



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20543

THIS IS THE END OF MUR # 1933

Date Filmed 9/20/85 Camera No. --- 2

Cameraman AS

85040552009

Routing slips, Conciliation matters, Internal Communication

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

Charles W. Smith

date

9/11/85



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 31 1985

Mr. William S. Busker, Esquire
Vice President - American Trucking
Associations, Inc.
2200 Mill Road
Alexandria, Virginia 22314

RE: MUR 1933

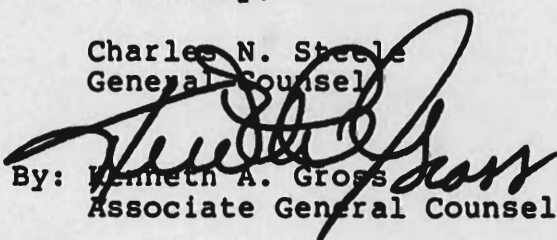
Dear Mr. Busker:

On July 24, 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)(4)(B), 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: 
Associate General Counsel

Enclosure
Conciliation Agreement

85040552011

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1933
Truck Operators Non-Partisan)
Committee of American)
Trucking Associations, Inc.)
and Eugene I. Kane, as)
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. Reason to believe has been found that Truck Operators Non-Partisan Committee of American Trucking Associations, Inc. ("the Committee"), and Eugene I. Kane, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(4)(B) by failing to file its 1984 pre-general election report in a timely manner.

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 pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

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

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

85040552012

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

1. Respondent Committee is a non-party political committee affiliated with the American Trucking Association, Inc., and Respondent Eugene I. Kane is the treasurer of that political committee.
2. Respondents were required by 2 U.S.C. § 434(a)(4)(B) to file a pre-general election report by October 25, 1984.
3. Respondents failed to file that report on October 25, 1984. On November 20, 1984, Respondents filed a report containing the information needed for the pre-general election report.

V. Respondents contend that their failure to file the pre-general election report in a timely manner was the unintended consequence of a major reorganization and relocation of its headquarters from the District of Columbia to Alexandria, Virginia.

VI. Respondents' failure to file the 1984 pre-general election report constituted a violation of 2 U.S.C. § 434(a)(4)(B).

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred Twenty Five Dollars (\$125), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. Respondents agree that it 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.

35040552013

IX. 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.

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

XI. 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.

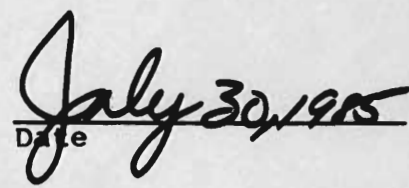
XII. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

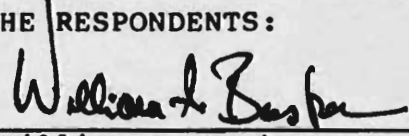
Charles N. Steele
General Counsel

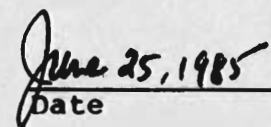
BY:


Kenneth A. Gross
Associate General Counsel


Date

FOR THE RESPONDENTS:


William S. Busker
Counsel for Respondent Truck
Operators Non-Partisan Committee
of American Trucking Associations,
Inc. and Eugene I. Kane, Treasurer


Date

85040552014

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1933
Truck Operators Non-Partisan)
Committee of American Trucking)
Associations, Inc.)
Eugene I. Kane, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 24, 1985, the Commission decided by a vote of 5-0 to take the following actions in MUR 1933:

1. Accept the conciliation agreement attached to the General Counsel's Report signed July 18, 1985.
2. Close the file.

Commissioners Aikens, Elliott, Harris, McDonald and McGarry voted affirmatively in this matter; Commissioner Reiche did not cast a vote.

Attest:

7/25/85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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

7-22-85, 12:54
7-22-85, 4:00

85040552015



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Mr. William S. Busker, Esquire
Vice President - American Trucking
Associations, Inc.
2200 Mill Road
Alexandria, Virginia 22314

RE: MUR 1933

Dear Mr. Busker:

On , 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)(4)(B), 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

CHS

85040552016



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *rd*
DATE: July 22, 1985
SUBJECT: MUR 1933 - General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

48 Hour Tally Vote ☒
Sensitive ☒
Non-Sensitive ☐

24 Hour No Objection ☐
Sensitive ☐
Non-Sensitive ☐

Information ☐
Sensitive ☐
Non-Sensitive ☐

Other ☐

DISTRIBUTION

Compliance ☒

Audit Matters ☐

Litigation ☐

Closed MUR Letters ☐

Status Sheets ☐

Advisory Opinions ☐

Other (see distribution
below) ☐

85040552017

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Truck Operators Non-Partisan
Committee of American Trucking
Associations, Inc. and
Eugene I. Kane, as treasurer

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)

MUR 1933

GENERAL COUNSEL'S REPORT

SENSITIVE

Background

Attached is a conciliation agreement which has been signed by William S. Busker of the Truck Operators Non-Partisan Committee of American Trucking Associations, Inc. A check for the civil penalty has been received.

95 JUL 22 P12: 56

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

85040552013

RECOMMENDATION

The Office of the General Counsel recommends the acceptance of this agreement and the closing of the file.

Charles N. Steele
General Counsel

July 18, 1945
Date

BY:

Kenneth A. Gross
Associate General Counsel

Attachments

1. Conciliation Agreement - photocopy of civil penalty check
2. Proposed letter to Respondents

85040552019

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1933
 Truck Operators Non-Partisan)
 Committee of American)
 Trucking Associations, Inc.)
 and Eugene I. Kane, as)
 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. Reason to believe has been found that Truck Operators Non-Partisan Committee of American Trucking Associations, Inc. ("the Committee"), and Eugene I. Kane, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(4)(B) by failing to file its 1984 pre-general election report in a timely manner.

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 pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

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

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

35040552020

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

1. Respondent Committee is a non-party political committee affiliated with the American Trucking Association, Inc., and Respondent Eugene I. Kane is the treasurer of that political committee.
2. Respondents were required by 2 U.S.C. § 434(a)(4)(B) to file a pre-general election report by October 25, 1984.
3. Respondents failed to file that report on October 25, 1984. On November 20, 1984, Respondents filed a report containing the information needed for the pre-general election report.

V. Respondents contend that their failure to file the pre-general election report in a timely manner was the unintended consequence of a major reorganization and relocation of its headquarters from the District of Columbia to Alexandria, Virginia.

VI. Respondents' failure to file the 1984 pre-general election report constituted a violation of 2 U.S.C. § 434(a)(4)(B).

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred Twenty Five Dollars (\$125), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. Respondents agree that it 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.

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IX. 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.

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

XI. 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.

XII. 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:

William S. Busker
William S. Busker
Counsel for Respondent Truck
Operators Non-Partisan Committee
of American Trucking Associations,
Inc. and Eugene I. Kane, Treasurer

June 25, 1985
Date

85040552022

36908

AMERICAN TRUCKING ASSOCIATIONS, INC.

