



FEDERAL ELECTION COMMISSION

1125 A STREET NW
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 1885

Date Filmed 11/18/85 Camera No. --- 4

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FEDERAL ELECTION COMMISSION

Noting cards

prebrief comment sheets

GC Rpts re. civil penalty/consultation

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):

- | | |
|--|---|
| ☐ (1) Classified Information | ☐ (6) Personal privacy |
| ☒ (2) Internal rules and practices | ☐ (7) Investigatory files |
| ☐ (3) Exempted by other statute | ☐ (8) Banking Information |
| ☐ (4) Trade secrets and commercial or financial information | ☐ (9) Well Information (geographic or geophysical) |
| ☐ (5) Internal Documents | |

Signed

date

RC Darr
9/24/85

FEC 9-21-77

DW 9/27/85

35040561322



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 23, 1985

Abe U. Malae, Treasurer
Committee to Re-Elect Fofo to Congress
P.O. Box 474
Ben Franklin Station
Washington, D.C. 20044

RE: MUR 1885
Committee to Re-Elect Fofo to
Congress, Abe U. Malae,
Treasurer .

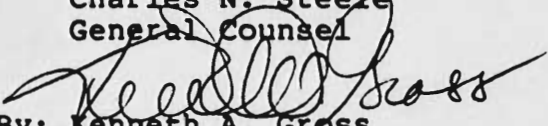
Dear Mr. Malae:

On August 13, 1985, the Commission accepted the conciliation agreement signed by you and a civil penalty in settlement of a violation of 2 U.S.C. § 434(a)(2)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED AT THE FEC
GCC# 8098
85 JUL 24 A8:14

In the Matter of)
)
Committee to Re-Elect Fofo) MUR 1885
to Congress)
Abe U. Malae, Treasurer)
)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Committee to Re-Elect Fofo to Congress and Abe U. Malae, as treasurer (hereinafter "the Respondents"), violated 2 U.S.C. § 434(a)(2)(A)(i).

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

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

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

1. Committee to Re-Elect Fofo to Congress is a political committee registered with the Commission.

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85 JUL 25 A10:48
GENERAL INVESTIGATIVE
DIVISION

2. Abe U. Malae is the treasurer of the Committee to Re-Elect Fofo to Congress.

3. The Respondents were required to file the 1984 12 Day Pre-General Election Report by October 25, 1984. The report was filed on November 19, 1984, 25 days late.

V. Respondents violated 2 U.S.C. § 434(a)(2)(a)(i) by failing to file timely the 1984 12 Day Pre-General Report of Receipts and Disbursement.

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred Seventy Five Dollars (\$175), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. Respondents agree that they shall 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.

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

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

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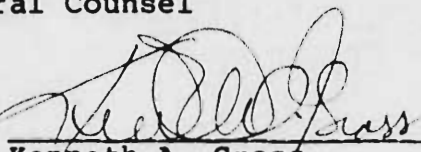
X. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

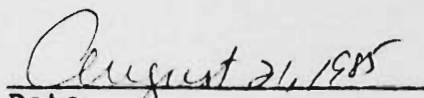
XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

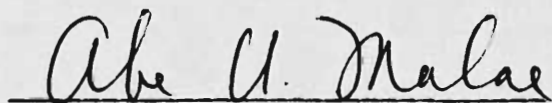
Charles N. Steele
General Counsel

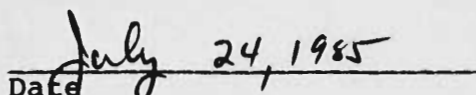
BY:


Kenneth A. Gross
Associate General Counsel


Date

FOR THE RESPONDENTS:


Treasurer


Date

85040561326



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Abe U. Malae, Treasurer
Committee to Re-Elect Fofo to Congress
P.O. Box 474
Ben Franklin Station
Washington, D.C. 20044

RE: MUR 1885
Committee to Re-Elect Fofo to
Congress, Abe U. Malae,
Treasurer .

Dear Mr. Malae:

On August 13, 1985, the Commission accepted the conciliation agreement signed by you and a civil penalty in settlement of a violation of 2 U.S.C. § 434(a)(2)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

Peg 8/20/85

85040561327

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1885
Committee to Re-Elect Fofo)
to Congress)
Abe M. Malae, treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 13, 1985, the Commission decided by a vote of 6-0 to take the following actions in MUR 1885:

1. Accept the conciliation agreement in settlement of this matter as attached to the General Counsel's Report signed August 6, 1985.
2. Close the file.

Commissioners Aikens, Elliott, Harris, Josefiak, McDonald and McGarry voted affirmatively in this matter.

Attest:

8-14-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:
Circulated on 48 hour tally basis:

8-9-85, 10:04
8-9-85, 2:00

35040561323

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1885
Committee to Re-Elect Fofo)
to Congress)
Abe U. Malae, treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 3, 1985, the Commission decided by a vote of 6-0 to take the following actions in MUR 1885:

1. Enter into conciliation with Committee to Re-Elect Fofo to Congress prior to a finding of probable cause to believe.
2. Approve the proposed conciliation agreement and letter attached to the General Counsel's Report signed June 27, 1985.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

7-3-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: 6-28-85, 11:16
Circulated on 48 hour tally basis: 7- 1-85, 11:00

Post Office Box 474
Ben Franklin Station
Washington, D.C. 20044
May 31, 1985

RECEIVED AT THE FEC
@ CC# 7681
85 JUN 5 49: 44

Ms. Shelley Garr
Office of Charles N. Steele, Esq.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RECEIVED
JUN 5 11: 34
GENERAL COUNSEL

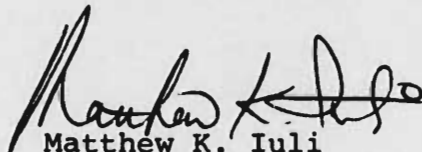
Dear Ms. Garr:

Joseph McDermott, a legislative assistant to Congressman Fofō Sunia, spoke with you this afternoon in reference to MUR 1885. Following your suggestion to Mr. McDermott, I am responding to Mr. Steele's letter of May 13th to Abe U. Malae, the treasurer of the Committee to Re-Elect Fofō to Congress. I received Mr. Steele's letter on Thursday, May 16th.

As you mentioned to Mr. McDermott, I would like to reiterate and incorporate by reference each and every part of my letter of February 14th to Mr. Steele; that letter responded to Mr. Steele's letter of January 30th.

Thank you very much for your kind assistance in this matter. The officers of the Committee to Re-Elect Fofō to Congress and I want to resolve this issue as quickly as possible. I stand ready to help in any way.

