October 23, 2012. The Committee filed two Amended 2012 12 Day Pre-General Reports on July 16, 2013 to disclose additional disbursements of \$400,000.

Respondents contend that the Committee inadvertently omitted a transfer to an affiliated political committee when preparing the report. The Committee's information is sent to an outside entity for processing, and the disbursement of \$400,000 to EPEC was not included in the final report.

If after reviewing this letter and the enclosed ADR Frequently Asked Questions, which describe the ADR program, Respondents would like to participate in ADR processing, you need to affirmatively indicate that on the enclosed Commitment to Participate in ADR form. **Failure to respond affirmatively within fifteen (15) business days of receipt of this letter will be taken as a notice of disinterest in the program and your case will be dropped from further consideration for ADR.** In that event, your case will be sent to the FEC's Office of General Counsel for further processing, and the likelihood that the Committee will be audited during the next election cycle will increase.

This matter has been designated as **ADR 736**. Please refer to this number in future correspondence with the FEC. If you have questions about the ADR Program, please contact the ADRO at my direct dial as indicated below

Sincerely,

Lynn M. Fraser, Director  
Alternative Dispute Resolution Office  
202-694-1665

Enclosures: ADR Frequently Asked Questions  
Commitment to Participate in ADR  
Designation of Representative/Counsel