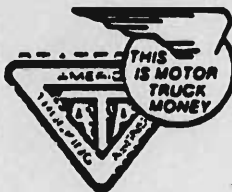
18-89/540

CHECK NO.	DATE	AMOUNT
42335	Jun 24. 1985	*****125.00

PAY ONE HUNDRED TWENTY FIVE NO/100 DOLLARS

TO THE ORDER OF

TREASURER OF THE UNITED



AMERICAN TRUCKING ASSOCIATIONS, INC.

SECURITY NATIONAL BANK
WASHINGTON, D.C.

⑆054000807⑆ ⑆02014234⑆01⑆

Attachment 2



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. William S. Busker, Esquire
Vice President - American Trucking
Associations, Inc.
2200 Mill Road
Alexandria, Virginia 22314

RE: MUR 1933

Dear Mr. Busker:

On , 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)(4)(B), 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

85040552024

Snyder

GCC# 1849

MEMORANDUM

TO: CHERYL THOMAS

TO: JOAN HARRIS

FROM: JOAN HARRIS

FROM: CHERYL THOMAS

CHECK NO. 42335 (a copy of which is attached) RELATING
TO MUR 1933 AND NAME American Trucking Assoc. Inc.
WAS RECEIVED ON June 27, 1985. PLEASE INDICATE THE ACCOUNT INTO
WHICH IT SHOULD BE DEPOSITED:

☒ BUDGET CLEARING ACCOUNT (#95F3875.16)

☐ / CIVIL PENALTIES ACCOUNT (#95-1099.160)

☐ / OTHER _____

SIGNATURE

Retha L. Wilson

DATE

6/27/85

35040552025

36908

AMERICAN TRUCKING ASSOCIATIONS, INC.

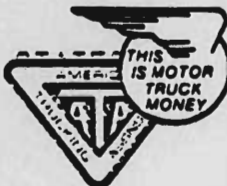
15-80/540

CHECK NO.	DATE	AMOUNT
42375	JUN 24. 1985	*****125.00

PAY ONE HUNDRED TWENTY FIVE NO/100 DOLLARS

TO THE ORDER OF

202
TREASURER OF THE UNITED



AMERICAN TRUCKING ASSOCIATIONS, INC.

SECURITY NATIONAL BANK
WASHINGTON, D.C.

⑆054000807⑆ ⑈02014234⑈01⑈

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1933
Truck Operators Non-Partisan)
Committee of American Trucking)
Associations, Inc.)
Eugene I. Kane, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 15, 1985, the Commission decided by a vote of 6-0 to take the following actions in MUR 1933:

1. Enter into conciliation with Truck Operators Non-Partisan Committee of American Trucking Association, Inc., and Eugene I. Kane, as treasurer, prior to a finding of probable cause to believe.
2. Approve the proposed conciliation agreement attached to the General Counsel's Report signed May 10, 1985.
3. Approve and send the letter attached to the General Counsel's Report signed May 10, 1985.

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

Attest:

5-17-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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

5-13-85, 9:09
5-13-85, 4:00

35040552027



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Cut*
DATE: May 13, 1985
SUBJECT: MUR 1933 - General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

48 Hour Tally Vote [X]
Sensitive [X]
Non-Sensitive []

24 Hour No Objection []
Sensitive []
Non-Sensitive []

Information []
Sensitive []
Non-Sensitive []

Other []

DISTRIBUTION

Compliance [X]
Audit Matters []

Litigation []
Closed MUR Letters []

Status Sheets []
Advisory Opinions []

Other (see distribution below) []

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Truck Operators Non-Partisan)
Committee of American Trucking)
Associations, Inc., and)
Eugene I. Kane, as treasurer)

MUR 1933

GENERAL COUNSEL'S REPORT

SENSITIVE

I. BACKGROUND

The Commission found reason to believe on March 15, 1985 that Truck Operators Non-Partisan Committee of American Trucking Associations, Inc., ("TONPC") and Eugene I. Kane, as treasurer, violated 2 U.S.C. § 434(a)(4)(B). The basis for this finding was a referral from the Reports Analysis Division that showed that Respondents had not filed the 1984 pre-general election report, due on October 25, 1984, until November 20, 1984.

II. LEGAL ANALYSIS

The pertinent statute requires political committees that normally file monthly reports to file, in years in which a regularly scheduled general election is held, a pre-general election report "no later than the 12th day before ... such election." 2 U.S.C. § 434(a)(2)(A)(i). It is undisputed that Respondents failed to file this report in a timely manner.

Respondents have pointed out that their failure to meet the statutory deadline constitutes the first such instance in the twenty year history of their organization. (See Attachment 1). Respondents have therefore maintained that, in view of their laudable record, the Commission should take no action with respect to the acknowledged but uncharacteristic act of omission herein under consideration. In the alternative, Respondents have requested pre-probable conciliation.

35040552029

It is recommended that the Commission enter into pre-probable cause conciliation and approve the attached proposed Conciliation Agreement.

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

IV. RECOMMENDATIONS

1. Enter into conciliation with Truck Operators Non-Partisan Committee of American Trucking Association, Inc., and Eugene I. Kane, as treasurer, prior to a finding of probable cause to believe.

85040552030

2. Approve the attached proposed conciliation agreement.
3. Approve and send the attached letter.

Charles N. Steele
General Counsel

May 10, 1985
Date

By:

Kenneth A. Gross
Associate General Counsel

Attachments

1. Response
2. Proposed Conciliation Agreement
3. Letter to Respondent

85040552031

ATTACHMENT 1

600-6986
Snider

AMERICAN
TRUCKING
ASSOCIATIONS, INC.

William S. Busker
VICE PRESIDENT
LEGAL AFFAIRS
(703) 838-1857

2200 Mill Road, Alexandria, VA 22314

March 27, 1985

Charles Snyder, Esq.
Federal Election Commission
Washington, D. C. 20463

re: MUR 1933

Dear Mr. Snyder:

On March 19, 1985, Chairman McGarry sent a letter to Mr. Eugene Kane, Treasurer of Truck Operators Non-Partisan Committee of American Trucking Associations, Inc., concerning the October 1984 pre-election report.

As General Counsel of American Trucking Associations, Inc., Mr. Kane has designated me as counsel to represent him in this matter. A fully executed copy of Mr. Kane's Statement of Designation of Counsel is attached.

Before responding to the substance of the letter, let me express the concern which Mr. Kane and I share for the lawful operation of ATA's political action committee. Let me assure you that we have always striven to operate in full compliance, and that we treat the Chairman's communication with great importance.

Since its inception in 1965, a period of twenty years, TON has been in compliance with all the election laws and regulations, including all reporting requirements. During this period, TON has never once been found to have violated even a single requirement. My review of TON's reporting records for the last five years -- a total of 61 reports -- shows that, with the exception of the report in question, all reports have been filed on or before their due date, including the pre- and post-election reports required for the years of 1980 and 1982 and the post-election report for 1984.