Yours sincerely,



Matthew K. Iuli
Secretary
Committee to Re-Elect Fofō to Congress

Enclosure

MKI/jhmcd

00331561330

COMMITTEE TO RE-ELECT FOFO
FOR CONGRESS
P.O. Box 474
Ben Franklin Station
Washington, D.C. 20044

February 14, 1985

Charles N. Steele, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Steele:

On behalf of Abe U. Malae, treasurer of the Committee to Re-elect Fofo for Congress (CRFC), I am responding to your letter to him of January 30th (your reference: MUR 1885). As Mr. Malae is presently in American Samoa, and as I am the secretary of the CRFC, I wish to reply in accord with the preliminary procedures for processing possible violations discovered by the Federal Election Commission (FEC).

The CRFC freely acknowledges the summary of allegations that the FEC Office of General Counsel has prepared in this matter. The CRFC admits that its offices filed on November 19, 1984, the twelve-day pre-general election report, which had been due on October 25, 1984.

While confessing these allegations, the officers of the CRFC offer an explanation as to why the CRFC filed the above report twenty-five days late. Between the last week of September and at least the second week of November 1984, all four officers of the CRFC were resident in American Samoa, a distance of approximately seven thousand miles from the Washington, D.C., headquarters of the FEC, to which they were to send the twelve-day report and from which came all notices to them. Besides Mr. Malae and me, these officers were the chairman of the CRFC, the Honorable Fofo I.F. Sunia, and its vice chairman, John S. Faumuina Jr.

Located in Polynesia, south of the equator, American Samoa is not easily accessible. The sole and most dependable way to send and to receive mail to and from American Samoa is by means of standard first-class postage through the Postal Service. Express Mail, Purolator Courier, UPS, DHL Worldwide Courier, Federal Express and Emery, all available in the United States, do not serve American Samoa. In fact, until last month only one airline provided flight to and from American Samoa. This meant that American Samoa received mail service three days a week at the most during the above time period.

As the secretary to the CRFC, I stayed in American Samoa until November 7, 1984, and returned to the Washington, D.C., area on November 9, 1984. The next business day, November 13, 1984, I received the non-filer notice from the FEC and contacted the FEC about it on November 15, 1984. Four days later I filed the twelve-day report. One can see that, as soon as I, an officer of the CRFC, knew of this notice, I acted upon it and did my best to comply with its request. Unaware of the FEC's having mailed this

85040561331

Matthew K. Iuli
Secretary
Committee to Re-Elect Fofo to Congress
Post Office Box 474
Franklin Station
Washington, D.C. 20044

EXPEDITE



Ms. Shelley Garr
Office of Charles N. Steele, Esq.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

IMPORTANT

EXPEDITE

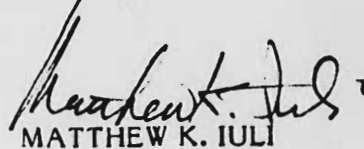
IMPORTANT

Charles N. Steele, Esq.
February 14, 1985
Page 2

notice, neither any of the other officers nor I could have placed an overseas call to the FEC for an extension.

For the CRFC I respectfully request a pre-probably cause conciliation agreement with the FEC under the provisions of 11 C.F.R. sec. 111.18(d) and of 2 U.S.C. sec. 437g(a)(4). The officers of the CRFC want to cooperate with the FEC to the fullest extent and earnestly hope that together they and the FEC can effect such an agreement. Please do not hesitate to contact me at any time so that we can resolve this matter as quickly as possible.

Sincerely,



MATTHEW K. IULI

Secretary

Committee to Re-elect Fofo for Congress

85040561333



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 13, 1985

MAY 13 1985 13 P 2: 0

SENSITIVE

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel *CS*

SUBJECT: MUR 1885
Committee to Re-Elect Fofo to Congress
Abe U. Malae, Treasurer

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on May 13, 1985. Following receipt of the Respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to Respondent

35040561334



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 13, 1985

Abe U. Malae
Committee to Re-Elect
Fofo to Congress
P.O. Box 474
Ben Franklin Station
Washington, D.C. 20044

RE: MUR 1885
Committee to Re-Elect Fofo to
Congress
Abe U. Malae, as treasurer

Dear Mr. Malae:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on January 28, 1985, found reason to believe that the Committee to Re-Elect Fofo to Congress and you, as treasurer, had violated 2 U.S.C. § 434(a)(4)(A)(i), and instituted an investigation in this matter.

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

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

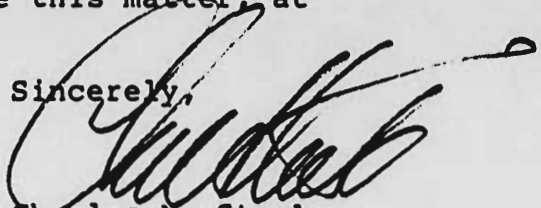
If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days.

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

Should you have any questions, please contact Shelley Garr, the staff member assigned to handle this matter, at (202)523-4143.

Sincerely,



Charles N. Steele
General Counsel

Enclosure
Brief

85040561336

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Committee to Re-Elect) MUR 1885
Fofo to Congress)
Abe U. Malae, Treasurer)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On January 28, 1985 the Commission found reason to believe that the Committee to Re-Elect Fofo for Congress ("Committee") and Abe U. Malae, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) by failing to file a 1984 12 Day-Pre-General Report in a timely manner.

On February 15, 1985, Matt Iuli, Mr. (Fofo I.F.) Sunia's Administrative Assistant, met with OGC staff to discuss the Commission's proposed action with respect to this MUR and to discuss options available to the Committee to remedy the violation.

Mr. Iuli explained that he had just returned from American Samoa after the general election on November 4, 1984, when he received the Commission's mailgram notifying the Committee that the 12 Day Pre-General Report was overdue. After discussing the matter with a RAD analyst on November 15, Mr. Iuli filed the Committee's 12 Day Pre-General Report on November 19, 25 days late.

II. LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 434(a)(2)(A)(i) all political committees which are the principal campaign committees of a

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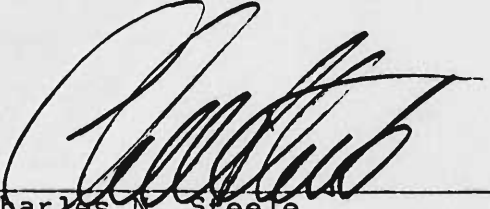
candidate are required to file a pre-election report, which shall be filed no later than the 12th day before an election in which such candidate is seeking election and shall be complete as of the 20th day before such election.

The Committee was required to file its 1984 12 Day Pre-General Report on October 25, 1984. The Committee filed its report on November 19, 1984, 25 days date. The Committee's failure to comply with the reporting requirement in a timely manner is a violation of 2 U.S.C. § 434(a)(2)(A)(i). Hence, it is the recommendation of the General Counsel that the Commission find probable cause to believe that the Committee violated 2 U.S.C. § 434(a)(2)(A)(i).

III. Recommendation

The Office of General Counsel recommends that the Commission find probable cause to believe that the Committee to Re-Elect Fofu to Congress and Abe U. Malae, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i).

