

FEDERAL ELECTION COMMISSION

Mar 21/29

Routing cards

objection sheet

Pre Brief, comment sheets

RAD info, RFAI

RAD info

GC Rept reconciliation, check

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 J. Garn

date 10/20/88

FEC 9-21-77

86040515173

10/20/88



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF RUL # 2129

Date Filmed 11/3/86 Camera No. --- 2

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 10, 1986

Judith Leyba, Acting Treasurer
Democratic Party of New Mexico
2102 San Pedro, N.E.
Albuquerque, NM 87110

RE: MUR 2129
Democratic Party of
New Mexico
Judith Leyba, Acting
Treasurer

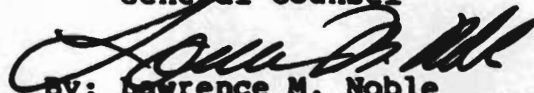
Dear Ms. Leyba:

On September 5, 1986, 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)(A)(iv), 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: Lawrence M. Noble
Deputy General Counsel

Enclosure
Conciliation Agreement

86040515175



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Judith Leyba, Acting Treasurer
Democratic Party of New Mexico
2102 San Pedro, N.E.
Albuquerque, NM 87110

RE: MUR 2129
Democratic Party of
New Mexico
Judith Leyba, Acting
Treasurer

Dear Ms. Leyba:

On September 5, 1986, 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)(A)(iv), 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: Lawrence M. Noble
Deputy General Counsel

Enclosure
Conciliation Agreement

leg 9/8/86

9/8/86

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Democratic Party of New Mexico
George Fettinger, Acting as
Treasurer

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)

MUR 2129

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 probable cause to believe that the Democratic Party of New Mexico, and George Fettinger, acting as treasurer, (hereinafter "the Respondents") violated 2 U.S.C. § 434(a)(4)(A)(iv).

NOW, THEREFORE, the Commission and Respondent, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i) do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding.

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. Respondent Democratic Party of New Mexico is a political committee registered with the Commission.

2. Richard Kennedy served as treasurer of the Democratic Party of New Mexico until January 31, 1986.

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3. Respondents were required to file the 1985 Mid Year Report by July 31, 1985. The report was filed on September 23, 1985, 54 days late.

V. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iv), all political committees other than authorized committees of a candidate, may elect to file in a calendar year in which a regularly scheduled election is not held, a report covering the period beginning January 1, and ending June 30, which shall be filed no later than July 31.

VI. Respondents' failure to file timely the 1985 Mid Year Report is in violation of 2 U.S.C. § 434(a)(4)(A)(iv).

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred Twenty Five Dollars (\$125.00) pursuant to 2 U.S.C. § 437g(a)(5)(A).

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 all parties hereto have executed the 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:

Lawrence M. Noble
Lawrence M. Noble
Deputy General Counsel

Date

9/10/86

FOR THE RESPONDENTS:

Judith Lezko
Acting Treasurer

Date

8/14/86.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Democratic Party of New Mexico)

Judith Leyba, Acting Treasurer)

MUR 2129

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 5, 1986, the Commission decided by a vote of 5-0 to take the following actions in MUR 2129:

1. Accept the conciliation agreement in settlement of this matter and close the file, as recommended in the General Counsel's Report signed August 29, 1986.
2. Approve and send the letter, as recommended in the General Counsel's Report signed August 29, 1986.

Commissioners Elliott, Harris, Josefiak, McDonald and McGarry voted affirmatively for this decision; Commissioner Aikens did not cast a vote.

Attest:

9-5-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: Tues., 9-2-86, 1:54
Circulated on 48 hour tally basis: Wed., 9-3-86, 11:00
Deadline for vote: Fri., 9-5-86, 11:00

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SENSITIVE

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Democratic Party of New Mexico)
Judith Leyba, Acting Treasurer)

MUR 20 AUG 2 P 1:54

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Judith Leyba, Acting Treasurer of the Democratic Party of New Mexico (Attachment I).

II. RECOMMENDATION

The Office of General Counsel recommends that the Commission:

- 1.) Accept this agreement in settlement of this matter and close the file; and
- 2.) Approve and send the attached letter.