35040552032

15 MAR 27 P 1:18

35040552033

Concerning the matters raised in the General Counsel's Factual and Legal Analysis, attached to Chairman McGarry's letter of March 19, 1984, we found the pre-election report for the period October 1, 1984 through October 17, 1984 was inadvertently not timely filed. I do believe, however, that extenuating circumstances exist in this case which warrant your consideration. Upon reviewing the following facts, I am sure that you will agree that no further action is necessary to insure TON's compliance in the future.

For many years now, TON has regularly filed with the Commission a monthly report. Therefore, in keeping with TON's routine procedures, TON filed its regular, monthly report for September 1, 1984 through September 30, 1984 on October 11, 1984, and for the period October 1, 1984 through October 31, 1984 on November 15, 1984, (including information required by the pre-election report). Of course, it is part of our normal procedures to file pre-election reports in election years.

On November 19, 1984, TON was notified by John D. Gibson, Assistant Staff Director of the FEC's Reports Analysis Division, that a pre-election report due October 25, 1984 "may not have been filed." Upon checking TON's records it was recognized that the pre-election report, due five days after the regular October report, was inadvertently not timely filed. As soon as we recognized this oversight, we immediately corrected the situation. The subsequent post-election report and TON's year-end report were both timely filed.

In October 1984, contemporaneous with TON's obligation to file the pre-election report, ATA, TON's parent organization, underwent a major reorganization. Changes occurring at this time included a new Chief Operating Officer, and the resignation of ATA's Vice President of Government Relations; the latter position had been directly responsible for administering TON. In addition, this latter change imposed an inordinate increase in the workload on the remaining staff of ATA's Government Relations Division. At the same time, ATA moved its headquarters from the District of Columbia to a just-completed building in Alexandria, Virginia.

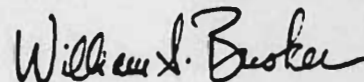
Without a doubt, these unusual circumstances caused the inadvertent oversight which resulted in the untimely filing of the pre-election report.

Inasmuch as the requirement for filing pre- and post-election reports is aimed at identifying large contributions made just prior to a general election, it is equally clear that the spirit of the law was not undermined by TON's inadvertent oversight. A review of TON's pre-election report reveals that of the total \$2,600 in contributions made by TON between October 1, 1984 and October 17, 1984, none exceeded \$500.

In view of TON's long unblemished history of compliance with the election laws and its reporting requirements and ATA's unusual circumstances in October 1984, we believe that no further action is warranted or, indeed, necessary to assure TON's full compliance with the reporting requirements in the future. Accordingly, I am here requesting that, in accordance with the Chairman's letter, you recommend to the Commission that no further compliance action be taken against TON or Mr. Kane.

Should you feel it necessary, I would be most happy to discuss the matters contained herein in more detail.

Sincerely yours,



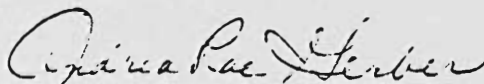
William S. Busker

Attachment

cc: Eugene I. Kane

Dated: Alexandria, VA
March 26, 1985

Sworn to before me this
26th day of March, 1985


Regina Rae Herber
Notary Public

My Commission Expires Oct. 13, 1988



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

William S. Busker, Esq.
Vice President - Legal Affairs
American Trucking Associations, Inc.
2200 Mill Road
Alexandria, Virginia 22314

RE: MUR 1933
Truck Operators Non-Partisan
Committee of American Trucking
Associations, Inc., and
Eugene I. Kane, as treasurer

Dear Mr. Busker:

On March 14, 1985, the Commission found reason to believe that Truck Operators Non-Partisan Committee of American Trucking Associations, Inc., and Eugene I. Kane, as treasurer violated 2 U.S.C. § 434(a)(4)(A). At your request, the Commission determined on , 1985, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved 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. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Charles Snyder, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

85040552035

**AMERICAN
TRUCKING
ASSOCIATIONS, INC.**

2200 Mill Road, Alexandria, VA 22314

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

25 APR 22 P 2: 33

GCC 7261
MUR 1983

William S. Busker
VICE PRESIDENT
LEGAL AFFAIRS
(703) 838-1857

Snyder

April 18, 1985

Charles Snyder, Esquire
Federal Election Commission
Washington, D.C. 20463

Dear Mr. Snyder:

I would like to thank you for the hour you and Ms. Lerner devoted to meeting with Kenneth Stinger, Robert Hirsch, and me yesterday morning concerning the inadvertent, untimely filing of the October, 1984 pre-election report by ATA's political action committee -- TON. We appreciate having had the opportunity to explain to you the several factors causing this inadvertent oversight, and which, in our opinion, strongly mitigate against the Commission taking further action in this matter.

To briefly recap them:

- o TON has been in existence for 20 years during which period of time it has complied with all election laws and regulations, including all reporting requirements, and has never been found to have violated even a single requirement.
- o With the exception of the October, 1984 pre-election report in questions, all of the 61 reports ATA has been required to file during the past five years have been filed on or before their due date.
- o In October, 1984, contemporaneous with TON's obligation to file the pre-election report, ATA, TON's parent organization, underwent a major reorganization and relocation of its headquarters from the District of Columbia to Alexandria, Virginia.
- o The information contained in the October, 1984 pre-election report was filed voluntarily, and prior to notification by the Commission, as part of ATA's regular monthly report filed in November, 1984.

Charles Snyder, Esquire
April 18, 1985
Page Two

- o The amounts of contributions involved in the October, 1984 pre-election report were small. Inasmuch as the requirement for filing the pre-election reports is aimed at identifying large contributions made just prior to a general election, it is equally clear that the spirit of the law was not undermined by TON's inadvertent oversight.

Each of these factors is discussed in greater detail in my March 27, 1985 letter to you and I hereby request that a copy of that letter be provided to the Commission for its consideration of this matter. I believe that upon reviewing that letter, the Commission will agree that no further action concerning ATA is warranted.

I would also wish to emphasize, as we discussed, that as a result of this inquiry, TON has instituted a number of internal checks to insure that all future reports are filed timely and properly. Accordingly, the worthy objectives of the FEC's inquiry have already been achieved.

In the event that the Commission does not agree that further action is not warranted, I request that ATA be provided the opportunity to proceed with this matter through the process of pre-probable cause conciliation.