13 May 1985
Date


Charles N. Steele
General Counsel

85040561333

GCC#6676

COMMITTEE TO RE-ELECT FOFO
FOR CONGRESS
P.O. Box 474
Ben Franklin Station
Washington, D.C. 20044

February 14, 1985

RECEIVED
GENERAL COUNSEL
FEB 15 10:20

Charles N. Steele, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Steele:

On behalf of Abe U. Malae, treasurer of the Committee to Re-elect Fofo for Congress (CRFC), I am responding to your letter to him of January 30th (your reference: MUR 1885). As Mr. Malae is presently in American Samoa, and as I am the secretary of the CRFC, I wish to reply in accord with the preliminary procedures for processing possible violations discovered by the Federal Election Commission (FEC).

The CRFC freely acknowledges the summary of allegations that the FEC Office of General Counsel has prepared in this matter. The CRFC admits that its offices filed on November 19, 1984, the twelve-day pre-general election report, which had been due on October 25, 1984.

While confessing these allegations, the officers of the CRFC offer an explanation as to why the CRFC filed the above report twenty-five days late. Between the last week of September and at least the second week of November 1984, all four officers of the CRFC were resident in American Samoa, a distance of approximately seven thousand miles from the Washington, D.C., headquarters of the FEC, to which they were to send the twelve-day report and from which came all notices to them. Besides Mr. Malae and me, these officers were the chairman of the CRFC, the Honorable Fofo I.F. Sunia, and its vice chairman, John S. Faumuina Jr.

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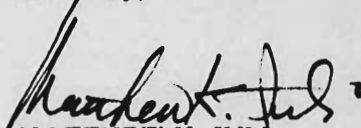
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Charles N. Steele, Esq.
February 14, 1985
Page 2

notice, neither any of the other officers nor I could have placed an overseas call to the FEC for an extension.

For the CRFC I respectfully request a pre-probably cause conciliation agreement with the FEC under the provisions of 11 C.F.R. sec. 111.18(d) and of 2 U.S.C. sec. 437g(a)(4). The officers of the CRFC want to cooperate with the FEC to the fullest extent and earnestly hope that together they and the FEC can effect such an agreement. Please do not hesitate to contact me at any time so that we can resolve this matter as quickly as possible.

Sincerely,



MATTHEW K. IULI

Secretary

Committee to Re-elect Fofo for Congress

85040561340



SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

REC'D
FEC
JAN 31 1985
AIO: 00

January 31, 1985

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

SUBJECT: RAD Referral 84NF-63

On January 28, 1985 the Commission approved the recommendation that the subject RAD Referral be made a MUR. Therefore, all documents which had previously been identified as RAD Referral 84NF-63 should now become MUR 1885.

Attachment
Copy of Certification

85040561341

M1885

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Committee to Re-Elect Fofo) RAD Referral 84NF-63
for Congress)
Abe U. Malae, Treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 28, 1985, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral 84NF-63:

1. Open a MUR.
2. Find reason to believe that the Committee to Re-Elect Fofo for Congress and Abe U. Malae, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i).
3. Approve the letter and legal factual analysis attached to the First General Counsel's Report signed January 23, 1985.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

1-28-85
Date

Marjorie W Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: 1-23-85, 4:21
Circulated on 48 hour tally basis: 1-24-85, 11:00

85040561342

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) RAD Referral 84NF-63
Committee to Re-Elect Fofo)
for Congress)
Abe U. Malae, Treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 28, 1985, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral 84NF-63:

1. Open a MUR.
2. Find reason to believe that the Committee to Re-Elect Fofo for Congress and Abe U. Malae, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i).
3. Approve the letter and legal factual analysis attached to the First General Counsel's Report signed January 23, 1985.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

1-28-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:
Circulated on 48 hour tally basis:

1-23-85, 4:21
1-24-85, 11:00

85040561343



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 30, 1985

Abe U. Malae, Treasurer
Committee to Re-Elect Fofo for Congress
P.O. Box 474
Ben Franklin Station
Washington, D.C. 20044

Re: MUR 1885
Committee to Re-Elect Fofo for
Congress

Dear Mr. Malae:

On January 28, 1985, the Commission found reason to believe that the Committee to Re-Elect Fofo for Congress and you, as treasurer, violated 2 U.S.C. §434(a)(2)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. § 104.5(a)(1)(i)(A) by failing to file a 12 Day Pre-General Report of Receipts and Expenditures in a timely manner. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

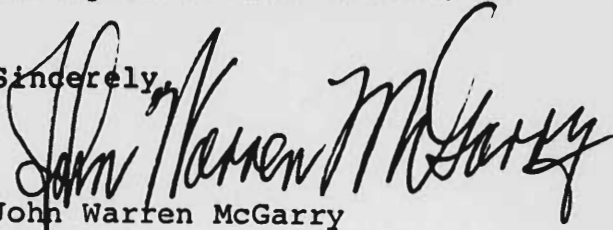
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Abe U. Malae, Treasurer
Page 2

The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Shelley Garr, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,



John Warren McGarry
Chairman

Enclosures

General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

35040561345

FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 1885
STAFF MEMBER(S) & TEL. NO.
Garr 523-4143

RESPONDENT Committee to Re-Elect Fofo for Congress
Abe U. Male, Treasurer

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

SUMMARY OF ALLEGATIONS

On October 1, 1984, prior notice was sent informing the Committee that the 1984 12 Day Pre-General Report was due on October 25, 1984. Subsequently, the Committee filed a 1984 October Quarterly Report listing coverage dates of July 16, 1984, through October 15, 1984. Since this report was filed on October 3, 1984, and only itemized financial activity up through September 25, 1984, it did not appear to cover the period of the 12 Day Pre-General Report (10/1/84-10/17/84). No 12 Day Pre-General Report was filed; therefore, a Non-Filer Notice in the form of a mailgram, was sent to the Committee on October 26, 1984. The mailgram requested that the report be filed within four (4) business days from the date of the notice. The mailgram also informed the Committee that failure to file the report might result in publication, audit, or legal enforcement action. On November 2, 1984, the name of the Committee was published for failure to file the required report.

On November 15, 1984, the Reports Analyst spoke with the Delegate's Administrative Assistant, Matthew Iuli. Mr. Iuli stated that he had just returned from American Samoa and had received the mailgram sent by the Commission. The Reports

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Analyst informed Mr. Iuli that the coverage dates of the 1984 October Quarterly Report could not have included activity through October 15, 1984 if the report was filed on October 3, 1984. Mr. Iuli then stated that he would submit a report for financial activity of October 1 through October 17, 1984.

The 1984 12 Day Pre-General Report was filed on November 19, 1984.

FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 434(a)(2)(A)(i) all political committees which are the principal campaign committees of a candidate are required to file a pre-election report, which shall be filed no later than the 12th day before an election in which such candidate is seeking election and shall be complete as of the 20th day before such election.