Charles N. Steele
General Counsel

Date

8/29/86

BY:

Lawrence M. Noble
Deputy General Counsel

Attachments

86040315181

Democratic Party of the
State of New Mexico

2101 San Pedro N.E.
Albuquerque, New Mexico 87110
(505) 265-3661

A10:3

August 14, 1986

Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

AUG 21 12:54

Dear Mr. Steele,

I have recently been elected to serve as the State Chairman for the Democratic Party of New Mexico, replacing George Fettingger of Alamogordo.

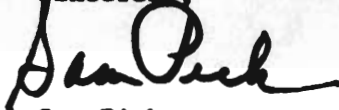
The State Headquarter's new address is 2101 San Pedro N.E., Albuquerque, New Mexico, 87110

I have also appointed Judith Layba, Executive Director of the Democratic Party of New Mexico, acting treasurer of the Federal Account until further notice. Her address is the same as above.

It is my understanding that Richard Kennedy filed the 1985 mid-year report 54 days late and as a result was in violation, resulting in the above fine.

Please do not hesitate to call if we need to respond to any additional items required by your office.

Sincerely,



Sam Pick
State Chairman

SP/jal

cc Tony Raymond
G.Y. Falls
George Fettingger

I(1)

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 1, 1986

Judy Leyba
Democratic Party of the State of New Mexico
Suite 100
Plaza Maya
615 First Street, N.W.
Albuquerque, New Mexico 87102

RE: MUR 2129
Democratic Party of New Mexico
George Fettingner, Acting as
Treasurer

Dear Ms. Leyba:

On July 29, 1986, the Commission determined that there is probable cause to believe that the Democratic Party of New Mexico and George Fettingner, acting as treasurer, committed a violation of 2 U.S.C. § 434(a)(4)(A)(iv), a provision of the Federal Election Campaign Act of 1971, as amended, by failing to timely file a 1985 Mid Year Report.

The Commission has a duty to attempt to correct such violations for a period of thirty to ninety days by informal methods of conference, conciliation and persuasion. If we are unable to reach an agreement during this period, the Commission may institute civil suit in United States District Court and seek payment of a civil penalty.

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

L(2)

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Shelley Garr, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,



x Charles H. Steele
General Counsel

Enclosure
Conciliation Agreement

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I(3)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Democratic Party of New Mexico
George Fettinger, Acting as
Treasurer

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MUR 2129

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 probable cause to believe that the Democratic Party of New Mexico, and George Fettinger, acting as treasurer, (hereinafter "the Respondents") violated 2 U.S.C. § 434(a)(4)(A)(iv).

NOW, THEREFORE, the Commission and Respondent, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i) do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding.

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. Respondent Democratic Party of New Mexico is a political committee registered with the Commission.

2. Richard Kennedy served as treasurer of the Democratic Party of New Mexico until January 31, 1986.

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3. Respondents were required to file the 1985 Mid Year Report by July 31, 1985. The report was filed on September 23, 1985, 54 days late.

V. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iv), all political committees other than authorized committees of a candidate, may elect to file in a calendar year in which a regularly scheduled election is not held, a report covering the period beginning January 1, and ending June 30, which shall be filed no later than July 31.

VI. Respondents' failure to file timely the 1985 Mid Year Report is in violation of 2 U.S.C. § 434(a)(4)(A)(iv).

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred Twenty Five Dollars (\$125.00) pursuant to 2 U.S.C. § 437g(a)(5)(A).

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 all parties hereto have executed the same and the Commission has approved the entire agreement.

I(5)

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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:

Lawrence M. Noble
Deputy General Counsel

Date

FOR THE RESPONDENTS:

Judith Lezka
Acting Treasurer

8/14/86.
Date

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Judith Leyba, Acting Treasurer
Democratic Party of New Mexico
2102 San Pedro, N.E.
Albuquerque, NM 87110

RE: MUR 2129
Democratic Party of
New Mexico
Judith Leyba, Acting
Treasurer

Dear Ms. Leyba:

On , 1986, 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)(A)(iv), 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: Lawrence M. Noble
Deputy General Counsel

Enclosure
Conciliation Agreement

11(8)



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 1, 1986

Judy Leyba
Democratic Party of the State of New Mexico
Suite 100
Plaza Maya
615 First Street, N.W.
Albuquerque, New Mexico 87102

RE: MUR 2129
Democratic Party of New Mexico
George Fettinger, Acting as
Treasurer

Dear Ms. Leyba:

On July 29, 1986, the Commission determined that there is probable cause to believe that the Democratic Party of New Mexico and George Fettinger, acting as treasurer, committed a violation of 2 U.S.C. § 434(a)(4)(A)(iv), a provision of the Federal Election Campaign Act of 1971, as amended, by failing to timely file a 1985 Mid Year Report.