Sincerely yours,

William S. Busker

William S. Busker

WSB:pep

85040552037



Mill Road, Alexandria, VA 22314-4654



Charles Snyder, Esquire
Federal Election Commission
Washington, D.C. 20463

FIRST-CLASS MAIL



**AMERICAN
TRUCKING
ASSOCIATIONS, INC.**

2200 Mill Road, Alexandria, VA 22314

GC# 6986
Snyder

William S. Banker
VICE PRESIDENT
LEGAL AFFAIRS
(703) 838-1857

March 27, 1985

Charles Snyder, Esq.
Federal Election Commission
Washington, D. C. 20463

re: MUR 1933

Dear Mr. Snyder:

On March 19, 1985, Chairman McGarry sent a letter to Mr. Eugene Kane, Treasurer of Truck Operators Non-Partisan Committee of American Trucking Associations, Inc., concerning the October 1984 pre-election report.

As General Counsel of American Trucking Associations, Inc., Mr. Kane has designated me as counsel to represent him in this matter. A fully executed copy of Mr. Kane's Statement of Designation of Counsel is attached.

Before responding to the substance of the letter, let me express the concern which Mr. Kane and I share for the lawful operation of ATA's political action committee. Let me assure you that we have always striven to operate in full compliance, and that we treat the Chairman's communication with great importance.

Since its inception in 1965, a period of twenty years, TON has been in compliance with all the election laws and regulations, including all reporting requirements. During this period, TON has never once been found to have violated even a single requirement. My review of TON's reporting records for the last five years -- a total of 61 reports -- shows that, with the exception of the report in question, all reports have been filed on or before their due date, including the pre- and post-election reports required for the years of 1980 and 1982 and the post-election report for 1984.

RECEIVED
GENERAL COUNSEL
05 MAR 27 11:18

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Concerning the matters raised in the General Counsel's Factual and Legal Analysis, attached to Chairman McGarry's letter of March 19, 1984, we found the pre-election report for the period October 1, 1984 through October 17, 1984 was inadvertently not timely filed. I do believe, however, that extenuating circumstances exist in this case which warrant your consideration. Upon reviewing the following facts, I am sure that you will agree that no further action is necessary to insure TON's compliance in the future.

For many years now, TON has regularly filed with the Commission a monthly report. Therefore, in keeping with TON's routine procedures, TON filed its regular, monthly report for September 1, 1984 through September 30, 1984 on October 11, 1984, and for the period October 1, 1984 through October 31, 1984 on November 15, 1984, (including information required by the pre-election report). Of course, it is part of our normal procedures to file pre-election reports in election years.

On November 19, 1984, TON was notified by John D. Gibson, Assistant Staff Director of the FEC's Reports Analysis Division, that a pre-election report due October 25, 1984 "may not have been filed." Upon checking TON's records it was recognized that the pre-election report, due five days after the regular October report, was inadvertently not timely filed. As soon as we recognized this oversight, we immediately corrected the situation. The subsequent post-election report and TON's year-end report were both timely filed.

In October 1984, contemporaneous with TON's obligation to file the pre-election report, ATA, TON's parent organization, underwent a major reorganization. Changes occurring at this time included a new Chief Operating Officer, and the resignation of ATA's Vice President of Government Relations; the latter position had been directly responsible for administering TON. In addition, this latter change imposed an inordinate increase in the workload on the remaining staff of ATA's Government Relations Division. At the same time, ATA moved its headquarters from the District of Columbia to a just-completed building in Alexandria, Virginia.

Without a doubt, these unusual circumstances caused the inadvertent oversight which resulted in the untimely filing of the pre-election report.

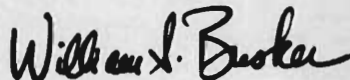
35040552041

Inasmuch as the requirement for filing pre- and post-election reports is aimed at identifying large contributions made just prior to a general election, it is equally clear that the spirit of the law was not undermined by TON's inadvertent oversight. A review of TON's pre-election report reveals that of the total \$2,600 in contributions made by TON between October 1, 1984 and October 17, 1984, none exceeded \$500.

In view of TON's long unblemished history of compliance with the election laws and its reporting requirements and ATA's unusual circumstances in October 1984, we believe that no further action is warranted or, indeed, necessary to assure TON's full compliance with the reporting requirements in the future. Accordingly, I am here requesting that, in accordance with the Chairman's letter, you recommend to the Commission that no further compliance action be taken against TON or Mr. Kane.

Should you feel it necessary, I would be most happy to discuss the matters contained herein in more detail.

Sincerely yours,



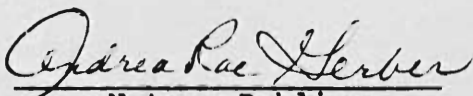
William S. Busker

Attachment

cc: Eugene I. Kane

Dated: Alexandria, VA
March 26, 1985

Sworn to before me this
26th day of March, 1985


Notary Public

My Commission Expires Oct. 18, 1988

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1933

NAME OF COUNSEL: William Busker

ADDRESS: 2200 Mill Road

Alexandria, VA 22314

TELEPHONE: 703-838-1857

RECEIVED
OFFICE OF
GENERAL COUNSEL
15 MAR 27 11:18

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

26 Mar 85
Date

Eugene I. Kane
Signature

RESPONDENT'S NAME: Eugene I. Kane, Chairman & CEO

ADDRESS: E.I. Kane, Inc.

4546 Annapolis Road

Baltimore, MD 21227

HOME PHONE: 301-622-3434

BUSINESS PHONE: 301-636-4000

85040552042



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 19, 1985

Truck Operators Non-Partisan Committee of American
Trucking Associations, Inc.
Eugene I. Kane, as treasurer
430 First St., S.E.
Washington, D.C. 20003

RE: MUR 1933
Truck Operators Non-Partisan
Committee of American Trucking
Associations, Inc.

Dear Mr. Kane:

On March 14, 1985, the Federal Election Commission determined that there is reason to believe Truck Operators Non-Partisan Committee of American Trucking Associations, Inc. and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). 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. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements should be submitted under oath.

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).

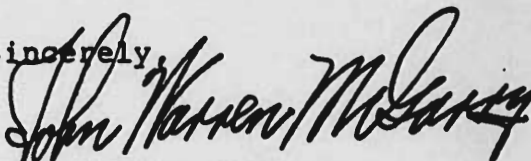
85040552043

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.

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 Charles Snyder, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,



John Warren McGarry
Chairman

Enclosures

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

85040552044

FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 1933
STAFF MEMBER
Charles Snyder

RESPONDENTS: Truck Operators Non-Partisan Committee of American Trucking Associations, Inc., and Eugene I. Kane, as treasurer

GENERATION OF MATTER

The Reports Analysis Division ("RAD") of the Federal Election Commission referred this inquiry to the Office of General Counsel on the grounds that Respondents Truck Operators Non-Partisan Committee of American Trucking Associations, Inc. ("TONPC"), a non-Party Political Committee affiliated with the American Trucking Associations, Inc., and Eugene I. Kane, as treasurer, violated the Federal Election Campaign Act ("the Act") by failing to file a pre-general election report in a timely manner.