The Committee was required to file its 1984 12 Day Pre-General Report on October 25, 1984. The Committee filed its report on November 19, 1984, 25 days late. The Committee's failure to comply with the reporting requirement in a timely manner is a violation of 2 U.S.C. § 434(a)(2)(A)(i). Hence, it is the recommendation of the General Counsel that the Commission find reason to believe that the Committee violated 2 U.S.C. § 434(a)(2)(A)(i).

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Abe U. Malae, Treasurer
Committee to Re-Elect Fofo for Congress
P.O. Box 474
Ben Franklin Station
Washington, D.C. 20044

Re: MUR 1885
Committee to Re-Elect Fofo for
Congress

Dear Mr. Malae:

On January 28, 1985, the Commission found reason to believe that the Committee to Re-Elect Fofo for Congress and you, as treasurer, violated 2 U.S.C. §434(a)(2)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. § 104.5(a)(1)(i)(A) by failing to file a 12 Day Pre-General Report of Receipts and Expenditures in a timely manner. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

per 1/28/85

Abe U. Malae, Treasurer
Page 2

The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Shelley Garr, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

John Warren McGarry
Chairman

Enclosures

General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

85040561349

FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 1885
STAFF MEMBER(S) & TEL. NO.
Garr 523-4143

RESPONDENT Committee to Re-Elect Fofo for Congress
Abe U. Male, Treasurer

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

SUMMARY OF ALLEGATIONS

On October 1, 1984, prior notice was sent informing the Committee that the 1984 12 Day Pre-General Report was due on October 25, 1984. Subsequently, the Committee filed a 1984 October Quarterly Report listing coverage dates of July 16, 1984, through October 15, 1984. Since this report was filed on October 3, 1984, and only itemized financial activity up through September 25, 1984, it did not appear to cover the period of the 12 Day Pre-General Report (10/1/84-10/17/84). No 12 Day Pre-General Report was filed; therefore, a Non-Filer Notice in the form of a mailgram, was sent to the Committee on October 26, 1984. The mailgram requested that the report be filed within four (4) business days from the date of the notice. The mailgram also informed the Committee that failure to file the report might result in publication, audit, or legal enforcement action. On November 2, 1984, the name of the Committee was published for failure to file the required report.

On November 15, 1984, the Reports Analyst spoke with the Delegate's Administrative Assistant, Matthew Iuli. Mr. Iuli stated that he had just returned from American Samoa and had received the mailgram sent by the Commission. The Reports

page 12/28/85

Analyst informed Mr. Iuli that the coverage dates of the 1984 October Quarterly Report could not have included activity through October 15, 1984 if the report was filed on October 3, 1984. Mr. Iuli then stated that he would submit a report for financial activity of October 1 through October 17, 1984.

The 1984 12 Day Pre-General Report was filed on November 19, 1984.

FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 434(a)(2)(A)(i) all political committees which are the principal campaign committees of a candidate are required to file a pre-election report, which shall be filed no later than the 12th day before an election in which such candidate is seeking election and shall be complete as of the 20th day before such election.

The Committee was required to file its 1984 12 Day Pre-General Report on October 25, 1984. The Committee filed its report on November 19, 1984, 25 days late. The Committee's failure to comply with the reporting requirement in a timely manner is a violation of 2 U.S.C. § 434(a)(2)(A)(i). Hence, it is the recommendation of the General Counsel that the Commission find reason to believe that the Committee violated 2 U.S.C. § 434(a)(2)(A)(i).

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SENSITIVE

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL ^{1/23/85}
BY OGC TO THE COMMISSION ^{4:25} 84NF-63
STAFF MEMBER(S)
Garr

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

RESPONDENT'S NAME: Committee to Re-Elect Fofo for Congress
Abe U. Malae, Treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(2)(A)(i)
11 C.F.R. § 104.5(a)(1)(i)(A)

INTERNAL REPORTS CHECKED: FEC Disclosure Documents

FEDERAL AGENCIES CHECKED: N/A

GENERATION OF MATTER

The Committee to Re-Elect Fofo for Congress ("Committee") was referred to the Office of the General Counsel by the Reports Analysis Division for failing to file its 12 Day Pre-General Report of Receipts and Disbursements as of Election Day, November 6, 1984.

SUMMARY OF ALLEGATIONS

On October 1, 1984, prior notice was sent informing the Committee that the 1984 12 Day Pre-General Report was due on October 25, 1984. Subsequently, the Committee filed a 1984 October Quarterly Report listing coverage dates of July 16, 1984, through October 15, 1984. Since this report was filed on October 3, 1984, and only itemized financial activity up through September 25, 1984, it did not appear to cover the period of the 12 Day Pre-General Report (10/1/84-10/17/84). No 12 Day Pre-General Report was filed; therefore, a Non-Filer Notice in

OFFICE OF THE
GENERAL COUNSEL
FEDERAL ELECTION COMMISSION
SECRETARY

NOV 23 1984
14:21

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the form of a mailgram, was sent to the Committee on October 26, 1984. The mailgram requested that the report be filed within four (4) business days from the date of the notice. The mailgram also informed the Committee that failure to file the report might result in publication, audit, or legal enforcement action. On November 2, 1984, the name of the Committee was published for failure to file the required report.

On November 15, 1984, the Reports Analyst spoke with the Delegate's Administrative Assistant, Matthew Iuli. Mr. Iuli stated that he had just returned from American Samoa and had received the mailgram sent by the Commission. The Reports Analyst informed Mr. Iuli that the coverage dates of the 1984 October Quarterly Report could not have included activity through October 15, 1984 if the report was filed on October 3, 1984. Mr. Iuli then stated that he would submit a report for financial activity of October 1 through October 17, 1984.

The 1984 12 Day Pre-General Report was filed on November 19, 1984.

FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 434(a)(2)(A)(i) all political committees which are the principal campaign committees of a candidate are required to file a pre-election report, which shall be filed no later than the 12th day before an election in which such candidate is seeking election and shall be complete as of the 20th day before such election.

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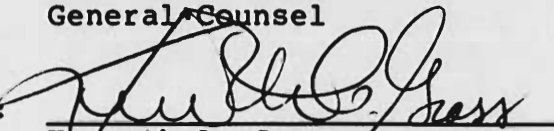
The Committee was required to file its 1984 12 Day Pre-General Report on October 25, 1984. The Committee filed its report on November 19, 1984, 25 days late. The Committee's failure to comply with the reporting requirement in a timely manner is a violation of 2 U.S.C. § 434(a)(2)(A)(i). Hence, it is the recommendation of the General Counsel that the Commission find reason to believe that the Committee violated 2 U.S.C. § 434(a)(2)(A)(i).

RECOMMENDATION

1. Open a MUR.
2. Find reason to believe that the Committee to Re-Elect Fofo for Congress and Abe U. Malae, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i).
3. Approve the attached letter and legal factual analysis.