The Commission has a duty to attempt to correct such violations for a period of thirty to ninety days by informal methods of conference, conciliation and persuasion. If we are unable to reach an agreement during this period, the Commission may institute civil suit in United States District Court and seek payment of a civil penalty.

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

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If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Shelley Garr, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,


X Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

86040615190

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Democratic Party of New Mexico
George Fettinger, Acting as
Treasurer

MUR 2129

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of July 29, 1986, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2129:

1. Find probable cause to believe that the Democratic Party of New Mexico and George Fettinger, acting as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv).
2. Approve and send the letter and proposed conciliation agreement attached to the General Counsel's report dated July 23, 1986,

Commissioners Aikens, Elliott, Harris, Josefiak, McDonald, and McGarry voted affirmatively for the decision.

Attest:

7-29-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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CONFIDENTIAL

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Democratic Party of New Mexico) MUR 2129
George Fettinger, Acting as)
Treasurer)

EXECUTIVE SESSION

GENERAL COUNSEL'S REPORT

JUL 29 1986

I. BACKGROUND

The Democratic Party of New Mexico ("Committee") and Richard Kennedy, as treasurer, were referred to the Office of General Counsel by the Reports Analysis Division for failing to file a 1985 Mid Year Report of Receipts and Disbursements in a timely manner.

The Committee was notified on June 21, 1985 that its 1985 Mid Year Report was due by July 31, 1985. A non-filer notice was sent on August 22, 1985.

On September 17, 1985, a Reports Analysis Division analyst contacted Mr. Kennedy to inform him that the Commission had not received the over-due report. The Committee filed the report on September 23, 1985, 54 days late.

On January 17, 1986, the Commission determined that there is reason to believe that the Committee and Richard Kennedy, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv) by failing to file the 1985 Mid Year Report of Receipts and Expenditures in a timely manner. Notification of the finding was sent on January 22, 1986.

On February 7, 1986, this Office received a call from George Fettinger, the State Chairman of the New Mexico Democratic Party,

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to advise that Richard Kennedy was no longer treasurer. Further, he advised that he was currently attempting to recreate the Committee's files and would respond to the reason to believe finding.

On April 21, 1986, a Brief recommending probable cause to believe was forwarded to the Committee. Mr. Fettinger responded on May 13, 1986 and advised that he has "no reason to believe" that the information provided by the Commission regarding the late filing of the Mid Year Report was incorrect.^{1/} Further, he requested that all other inquiries regarding any other Committee reports for the period ending on December 31, 1985, be directed to Mr. Kennedy.

On July 9, 1986, the Commission found reason to believe that the Committee violated 2 U.S.C. § 433 by failing to file an amended statement of organization designating a new treasurer, but decided to take no further action.

LEGAL ANALYSIS

The Legal Analysis remains the same as that discussed in the General Counsel's Brief dated April 21, 1986.

DISCUSSION OF CONCILIATION AND CIVIL DISOBEDIENCE

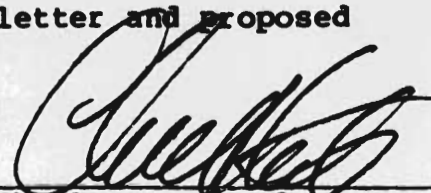
^{1/} Although the major portion of Mr. Fettinger's letter was in response to a current RAD inquiry, he briefly addressed the late filing issue.

RECOMMENDATION

The Office of General Counsel recommends that the Commission:

1. Find probable cause to believe that the Democratic Party of New Mexico and George Fettingner, acting as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv);
2. Approve and send the attached letter and proposed conciliation agreement.