FACTUAL AND LEGAL ANALYSIS

Respondent TONPC files monthly reports with the Commission. The Act requires monthly filers to file a pre-general election report in years in which a regularly scheduled general election is held. 2 U.S.C. § 434(a)(4)(B). This report "shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) ... such election." 2 U.S.C. § 434(a)(2)(A)(i). The deadline for filing such reports in 1984 was October 25, 1984. TONPC, upon being

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notified by RAD of its failure to file, filed its report on November 28, 1984. Respondents claim that the reason for the failure to file was that they had not been notified of the requirement. Because of their failure to timely file the report, the General Counsel's Office recommends that the Commission find reason to believe TONPAC and Eugene I. Kane, as treasurer, violated § 434(a)(4)(B).

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DESCRIPTION OF PRELIMINARY PROCEDURES
FOR PROCESSING POSSIBLE VIOLATIONS DISCOVERED BY THE
FEDERAL ELECTION COMMISSION

Possible violations discovered during the normal course of the Commission's supervisory responsibilities shall be referred to the Enforcement Division of the Office of General Counsel where they are assigned a MUR (Matter Under Review) number, and assigned to a staff member.

Following review of the information which generated the MUR, a recommendation on how to proceed on the matter, which shall include preliminary legal and factual analysis, and any information compiled from materials available to the Commission shall be submitted to the Commission. This initial report shall recommend either: (a) that the Commission find reason to believe that a possible violation of the Federal Election Campaign Act (FECA) may have occurred or is about to occur and that the Commission conduct an investigation of the matter; or (b) that the Commission find no reason to believe that a possible violation of the FECA has occurred and that the Commission close the file on the matter.

Thereafter, if the Commission decides by an affirmative vote of four (4) Commissioners that there is reason to believe that a violation of the Federal Election Campaign Act (FECA) has been committed or is about to be committed, the Office of the General Counsel shall open an investigation into the matter. Upon notification of the Commission's finding(s), within 15 days a respondent(s) may submit any factual or legal materials relevant to the allegations. During the investigation, the Commission shall have the power to subpoena documents, to subpoena individuals to appear for depositions, and to order answers to interrogatories. The respondent(s) may be contacted more than once by the Commission in its investigation.

8504052047

STATEMENT OF DESIGNATION OF COUNSEL

MUR _____

NAME OF COUNSEL: _____

ADDRESS: _____

TELEPHONE: _____

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

Date

Signature

RESPONDENT'S NAME: _____

ADDRESS: _____

HOME PHONE: _____

BUSINESS PHONE: _____

85040552048



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Truck Operators Non-Partisan Committee of American
Trucking Associations, Inc.
Eugene I. Kane, as treasurer
430 First St., S.E.
Washington, D.C. 20003

RE: MUR
Truck Operators Non-Partisan
Committee of American Trucking
Associations, Inc.

Dear Mr. Kane:

On , 1985, the Federal Election Commission determined that there is reason to believe Truck Operators Non-Partisan Committee of American Trucking Associations, Inc. and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). 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. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements should be submitted under oath.

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).

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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.

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 Charles Snyder, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

John Warren McGarry
Chairman

Enclosures

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

clw

85040552050

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

**Truck Operators Non-Partisan Committee
of American Trucking Associations,
Inc., and Eugene I. Kane, as
treasurer**

RAD Referral 85NF-31

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 14, 1985, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral 85NF-31:

1. Open a MUR.
2. Find reason to believe that Respondents Truck Operators Non-Partisan Committee of American Trucking Associations, Inc., and Eugene I. Kane as treasurer, violated 2 U.S.C. § 434 (a) (4) (B).
3. Approve and send the letter and General Counsel's Factual and Legal Analysis attached to the First General Counsel's Report signed March 11, 1985.

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

Attest:

3-14-85

Date _____

Marjorie W. Emmons
Marjorie W. Emmons

U Marjorie W. Emmons
Secretary of the Commission

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

3-11-85, 2:16
3-12-85, 11:00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Cot*
DATE: March 11, 1985
SUBJECT: RAD 85NF-31: First General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____
Open Session _____
Closed Session _____

CIRCULATIONS

48 Hour Tally Vote [X]
Sensitive [X]
Non-Sensitive []

24 Hour No Objection []
Sensitive []
Non-Sensitive []

Information []
Sensitive []
Non-Sensitive []

Other []

DISTRIBUTION

Compliance [X]

Audit Matters []

Litigation []

Closed MUR Letters []

Status Sheets []

Advisory Opinions []

Other (see distribution below) []

SENSITIVE

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

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT

MAR 11 P2:16

DATE AND TIME OF TRANSMITTAL: RAD #85NF-31
BY OGC TO THE COMMISSION: 3/11/85-2:15 STAFF MEMBER: Snyder

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

RESPONDENTS' NAMES: Truck Operators Non-Partisan Committee of
American Trucking Associations, Inc., and
Eugene I. Kane, as treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(4)(B)

INTERNAL REPORTS CHECKED: Respondents'

FEDERAL AGENCIES CHECKED: None

GENERATION OF MATTER

The Reports Analysis Division ("RAD") of the Federal Election Commission referred this inquiry to the Office of General Counsel on the grounds that Respondents Truck Operators Non-Partisan Committee of American Trucking Associations, Inc. ("TONPC"), a non-Party Political Committee affiliated with the American Trucking Associations, Inc., and Eugene I. Kane, as treasurer, violated the Federal Election Campaign Act ("the Act") by failing to file a pre-general election report in a timely manner.

FACTUAL AND LEGAL ANALYSIS

Respondent TONPC files monthly reports with the Commission. The Act requires monthly filers to file a pre-general election report in years in which a regularly scheduled general election is held. 2 U.S.C. § 434(a)(4)(B). This report "shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) ... such

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election." 2 U.S.C. § 434(a)(2)(A)(i). The deadline for filing such reports in 1984 was October 25, 1984. TONPC, upon being notified by RAD of its failure to file, filed its report on November 28, 1984. Respondents claim that the reason for the failure to file was that they had not been notified of the requirement. (Attachment 1). Because of their failure to timely file the report, it appears that Respondents violated § 434(a)(4)(B).

RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that Respondents Truck Operators Non-Partisan Committee of American Trucking Associations, Inc., and Eugene I. Kane as treasurer, violated 2 U.S.C. § 434(a)(4)(B);
3. Approve and send the attached letter and General Counsel's Factual and Legal Analysis.

Charles N. Steele
General Counsel

March 11, 1985
Date

By:

Kenneth A. Gross
Associate General Counsel

Attachments

1. RAD Referral
2. Proposed letter to Eugene I. Kane
3. General Counsel's Factual and Legal Analysis

85040552054



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 15, 1985

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

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

SUBJECT: NON-FILER REFERRALS OF MONTHLY UNAUTHORIZED COMMITTEES

In accordance with Standard 3 of the RAD Review and Referral Procedures for Unauthorized Committees, the attached list of monthly filers is being forwarded to your offices, for failing to file a report covering the pre-election period by election day.