January 23, 1985
Date

Charles N. Steele
General Counsel

By: 
Kenneth A. Gross
Associate General Counsel

Attachments

1. Referral
2. Letter and Analysis

85040561354



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

18 December 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA 15/
STAFF DIRECTOR

FROM: JOHN D. GIBSON JTG
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: REFERRAL OF THE COMMITTEE TO RE-ELECT FOFO FOR CONGRESS

85040561355
This is a referral of the Committee to Re-Elect Fofo for Congress for failure to file the 1984 12 Day Pre-General Report as of Election Day, November 6, 1984. According to the RAD Review and Referral Procedures for Authorized Committees (Standard 1), this matter requires further examination by your office.

For your information, Committee was also sent a Non-Filer Notice for the 1983 Mid-Year Report because the candidate had been involved in the 1982 general election and the Committee had failed to file the required report. The 1983 Mid-Year Report was filed, but it contained no receipts, disbursements, debts, or cash-on-hand. The Committee did not receive or expend \$5,000 for the 1984 election until the 1984 April Quarterly Report. Delegate Fofo I.F. Sunia won the general election with sixty-two (62%) per cent of the vote.

If you have any questions, please contact Libby Cooperman at 523-4048.

Attachment I - page 1

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 18 December 1984

ANALYST: Libby Cooperman

I. COMMITTEE: Committee to Re-Elect Fofo for Congress
(C00133546)
Abe U. Malae, Treasurer
P.O. Box 474/Ben Franklin Station
Washington, DC 20044

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(2)(A)(i)
11 CFR 104.5(a)(1)(i)(A)

III. BACKGROUND:

Failure to File A Required Report as of Election Day

The Committee to Re-Elect Fofo for Congress ("the Committee") failed to file the 12 Day Pre-General Report of Receipts and Disbursements as of Election Day, November 6, 1984.

On October 1, 1984, prior notice was sent informing the Committee that the 1984 12 Day Pre-General Report was due on October 25, 1984 (Attachment 2). Subsequently, the Committee filed a 1984 October Quarterly Report listing coverage dates of July 16, 1984 through October 15, 1984 (Attachment 3). Since this report was filed on October 3, 1984, and only itemized financial activity up through September 25, 1984, it did not appear to cover the period of the 12 Day Pre-General Report (10/1/84-10/17/84). No 12 Day Pre-General Report was filed; therefore, a Non-Filer Notice in the form of a mailgram, was sent to the Committee on October 26, 1984. The mailgram requested that the report be filed within four (4) business days from the date of the notice. The mailgram also informed the Committee that failure to file the report might result in publication, audit, or legal enforcement action (Attachment 4). On November 2, 1984, the name of the Committee was published for failure to file the required report (Attachment 5).

On November 15, 1984, the Reports Analyst spoke with the Delegate's Administrative Assistant, Matthew Iuli. Mr. Iuli stated that he had just returned from American Samoa and had received the mailgram sent by the Commission. The

Attachment I - page 2

85040561356

COMMITTEE TO ELECT FOFO FOR CONGRESS
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

Reports Analyst informed Mr. Iuli that the coverage dates of the 1984 October Quarterly Report could not have included activity through October 15, 1984 if the report was filed on October 3, 1984. Mr. Iuli then stated that he would submit a report for financial activity of October 1 through October 17, 1984 (Attachment 6).

The 1984 12 Day Pre-General Report was filed on November 19, 1984 (Attachment 7).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None

85040561357

Attachment I-page 3

8 5 0 4 0 5 6 1 3 5 8

FEDERAL ELECTION COMMISSION
1983-1984
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

DATE 17DEC84

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES TYPE OF FILER	# OF MICROFILM LOCATION
	OFFICE SOUGHT/	PARTY	PRIMARY	GENERAL			
SUNIA, FOFO I F CONGRESSMAN	HOUSE 00	DEMOCRATIC PARTY			AMERICAN SAMOA	1984 ELECTION	100 HOAS00026
1. STATEMENT OF CANDIDATE							
1984 STATEMENT OF CANDIDATE					16APR84		1 84HSE/257/3534
2. CANDIDATE REPORTS OF RECEIPTS & EXPENDITURES							
3. PRINCIPAL CAMPAIGN COMMITTEE							
COMMITTEE TO RE-ELECT FOFO FOR CONGRESS							
1983 MID-YEAR REPORT			0				
NOTICE OF FAILURE TO FILE							
YEAR-END			1,200				
1984 STATEMENT OF ORGANIZATION - AMENDMENT							
APRIL QUARTERLY			4,525		2,270	1 JAN84 -31MAR84	7 84HSE/257/3382
APRIL QUARTERLY - AMENDMENT			4,525		2,270	1 JAN84 -31MAR84	3 84HSE/261/2046
REQUEST FOR ADDITIONAL INFORMATION						1 JAN84 -31MAR84	2 84FEC/315/2362
JULY QUARTERLY			0		0	1 APR84 -15JUL84	2 84HSE/262/3509
JULY QUARTERLY - AMENDMENT						1 APR84 -30JUN84	1 84HSE/277/4820
OCTOBER QUARTERLY			6,571		8,706	16 JUL84 -15OCT84	3 84HSE/269/0590
OCTOBER QUARTERLY - AMENDMENT						1 JUL84 -30SEP84	1 84HSE/277/4822
PRE-GENERAL			9,440		10,184	1 OCT84 -17OCT84	4 84HSE/277/4816
PRE-GENERAL - AMENDMENT						1 OCT84 -17OCT84	2 84HSE/280/0013
NOTICE OF FAILURE TO FILE						1 OCT84 -17OCT84	1 84FEC/347/5042
POST-GENERAL			8,895		9,419	18 OCT84 -26NOV84	4 84HSE/278/3027
TOTAL			0	30,631	0	30,579	39 TOTAL PAGES
4. AUTHORIZED COMMITTEES							
4B. TRANSFERS IN FROM JOINT FUNDRAISING COMMITTEES							

All reports reviewed.

Ending cash-on-hand: \$51.00

Debts owed by the Committee: \$0

Attachment I - page 4



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

October 1, 1984

GENERAL ELECTION FILING NOTICE
FOR AUTHORIZED COMMITTEES

WHO MUST FILE

The principal campaign committee of candidates* who are seeking election in the 1984 general elections must file the pre-election report due October 25, 1984, and the post-election report due December 6, 1984.

WHAT MUST BE REPORTED

The pre-election report must disclose all financial activity of the campaign from the later of, the last report filed or the date of candidate status** through October 17, 1984. The post-election report must cover all financial activity of the campaign from October 18 through November 26, 1984. (See the chart below.)

WHEN TO FILE

Pre-election reports sent by registered or certified mail must be postmarked no later than October 22, 1984. Reports hand delivered or mailed first class must be received no later than close of business October 25, 1984.

Post-election reports sent by registered or certified mail must be postmarked no later than December 6, 1984. Reports hand delivered or mailed first class must be received no later than close of business December 6, 1984.