23 July 1986
Date



Charles N. Steele
General Counsel

Attachments

1. Response
2. Proposed conciliation agreement and letter

2/The new procedures apply only to those reports disclosing combined receipts and disbursements of \$10,000 or more.

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**Democratic Party of the
State of New Mexico**

ECC 499

6 MAY 16 11:55

Suite 100, Plaza Maya
615 First Street, N.W.
Albuquerque, New Mexico 87102

May 13, 1986

Ms. Shelley Garr
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

RE: MUR 2129 Democratic Party of New Mexico
Richard Kennedy Treasurer
ID #161810

Dear Ms. Garr:

Thank you very much for chatting with me by telephone on April 28, 1986.

At that time, we discussed your letter of April 21, 1986, and the General Counsel's Brief, which was attached thereto.

Subsequent to my conversation with your office on February 7, 1986, I received photocopies of the 1983-84-85 Financial Disclosure Reports filed by the Democratic Party of the State of New Mexico, together with other information which was purchased from the FEC.

In reviewing that material, it appears that there was an obligation from the Federal Account of the State Democratic Party to the Non-Federal Account of the Democratic Party Account as of June 30, 1983, in the amount of \$4,323.03.

At the time of the filing of the report for the period ending June 30, 1984, Mr. Kennedy did not show any obligation from the Federal Account of the Democratic Party to the Regular Democratic Party Account for the State of New Mexico.

Unfortunately, I have no substantial information regarding the factual foundation for the filing of these reports by Mr. Kennedy. Therefore, I must presume the accuracy of the numbers he states. In short, if, in fact, there was no obligation from the "Federal Account" of the Democratic Party of the State of New Mexico to the Regular Account of the Party at the time of the filing of the report covering the period from 7-1-83 through 12-31-83 by reason of the payment shown to have been made on Page 1 of Schedule 1 of the Schedule D attachment to the report for the period ending 12-31-83, then I believe you stated that only a summary report was required from the Democratic Party of the State of New Mexico thereafter.

To the best of my knowledge, we have made no payments in support of any Federal candidate on or after the 1st day of January, 1985, up to the date of this letter.

As of the report submitted for the period from October 18, 1984, through November 26, 1984, Mr. Kennedy reported a \$5,000.00 obligation.

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The report filed for the period from November 27, 1984, through December 31, 1984, also indicates an obligation of \$5,000.00, which is, presumably, from the Federal Account to the Non-Federal Account of the Democratic Party of the State of New Mexico.

Since that date, no portion of the income of the Democratic Party of the State of New Mexico has been paid on any Federal obligation. We would acknowledge that there is still outstanding the sum of \$5,000.00.

It is anticipated that we will be filing a more detailed account for the period from the 1st day of January, 1986, through the last day of March, 1986. We hope to have that obligation from our Federal Account to our State Account substantially paid at that time.

Unfortunately, the information you require is peculiarly within the knowledge of Mr. Richard Kennedy. He is no long the Executive Director of the Party. He did assist in the preparation of the report which was due for the period ending December 31, 1985. I believe that report is in your hands.

By letter dated April 21, 1986, from Charles M. Steele, General Counsel, I was advised that our report due by July 31, 1985, was in fact filed on or about the 23rd day of September, 1985, approximately 54 days late. I have no reason to believe that that is not correct.

May I ask that any further requests for information regarding reports filed by the Democratic Party of the State of New Mexico for periods ending on December 31, 1985, or before, be directed to Mr. Kennedy?

All other correspondence should be direct to Ms. Judy Leyba, Democratic Party of the State of New Mexico, Suite 100 Plaza Maya, 615 First Street N.W., Albuquerque, New Mexico, 87102.

If you have any further questions, please call me at 505-437-6620, or Judy Leyba at 505-242-6000.

Very truly yours,


George E. Fetting
State Chairman

GEF:eh



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Judy Leyba
Democratic Party of the State of New Mexico
Suite 100
Plaza Maya
615 First Street, N.W.
Albuquerque, New Mexico 87102

RE: MUR 2129
Democratic Party of New Mexico
George Fettingner, Acting as
Treasurer

Dear Ms. Leyba:

On , 1986, the Commission determined that there is probable cause to believe that the Democratic Party of New Mexico and George Fettingner, acting as treasurer, committed a violation of 2 U.S.C. § 434(a)(4)(A)(iv), a provision of the Federal Election Campaign Act of 1971, as amended, by failing to timely file a 1985 Mid Year Report.