Since the number of committees being referred is relatively large, we felt it best to arrange the information in chart format. You will note that the attached printouts list the names, addresses, and treasurers for thirty-five (35) committees with "C" Indices provided for each. Any telephonic communications have been referenced under Contacts with Filers. The Summary Pages of the late filed reports and/or explanatory letters have been referenced under Response(s).

Two committees have been deleted from the list, because they meet the expedited audit referral threshold. Should the Commission not approve to audit these committees, they will be referred to your office at a later date. The attachments for these committees have also been deleted causing two gaps in the sequence.

All unauthorized committees were sent prior notification on October 1, 1984, which specifically informed monthly filers of the requirement to file a 12 Day Pre-General Election Report by October 25, 1984 (Attachment 38). The committees, which failed to submit either a 12 Day Pre-General Report or a November Monthly Report, were sent Non-Filer Notices on November 16, 1984

1/ In some cases, the aggregate receipt and disbursement figures may be inflated because committees submitted reports covering portions of the same periods (e.g., a November Monthly covering October 1, 1984 through October 31, 1984 and a Pre-General Report covering October 1, 1984 through October 17, 1984.)

PAGE 2

(see copy of notice - Attachment 39). Certain committees (i.e., those noted with an asterisk on the attached computer printouts) were not sent Non-Filer Notices because a) a report covering the pre-election period was indexed by November 15, 1984, or b) the committee had not been assigned at the time the non-filer printout was generated.

If you have any questions, please contact Michael Filler at 523-4048.

Attachments

850405552056



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 1, 1984

GENERAL ELECTION FILING NOTICE
FOR UNAUTHORIZED COMMITTEES**WHO MUST FILE THE PRE-GENERAL ELECTION REPORT**

All committees that file monthly reports must file the pre-general election report due October 25, 1984.

In addition all quarterly filing committees that have made contributions or expenditures (including independent expenditures) in connection with the general election must file a pre-election report, if such activity has not previously been reported. See below for post-general filing information.

WHAT MUST BE REPORTED

The report must disclose all financial activity of the committee from the later of, the last report filed or the date of registration* through October 17, 1984. (Monthly filers must disclose all financial activity from the later of October 1 or the date of registration* through October 17, 1984.)

WHEN TO FILE

Pre-general election reports sent 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.

* * * * *

WHO MUST FILE THE POST-GENERAL ELECTION REPORT

All committees must file the post-general election report due December 6, 1984, regardless of election activity.

WHAT MUST BE REPORTED

The post-general election report must cover all financial activity of the committee from either the date of the last report filed or the date of registration, whichever is later* through November 26, 1984.

WHEN TO FILE

Post-general 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.

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

-over-

WHERE AND HOW TO FILE

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

QUARTERLY FILERS

Name of Report	Period Covered	Reg./Cert. Mailing Date	Filing Date
3rd Q-Report	07/01* - 09/30	10/15/84	10/15/84
Pre-General	10/01 - 10/17	10/22/84	10/25/84
Post-General**	10/18 - 11/26	12/06/84	12/06/84
Year-end	11/27 - 12/31	01/31/85	01/31/85

*Or from date of registration, or the close of books of the last report filed, whichever is later.

**Reports filed by committees that did not file the pre-General report should cover all financial activity from the last report filed through November 26, 1984.

* * *

MONTHLY FILERS

Name of Report	Period Covered	Reg./Cert. Mailing Date	Filing Date
Oct. Monthly	09/01 - 09/30	10/20/84	10/20/84
Pre-General	10/01 - 10/17	10/22/84	10/25/84
Post-General	10/18 - 11/26	12/06/84	12/06/84
Year-end	11/27 - 12/31	01/31/85	01/31/85

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



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

Attachment 39

RQ-7

November 16, 1984

Identification Number:

Reference: 12 Day Pre-General Report (10/1/84-10/17/84)

Dear

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced Report of Receipts and Disbursements as required by the Federal Election Campaign Act. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 1325 K Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or the relevant portions should also be filed with the Secretary of State or equivalent state officer (see 11 CFR 108.2, 108.3, 108.4).

If the report in question was filed, please submit documentation for the public record. Although the Commission may take further legal steps concerning this matter, your prompt response will be taken into consideration.

If you have any questions, please contact on our toll-free number (800) 424-9530. Our local number is (202) 523-4048.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

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85040552060

**TRUCK OPERATORS NON-PARTISAN COMMITTEE OF AMERICAN
TRUCKING ASSOCIATIONS**

(Attachments 31a - d)

85040552061

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (83-84)DATE 11JAN85
PAGE 1

NON-PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
TRUCK OPERATORS NON-PARTISAN COMMITTEE OF AMERICAN TRUCKING ASSOCIATIONS, INC.						
CONNECTED ORGANIZATION: TRUCKING ASS'N INC; AMERICAN						
NON-PARTY QUALIFIED ID 0C00002881						
1983	FEBRUARY MONTHLY	19,895	7,120	1JAN83 -31JAN83	15	83FEC/266/5292
	MARCH MONTHLY	8,236	10,400	1FEB83 -28FEB83	13	83FEC/268/3541
	APRIL MONTHLY	10,900	14,048	1MAR83 -31MAR83	17	83FEC/270/5393
	MAY MONTHLY	6,052	22,610	1APR83 -30APR83	16	83FEC/272/3241
	MAY MONTHLY - AMENDMENT	6,052	23,110	1APR83 -30APR83	5	83FEC/273/1951
	JUNE MONTHLY	7,092	25,710	1MAY83 -31MAY83	20	83FEC/273/3936
	JULY MONTHLY	8,710	22,829	1JUN83 -30JUN83	20	83FEC/275/487
	AUGUST MONTHLY	15,661	12,260	1JUL83 -31JUL83	19	83FEC/281/3608
	SEPTEMBER MONTHLY	14,470	360	1AUG83 -31AUG83	17	83FEC/283/0614
	OCTOBER MONTHLY	21,264	25,220	1SEP83 -30SEP83	22	83FEC/284/4182
	NOVEMBER MONTHLY	29,275	20,830	1OCT83 -31OCT83	29	83FEC/287/4000
	DECEMBER MONTHLY	7,142	11,715	1NOV83 -30NOV83	27	83FEC/288/5437
	YEAR-END	10,495	7,220	1DEC83 -31DEC83	17	84FEC/291/4531
	YEAR-END - AMENDMENT	12,695	7,220	1DEC83 -31DEC83	5	84FEC/314/0717
1984	STATEMENT OF ORGANIZATION - AMENDMENT			22MAY84	2	84FEC/315/4013
	FEBRUARY MONTHLY	19,200	18,800	1JAN84 -31JAN84	25	84FEC/297/1749
	FEBRUARY MONTHLY - AMENDMENT	19,200	18,800	1JAN84 -31JAN84	2	84FEC/314/0722
	FEBRUARY MONTHLY - AMENDMENT	19,200	18,800	1JAN84 -31JAN84	8	84FEC/320/1873
	1ST LETTER INFORMATIONAL NOTICE			1JAN84 -31JAN84	1	84FEC/318/2574
	MARCH MONTHLY	20,139	18,110	1FEB84 -29FEB84	26	84FEC/299/1150
	MARCH MONTHLY - AMENDMENT	20,139	18,110	1FEB84 -29FEB84	2	84FEC/314/0724
	APRIL MONTHLY	6,781	21,470	1MAR84 -31MAR84	18	84FEC/311/1775
	APRIL MONTHLY - AMENDMENT	6,781	21,470	1MAR84 -31MAR84	2	84FEC/314/0726
	MAY MONTHLY	7,931	14,972	1APR84 -30APR84	20	84FEC/314/0728
	JUNE MONTHLY	19,450	13,420	1MAY84 -31MAY84	26	84FEC/317/0998
	JULY MONTHLY	19,248	17,630	1JUN84 -30JUN84	23	84FEC/321/3353
	AUGUST MONTHLY	6,954	10,496	1JUL84 -31JUL84	18	84FEC/323/4113
	SEPTEMBER MONTHLY	16,235	11,570	1AUG84 -31AUG84	22	84FEC/328/01
	OCTOBER MONTHLY	21,336	23,025	1SEP84 -30SEP84	25	84FEC/339/44
	PRE-GENERAL	18,935	2,600	1OCT84 -17OCT84	18	84FEC/349/5163
	NOTICE OF FAILURE TO FILE			1OCT84 -17OCT84	1	84FEC/349/0573
	NOVEMBER MONTHLY	21,476	11,630	1OCT84 -31OCT84	24	84FEC/349/1252
	POST-GENERAL	6,941	15,100	18OCT84 -26NOV84	19	84FEC/352/2775
TOTAL		346,018	0	359,645	0	524 TOTAL PA