NOTE: Last Minute Contributions

Last minute contributions of \$1,000 or more received, by authorized committees, between two and 20 days before the general election must be reported within 48 hours of their receipt.

WHERE AND HOW TO FILE

Committees should consult the instructions on the enclosed FEC Form 3, for details.

*Individuals should refer to the enclosed brochure for the definition of the term "candidate," and the registration requirements. If you determine that you meet the definition of candidate, your principal campaign committee should comply with the above reporting requirements. Appropriate forms are enclosed.

**The first report filed by a committee shall include all amounts received or disbursed prior to authorization by the candidate, even if such amounts were not received during the current reporting period. See 11 CFR 101.3; 104.3(a) and (b)

-over-

Attachment I - page 5

85040561359

REPORTS DUE DURING OCTOBER, DECEMBER AND JANUARY

<u>Name of Report</u>	<u>Period Covered</u>	<u>Reg/Cert. Mailing Date</u>	<u>Filing Date</u>
3rd Quarterly*	7/01** - 9/30/84	10/15/84	10/15/84
Pre-General	10/01 - 10/17/84	10/22/84	10/25/84
Post-General	10/18 - 11/26/84	12/06/84	12/06/84
Year-end	11/27 - 12/31/84	1/31/85	1/31/85

*Presidential committees that file monthly need not file this report.

Presidential committees of candidates who are not participating in the general election may continue to file monthly reports, or file pre-general and post-general election reports as indicated above. Monthly reports are due the twentieth of each month and should cover all financial activity of the previous month. The next two monthly reports are due November 20 and December 20, 1984.

**Committees that file quarterly reports should use this date, the date of the last report filed, or the date of candidate status, whichever is the latest.

COMPLIANCE

Political committees are fully liable for failure to file any report required under the Act. Failure to file in a timely fashion is a serious violation. Committees are subject to enforcement action for late filing. Illegible reports which can not be clearly reproduced and reports submitted on non-FEC forms will not be accepted. Committees filing such documents will be required to refile.

FOR INFORMATION CALL: Office of Public Communications
800/424-9530 or 202/523-4068

Attachment I-page 6

Page 1 of 3

(Summary Page)

094137

TYPE OF REPORT	
☐ April 15 Quarterly Report	☐ Twelfth day report preceding _____ election on _____ in the State of _____
☐ July 15 Quarterly Report	
☒ October 15 Quarterly Report	☐ Thirtieth day report following the General Election on _____ _____ in the State of _____
☐ January 31 Year End Report	
☐ July 31 Mid Year Report (Non-election Year Only)	☐ Termination Report

This report contains activity for - ☐ Primary Election ☒ General Election ☐ Special Election ☐ Runoff Election

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5.	Covering Period <u>July 16th</u> through <u>Oct. 15, 1984</u>		
6.	Net Contributions (other than loans)		
(a)	Total Contributions (other than loans) (From Line 11 (a))	\$6,571.00	\$11,096.00
(b)	Total Contribution Refunds (from Line 20 (d))	- 0 -	- 0 -
(c)	Net Contributions (other than loans) (subtract Line 6 (b) from 6 (a))	6,571.00	11,096.00
7.	Net Operating Expenditures		
(a)	Total Operating Expenditures (from Line 17)	8,706.02	10,976.02
(b)	Total Offsets to Operating Expenditures (from Line 14)	- 0 -	- 0 -
(c)	Net Operating Expenditures (subtract Line 7 (b) from 7 (a))	8,706.02	10,976.02
8.	Cash on Hand at Close of Reporting Period (from Line 27)	1,319.79	
9.	Debits and Obligations Owed TO The Committee (itemize all on Schedule C or Schedule D)	- 0 -	
10.	Debits and Obligations Owed BY The Committee (itemize all on Schedule C or Schedule D)	- 0 -	

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

**For further information, contact
Federal Election Commission
Toll Free 800 436 6938
Local 202 537-4800**

ABE U. MALAE

Type of Firms: Name of Treasurer:

Abe U. Malne
SIGNATURE OF TREASURER

Oct. 15, 1984
Date

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

All previous versions of FEC FORM 3 and FEC FORM 2a are obsolete and should no longer be used.

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FEC FORM 3 (3-90)

Attachment I page 7

Name of Committee (in Full)		Report Covering the Period		
Committee to re-elect Peto for Congress		From July 16th	To Oct. 15, 1984	
		COLUMN A Total This Period	COLUMN B Calendar Year to Date	
I. RECEIPTS				
11	CONTRIBUTIONS (other than loans) FROM:			
(a)	Individuals/Persons Other Than Political Committees	\$6,571.00	\$8,646.00	11 (a)
	Same Entry Unitemized \$ 6,571.00			
(b)	Political Party Committees	- 0 -	2,450.00	11 (b)
(c)	Other Political Committees			11 (c)
(d)	The Candidate			11 (d)
(e)	TOTAL CONTRIBUTIONS (other than loans (add 11 (a), 11 (b), 11 (c) and 11 (d))	6,571.00	11,096.00	11 (e)
12	TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	- 0 -	- 0 -	12
13	LOANS:			
(a)	Made or Guaranteed by the Candidate			13 (a)
(b)	All Other Loans			13 (b)
(c)	TOTAL LOANS (add 13 (a) and 13 (b))	- 0 -	- 0 -	13 (c)
14	OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	- 0 -	- 0 -	14
15	OTHER RECEIPTS (Dividends, Interest, etc.)	- 0 -	- 0 -	15
16	TOTAL RECEIPTS (add 11 (e), 12, 13 (c), 14 and 15)	6,571.00	11,096.00	16
II. DISBURSEMENTS				
17	OPERATING EXPENDITURES	8,706.02	10,976.02	17
18	TRANSFERS TO OTHER AUTHORIZED COMMITTEES	- 0 -	- 0 -	18
19	LOAN REPAYMENTS:			
(a)	Of Loans Made or Guaranteed by the Candidate			19 (a)
(b)	Of All Other Loans			19 (b)
(c)	TOTAL LOAN REPAYMENTS (add 19 (a) and 19 (b))	- 0 -	- 0 -	19 (c)
20	REFUNDS OF CONTRIBUTIONS TO:			
(a)	Individuals/Persons Other Than Political Committees			20 (a)
(b)	Political Party Committees			20 (b)
(c)	Other Political Committees			20 (c)
(d)	TOTAL CONTRIBUTION REFUNDS (add 20 (a), 20 (b), and 20 (c))	- 0 -	- 0 -	20 (d)
21	OTHER DISBURSEMENTS	- 0 -	- 0 -	21
22	TOTAL DISBURSEMENTS (add 17, 18, 19 (c), 20 (d) and 21)	\$8,706.02	\$10,976.02	22
III. CASH SUMMARY				
23	CASH ON HAND AT BEGINNING OF REPORTING PERIOD	\$ 3,455.00		23
24	TOTAL RECEIPTS THIS PERIOD (From Line 16)	\$ 6,571.00		24
25	SUBTOTAL (Add Line 23 and Line 24)	\$ 10,026.00		25
26	TOTAL DISBURSEMENTS THIS PERIOD (From Line 22)	\$ 8,706.02		26
27	CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (Subtract Line 26 from 25)	\$ 1,319.98		27

SCHEDULE B

FINANCED DISBURSEMENTS

ATTACHMENT 3, Page 3 of 3

Any information supplied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committees.

Name of Committee (in Full)
Committee to re-elect Pogo for Congress

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Lou Mani's Fun House 13603 Conn. Ave. Wheaton, MD 20902	Campaign novelties Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	9-25-84	\$510.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Acme Novelties 9317 Weaver Street Silver Springs, MD	Campaign Posters Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	9-14-84	861.02
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Innovative Screen Print Inc. 234 W. Dudley Street Greenville, N.C. 27835	Campaign T-Shirts Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	9-19-84	1,900.00
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Rainmaker Hotel Utulei Pago Pago, Am. Samoa 96799	Campaign Fund-raiser Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	8-25-84	3,227.00
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Radio Samoa P.O. Box 2567 Pago Pago, Am. Samoa 96799	Campaign radio ads Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	7-16-84	790.00
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Samoa News P.O. Box 700 Pago Pago, Am. Samoa 96799	Campaign ads Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	9-14-84	450.00
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Samoa Journal P.O. Box 57 Pago Pago, Am. Samoa	Campaign ads Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	9-21-84	140.00
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
David R. Ramage Inc. Majority Room Washington, D.C. 20515	Campaign Stickers Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	9-14-84	528.00
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Adcolor Signs Inc. 1476 Eye Street, N.W. Washington, DC 20036	Campaign signs/banner Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	9-14-84	300.00
SUBTOTAL of Disbursements This Page (optional)			\$8,706.02
TOTAL This Period (last page this line number only)			8,706.02

Attachment F-page 9



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20543

EQ-7

(This is a copy of the text of a mailgram sent to the committee listed below on October 26, 1984.)

Abe U. Malae, Treasurer
Committee to Elect Pofo
for Congress
P.O. Box 474/Ben Franklin Station
Washington, DC 20044

Identification Number: C00133546

Reference: 12 DAY PRE-GENERAL REPORT (10/1/84-10/17/84)

It has come to the attention of the Federal Election Commission that you may have failed to file the 12 Day Pre-General Report of receipts and expenditures as required by the Federal Election Campaign Act, as amended. Unless you recently registered, prior notification was sent to you approximately 24 days ago advising you of your filing dates. You will be allowed four (4) business days from the date of this notice to file the 12 Day Pre-General Report. The report should be filed with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, DC 20515, or the Secretary of the Senate, Office of Public Records, 232 Hart Senate Office Building, NE, Washington, DC 20510, as appropriate. A copy of the report should also be filed with the appropriate Secretary of State or equivalent state officer.

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

If you have any questions regarding this matter, please contact the Reports Analysis Division on our toll free number (800) 424-9530 or on our local number (202) 523-4048.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

Attachment I - page 10

35040561364
94033175742

FEDERAL ELECTION COMMISSION

Press Office
1325 K Street, N.W., Washington, D.C. 20463
Phone: Local 823-4065 Toll Free 800-424-9630



ATTACHMENT 5
Page 1 of 2

FOR IMMEDIATE RELEASE
NOVEMBER 2, 1984

CONTACT: FRED ELLMAN
SPARON SNYDER
DEBORAH STUTZ

1984 PRESIDENTIAL AND HOUSE CAMPAIGNS FAIL TO FILE PRE-GENERAL ELECTION REPORTS

WASHINGTON — 4 Presidential campaigns and 14 House committees have failed to meet the October 25 deadline for filing 12-day pre-general election reports of receipts and expenditures.

Provisions of the Federal Election Campaign Act require that committees supporting Presidential, House and Senate candidates in the November 6 general election file a report of all financial activity 12 days prior to the election.

The report was to include financial activity occurring from October 1 through October 17. If sent certified or registered mail, the report should have been postmarked by October 22. Otherwise, the due date was October 25.

Some individuals and their committees have no obligation to file reports under federal election law, even though their names may appear on general election ballots. If an individual and his or her campaign committee raise or spend less than \$5,000, the individual is not considered a "candidate" under the Federal Election Campaign Act, and neither the individual nor the committee has to register.

The Commission notified the committees of all candidates for the general election of their potential filing requirements 24 days prior to the due date. Those committees which did not file on the due date were notified on October 26 that their reports had not been received and that their names would be published for failure to file if they did not respond within 4 business days.

The Commission publishes only the names of those committees which have been designated by candidates as their principal campaign committees. Under Amendments to the Federal Election Campaign Act, effective January 8, 1980, candidates no longer are required to file personal reports of receipts and expenditures. All such information is reported by authorized committees of the candidates.

Other political committees supporting Presidential, House and Senate candidates in the general election (those which are not authorized units of a candidate's campaign) also are required to file pre- and post-general election reports. Those committee names are not published by the FEC.

Further Commission action against non-filers and late filers will be decided on a case-by-case basis. The Federal Election Campaign Act gives the Commission broad authority to initiate enforcement actions, including civil court enforcement and the imposition of civil penalties (\$5,000 for "any violation" and \$10,000 for any "knowing and willful" violation) for infractions of the law, including failure to file required disclosure reports.

The next report for all candidates' committees (those involved in the general election) will be the post-general election report - on December 6. The report will cover activity from October 18 through November 26, 1984. The year-end report for activity through December 31, 1984, will be due January 31, 1985.

-more-

Attachment I page 11

The following lists 1) Presidential non-filers, and 2) Congressional non-filers by state:

PRESIDENTIAL NON-FILERS

National Hall-Davis Campaign '84....Gus Hall.....Communist
 Campaign For America With Delmar Dennis.....Delmar Dennis....American Party
 Workers World Party Campaign Committee.....Larry Holmes...Workers World
 Gerald Willis for U.S. President.....Noah Gerald Willis...Conservative

HOUSE NON-FILERS

Alabama...02....Lee for Congress '84 Committee...Larry G. Lee.....Democrat
 Arizona...03....Bob Stump Election Committee....Bob Stump.....Republican
 California..30...Gomez for Congress - 1984....Richard Gomez.....Republican
 37...Skinner for Congress.....David E. Skinner.....Democrat
 Florida.....01...Earl Hutto for Congress Campaign..Earl Hutto.....Democrat
 Illinois....02...Gus Savage for Congress '84.....Gus Savage.....Democrat
 22...Re-Elect Ken Gray to Congress.....Kenneth J. Gray.....Democrat
 Indiana.....01...Grenchik for Congress Committee...Joseph Grenchik.....Republican
 Kentucky....05...Hal Rogers for Congress.....Harold Rogers.....Republican
 Oregon.....02...Larryann Willis for Congress....Larryann Willis.....Democrat
 Pennsylvania.22..Pryor for Congress Committee....Nancy Pryor.....Republican
 South Carolina
 03..Taylor Congressional Committee..Clarence Taylor.....Republican
 Wyoming....AL....McFadden for Congress.....Hugh McFadden, Jr.....Democrat
 American Samoa
 AL....Committee to Elect Fofa for Congress....Fofa I.F. Sunia..Democrat