ENDING CASH (11/26/84): \$26,214

DEBTS: \$ 0

REPORT OF RECEIPTS AND DISBURS
For a Political Committee Other Than an Authorized

Attachment 31b

(Summary Page)

11:20 11:45

ALIGN AREA

ALIGN AREA

1 Name of Committee (In Full)

**TRUCK OPERATORS' NON-PARTISAN
COMMITTEE of the AMERICAN TRUCKING
ASSOCIATIONS, INC.**

Address (Number and Street)

430 First Street, S.E.

City, State and ZIP Code

Washington, D.C. 20003-1875

☐ Check here if address is different than previously reported

2 FEC Identification Number

C00002881

3 ☐ This committee qualified as a multicandidate committee during
this Reporting Period on _____ Date _____

4. TYPE OF REPORT (Check appropriate boxes)

(a) ☐ April 15 Quarterly Report ☐ October 15 Quarterly Report

☐ July 15 Quarterly Report ☐ January 31 Year End Report

☐ July 31 Mid Year Report (Non Election Year Only)

☒ Monthly Report for **October, 1984**

☐ Twelfth day report preceding _____

election on _____

in the State of _____

☐ Thirtieth day report following the General Election

on _____

in the State of _____

☐ Termination Report

(b) Is this Report an Amendment?

☐ YES

☒ NO

SUMMARY

5 Covering Period **10-1-84** through **10-31-84**

6 a Cash on hand January 1, 19**84**

7 a Cash on hand at Beginning of Reporting Period

7 b Total Receipts from Line 18

8 Subtract: add Lines 6 a and 6 b for Column A and
Lines 6 a and 6 b for Column B

9 Total Disbursements from Line 28

10 Cash on hand at Close of Reporting Period subtract Line 7 from Line 6 d

11 Debts and Obligations Owed TO The Committee
Itemize on Schedule C or Schedule D

12 Debts and Obligations Owed BY The Committee
Itemize on Schedule C or Schedule D

13 Total Assets and Liabilities as of the last day of the month and use of
the funds of the committee

Monroth F. Stinger

Assistant Treasurer

Signature of Assistant Treasurer

11/20/84

For further information contact:

Federal Election Commission

1-800-647-4249

1-800-523-6088

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

FEC FORM 3X (3/80)

85040552062

85040552063



9

FIRST CLASS MAIL

DEBORA J. PIERCE
American Trucking Assn., Inc.
430 First Street, S.E.
Washington, D.C. 20003
(202) 644-8246

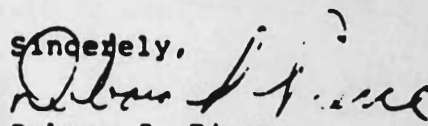
11-21-84

To Whom It May Concern:

Attached please find the 12 Day
Pre-General Report required filing
by the Truck Operators' Non-Partisan
Committee (F.E.C. ID #C00002881), in
accordance with John D. Gibson's November
16, 1984 letter to Eugene I. Kane,
Treasurer, T.O.N.

As we did not receive notification
to file this report, we do apologize
that it was not received by you on time.

Sincerely,


Debora J. Pierce
Executive Secretary

A 4 0 3 3 1 9 5 1 6 3

REPORT OF RECEIPTS AND DISBURSEMENTS
For a Political Committee Other Than an Authorized Committee

Attachment 31d

84 NOV 28 AM 11:58

(Summary Page)

ALIGN AREA

ALIGN AREA

1. Name of Committee (in Full)

**TRUCK OPERATORS' NON-PARTISAN
COMMITTEE of the AMERICAN TRUCKING
ASSOCIATIONS, INC.**

Address (Number and Street)

430 First Street, S.E.

City, State and ZIP Code

Washington, D.C. 20003-1875

☐ Check here if address is different than previously reported

2. FEC Identification Number

C00002881

3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on _____

4. TYPE OF REPORT (Check appropriate boxes)

(a) ☐ April 15 Quarterly Report ☐ October 15 Quarterly Report

☐ July 15 Quarterly Report ☐ January 31 Year End Report

☐ July 31 Mid Year Report (Non Election Year Only)

☐ Monthly Report for _____

☒ Twelfth day report preceding **Pre-General**
(Type of Election)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election

on _____ in the State of _____

☐ Termination Report

(b) Is this Report an Amendment?

☒ YES

☐ NO

SUMMARY

5. Covering Period **10-1-84** through **10-17-84**

6. (a) Cash on hand January 1, 19 **84**

(b) Cash on Hand at Beginning of Reporting Period

(c) Total Receipts (from Line 18)

(d) Subtotal (add Lines 6(b) and 6(c) for Column A and
Lines 6(a) and 6(c) for Column B)

7. Total Disbursements (from Line 28)

8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))

9. Debts and Obligations Owed TO The Committee

(Itemize all on Schedule C or Schedule D)

10. Debts and Obligations Owed BY the Committee

(Itemize all on Schedule C or Schedule D)

Let me state: I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Kenneth F. Stinger

Type or Print Name of **xxxxx Assistant Treasurer**

Kenneth F. Stinger
SIGNATURE OF **xxxxx Assistant
Treasurer**

11-21-84

Date

NOTE: Summary is not to be prepared or recorded in pencil. It may subject the person signing this report to the penalties of 2 U.S.C. § 4373.