DATE: November 15, 1984

FROM: Libby Cooperman, Reports Analyst

TO: Matthew Iuli, Administrative Assistant

NAME OF COMMITTEE: Committee to Re-Elect Fofo for Congress - C00133546 - American Samoa

Mr. Iuli was called in reference to the Committee's failure to file the 12 Day Pre-General Report. Mr. Iuli stated that he had just returned from American Samoa and did have the mailgram sent by the Commission. The reports analyst informed him that a report covering through October 15 had been submitted, but it was received on October 3, 1984 and could not have included activity through October 15th. Mr. Iuli stated he would submit a report for the financial activity of October 1 through October 17, 1984. The reports analyst also suggested that he amend the coverage dates of the October 15 Quarterly Report since that report only covered activity through September 25, 1984. Mr. Iuli was also given the dates for the remaining reports to be filed this year.

85040561367

Summary Report

202437

Commission to Re-elect Pate for Congress

Address Number and Street

P.O. Box 474

Cite State and Zip Code

Wash. D.C. 20515

☐ Check if address is different than previously reported.

TYPE OF REPORT

☐ April 15 Quarterly Report

☐ July 15 Quarterly Report

☐ October 15 Quarterly Report

☐ January 31 Year End Report

☐ July 31 Mid Year Report (Non-election Year Only)

☐ Twenty day report preceding

election on

☐ Twenty day report following the General Election

in the State of

☐ Twenty-fourth Report

The report covering activity for: ☐ Primary Election ☐ General Election ☐ Special Election ☐ Runoff Election

SUMMARY		COLUMN A This Period	COLUMN B Cumulative Year-to-Date
5	Covering Period <u>Oct. 18, 1984</u> through <u>Nov. 2, 1984</u>		
6	Net Contributions (after disbursements)		
	(a) Total Contributions (after disbursements) From Line 11 (b)	8,895.00	29,431.00
	(b) Total Contributions Refunds From Line 20 (b)	-0-	-0-
	(c) Net Contributions (after disbursements) From Line 6 (b) from 6 (b)	8,895.00	29,431.00
7	Net Cash -- Expenditures	9,419.25	30,579.88
	(a) Total Operating Expenditures From Line 17	-0-	-0-
	(b) Total Other to Operating Expenditures From Line 14	-0-	-0-
	(c) Net Operating Expenditures (Subtract Line 7 (b) from 7 (a))	9,419.25	30,579.88
8	Cash on Hand at Close of Reporting Period (From Line 27)	51.12	
9	Debits and Obligations Owed TO The Committee (Reported on on Schedule C or Schedule D)	-0-	
10	Debits and Obligations Owed BY The Committee (Reported on on Schedule C or Schedule D)	-0-	

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

For further information, contact:
Federal Election Commission
Tel. Free 800 426 6930
Local 202 423 4880

Abe U. Malae

Type or Position of Treasurer

Abe U. Malae

Dec. 5, 1984

Date

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

All previous versions of FEC FORM 2 and FEC FORM 2a are obsolete and should no longer be used.

FEC FORM 2 (3-80)

Attachment I-1



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Abe U. Malae, Treasurer
Committee to Re-Elect Fofo for Congress
P.O. Box 474
Ben Franklin Station
Washington, D.C. 20044

Re:
Committee to Re-Elect Fofo for
Congress

Dear Mr. Malae:

On , the Commission found reason to believe that the Committee to Re-Elect Fofo for Congress and you, as treasurer, violated 2 U.S.C. §434(a)(2)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. § 104.5(a)(1)(i)(A) by failing to file a 12 Day Pre-General Report of Receipts and Expenditures in a timely manner. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Additionally, please submit answers to the enclosed questions within ten days of your receipt of this letter.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

Attachment II - page 16

Abe U. Malae, Treasurer
Page 2

The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Shelley Garr, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Enclosures

General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

Attachment II - page 17

85040561371

FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 84NF-63
STAFF MEMBER(S) & TEL. NO.
Garr

RESPONDENT Committee to Re-Elect Fofo for Congress
Abe U. Male, Treasurer

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

SUMMARY OF ALLEGATIONS

On October 1, 1984, prior notice was sent informing the Committee that the 1984 12 Day Pre-General Report was due on October 25, 1984. Subsequently, the Committee filed a 1984 October Quarterly Report listing coverage dates of July 16, 1984, through October 15, 1984. Since this report was filed on October 3, 1984, and only itemized financial activity up through September 25, 1984, it did not appear to cover the period of the 12 Day Pre-General Report (10/1/84-10/17/84). No 12 Day Pre-General Report was filed; therefore, a Non-Filer Notice in the form of a mailgram, was sent to the Committee on October 26, 1984. The mailgram requested that the report be filed within four (4) business days from the date of the notice. The mailgram also informed the Committee that failure to file the report might result in publication, audit, or legal enforcement action. On November 2, 1984, the name of the Committee was published for failure to file the required report.

On November 15, 1984, the Reports Analyst spoke with the Delegate's Administrative Assistant, Matthew Iuli. Mr. Iuli stated that he had just returned from American Samoa and had received the mailgram sent by the Commission. The Reports

Attachment III - page 18

Analyst informed Mr. Iuli that the coverage dates of the 1984 October Quarterly Report could not have included activity through October 15, 1984 if the report was filed on October 3, 1984. Mr. Iuli then stated that he would submit a report for financial activity of October 1 through October 17, 1984.

The 1984 12 Day Pre-General Report was filed on November 19, 1984.

FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 434(a)(2)(A)(i) all political committees which are the principal campaign committees of a candidate are required to file a pre-election report, which shall be filed no later than the 12th day before an election in which such candidate is seeking election and shall be complete as of the 20th day before such election.

The Committee was required to file its 1984 12 Day Pre-General Report on October 25, 1984. The Committee filed its report on November 19, 1984, 25 days late. The Committee's failure to comply with the reporting requirement in a timely manner is a violation of 2 U.S.C. § 434(a)(2)(A)(i). Hence, it is the recommendation of the General Counsel that the Commission find reason to believe that the Committee violated 2 U.S.C. § 434(a)(2)(A)(i).

Attachment III - page 19

85040561374



FEDERAL ELECTION COMMISSION

1325 K STREET NW
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1885

Date Filmed 11/12/85 Camera No. ---4

Cameraman 11/12/85