For further information contact:

Federal Election Commission

Teletype: 800-424-9630

Local: 202-573-4088

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

FEC FORM 31-3 801

85040552065
91733195165

8 5 0 4 0 5 5 2 0 6 6

8 4 0 3 3 4 9 5 1 0 0



AMERICAN VOTING ASSOCIATIONS, INC.
WASHINGTON COMMUNICATIONS DIVISION
430 First St., S.E. Washington, D.C. 20003-1875
Special Connection Records

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

RETURNED TO SENDER

P 452 995 511

MAIL



FIRST CLASS

12

RETURNED TO SENDER

RAD I

TOOLING & MACHINING PAC OF THE NATIONAL TOOLING AND MACHINING ASSOCIATION
TREASURER'S NAME: WILLIAM H MONTEITH SR
P.O. BOX 5510
FT WASHINGTON MD 20744

None

November Monthly Report 30b
received 11/15/84

85NF-30

TRUCK OPERATORS NON-PARTISAN COMMITTEE OF AMERICAN TRUCKING ASSOCIATIONS
TREASURER'S NAME: EUGENE I KANE
430 FIRST STREET, S.E.
WASHINGTON DC 20003

None

November Monthly Report 31b-
received 11/15/84 31d
Letter and Pre-General
Report received 11/26/84

85NF-31

TXO PAC TEXAS OIL & GAS CORP POLITICAL ACTION COMMITTEES
TREASURER'S NAME: THOMAS B CARTER
FIRST CITY CENTER 1700 PACIFIC AVE
DALLAS TX 75201

None

Pre-General Report 32b
received 11/21/84

85NF-32

VERNER, LIPPERT, BERNHARD & MCPHERSON
TREASURER'S NAME: JOHN A HERRIGAN
SUITE 1100, 1660 L STREET NW
WASHINGTON DC 20036

None

November Monthly Report 33b
received 11/19/84

85NF-33

VOLUNTARY CONTRIBUTORS FOR BETTER GOVERNMENT: EMPLOYEES OF INTERNATIONAL PAPER CO.
TREASURER'S NAME: DIANE BROWN CUNNINGHAM
1620 EYE STREET, N.W.. #700
WASHINGTON DC 20006

None

November Monthly Report 34ba
received 11/19/84 34c
Pre-General Report
received 11/20/84

85 NF-34

HARRAH'S POLITICAL ACTION COMMITTEE
TREASURER: SAMUEL P. McMULLEN
P.O. BOX 10
RENO NV 89504

None

November Monthly Report 35ba
received 11/13/84 35b
Pre-General Report
received 11/28/84

85NF-35

WESTINGHOUSE ELECTRIC CORPORATION EMPLOYEES POLITICAL PARTICIPATION PROGRAM
TREASURER'S NAME: J L VANDEMARK
WESTINGHOUSE BLDG. GATEWAY CENTR.
PITTSBURGH PA 15222

None

November Monthly Report 36b
received 11/21/84

85NF-36



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Truck Operators Non-Partisan Committee of American
Trucking Associations, Inc.
Eugene I. Kane, as treasurer
430 First St., S.E.
Washington, D.C. 20003

RE: MUR
Truck Operators Non-Partisan
Committee of American Trucking
Associations, Inc.

Dear Mr. Kane:

On , 1985, the Federal Election Commission determined that there is reason to believe Truck Operators Non-Partisan Committee of American Trucking Associations, Inc. and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). 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. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements should be submitted under oath.

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).

85040552068

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.

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 Charles Snyder, the attorney assigned to this matter, at (202) 523-4000.

. Sincerely,

John Warren McGarry
Chairman

Enclosures

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

3 5 0 4 0 5 5 2 0 6 9

FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. _____
STAFF MEMBER
Charles Snyder

RESPONDENTS: Truck Operators Non-Partisan Committee of
American Trucking Associations, Inc., and
Eugene I. Kane, as treasurer

GENERATION OF MATTER

5040552070
The Reports Analysis Division ("RAD") of the Federal Election Commission referred this inquiry to the Office of General Counsel on the grounds that Respondents Truck Operators Non-Partisan Committee of American Trucking Associations, Inc. ("TONPC"), a non-Party Political Committee affiliated with the American Trucking Associations, Inc., and Eugene I. Kane, as treasurer, violated the Federal Election Campaign Act ("the Act") by failing to file a pre-general election report in a timely manner.

FACTUAL AND LEGAL ANALYSIS

8
Respondent TONPC files monthly reports with the Commission. The Act requires monthly filers to file a pre-general election report in years in which a regularly scheduled general election is held. 2 U.S.C. § 434(a)(4)(B). This report "shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) ... such election." 2 U.S.C. § 434(a)(2)(A)(i). The deadline for filing such reports in 1984 was October 25, 1984. TONPC, upon being

notified by RAD of its failure to file, filed its report on November 28, 1984. Respondents claim that the reason for the failure to file was that they had not been notified of the requirement. Because of their failure to timely file the report, the General Counsel's Office recommends that the Commission find reason to believe TONPAC and Eugene I. Kane, as treasurer, violated § 434(a)(4)(B).

35040552071



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

ED
FEC
COMM. SECRETARY

05 MAR 18 P 1:58

SENSITIVE March 18, 1985

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel *KAG*

SUBJECT: RAD Referral 85NF-31

On March 14, 1985 the Commission approved the recommendation that RAD Referral 85NF-31 should become a MUR. Therefore, all documents which had previously been contained in RAD Referral 85NF-31 should now become MUR 1933.

Attachment
Copy of Certification

95040552072

BEFORE THE FEDERAL ELECTION COMMISSION

M 1933
Snyder

In the Matter of

**Truck Operators Non-Partisan Committee
of American Trucking Associations,
Inc., and Eugene I. Kane, as
treasurer**

RAD Referral 85NF-31

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 14, 1985, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral 85NF-31:

1. Open a MUR.
2. Find reason to believe that Respondents Truck Operators Non-Partisan Committee of American Trucking Associations, Inc., and Eugene I. Kane as treasurer, violated 2 U.S.C. § 434 (a) (4) (B).
3. Approve and send the letter and General Counsel's Factual and Legal Analysis attached to the First General Counsel's Report signed March 11, 1985.

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

Attest:

3-14-85

Date _____

Marjorie W Emmons
Marjorie W. Emmons

U Marjorie W. Emmons
Secretary of the Commission

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

3-11-85, 2:16
3-12-85, 11:00



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1933

Date Filmed 9/20/85 Camera No. --- 2

Cameraman AS

85040552071