The Commission has a duty to attempt to correct such violations for a period of thirty to ninety days by informal methods of conference, conciliation and persuasion. If we are unable to reach an agreement during this period, the Commission may institute civil suit in United States District Court and seek payment of a civil penalty.

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

-2-

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Shelley Garr, the staff member assigned to this matter, at (202)376-8200.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

86040315198

II(4)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Democratic Party of New Mexico
George Fettingner, Acting as
Treasurer

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) MUR 2129
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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 probable cause to believe that the Democratic Party of New Mexico, and George Fettingner, acting as treasurer, (hereinafter "the Respondents") violated 2 U.S.C. § 434(a)(4)(A)(iv).

NOW, THEREFORE, the Commission and Respondent, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i) do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding.

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. Respondent Democratic Party of New Mexico is a political committee registered with the Commission.

2. Richard Kennedy served as treasurer of the Democratic Party of New Mexico until January 31, 1986.

3. Respondents were required to file the 1985 Mid Year Report by July 31, 1985. The report was filed on September 23, 1985, 54 days late.

V. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iv), all political committees other than authorized committees of a candidate, may elect to file in a calendar year in which a regularly scheduled election is not held, a report covering the period beginning January 1, and ending June 30, which shall be filed no later than July 31.

VI. Respondents' failure to file timely the 1985 Mid Year Report is in violation of 2 U.S.C. § 434(a)(4)(A)(iv).

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of _____ Dollars (\$125.00) pursuant to 2 U.S.C. § 437g(a)(5)(A).

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 all parties hereto have executed the 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:

Lawrence M. Noble
Deputy General Counsel

Date

FOR THE RESPONDENTS:

Date



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 1, 1986

Judy Leyba
Democratic Party of the State of New Mexico
Suite 100
Plaza Maya
615 First Street, N.W.
Albuquerque, New Mexico 87102

RE: MUR 2129
Democratic Party of New Mexico
George Fettinger, Acting as
Treasurer

Dear Ms. Leyba:

On July 29, 1986, the Commission determined that there is probable cause to believe that the Democratic Party of New Mexico and George Fettinger, acting as treasurer, committed a violation of 2 U.S.C. § 434(a)(4)(A)(iv), a provision of the Federal Election Campaign Act of 1971, as amended, by failing to timely file a 1985 Mid Year Report.

The Commission has a duty to attempt to correct such violations for a period of thirty to ninety days by informal methods of conference, conciliation and persuasion. If we are unable to reach an agreement during this period, the Commission may institute civil suit in United States District Court and seek payment of a civil penalty.

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

86040615202

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Shelley Garr, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,


Charles M. Steele
General Counsel

Enclosure
Conciliation Agreement

86040615203



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Judy Leyba
Democratic Party of the State of New Mexico
Suite 100
Plaza Maya
615 First Street, N.W.
Albuquerque, New Mexico 87102

RE: MUR 2129
Democratic Party of New Mexico
George Fettinger, Acting as
Treasurer

Dear Ms. Leyba:

On July 29, 1986, the Commission determined that there is probable cause to believe that the Democratic Party of New Mexico and George Fettinger, acting as treasurer, committed a violation of 2 U.S.C. § 434(a)(4)(A)(iv), a provision of the Federal Election Campaign Act of 1971, as amended, by failing to timely file a 1985 Mid Year Report.

The Commission has a duty to attempt to correct such violations for a period of thirty to ninety days by informal methods of conference, conciliation and persuasion. If we are unable to reach an agreement during this period, the Commission may institute civil suit in United States District Court and seek payment of a civil penalty.

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

per 7/31/86

100 7/31/86

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If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Shelley Garr, the staff member assigned to this matter, at (202)376-8200.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

86040615205



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

permanet
July 21, 1986

Judy Leyba
Democratic Party of
the State of New Mexico
Suite 100 Plaza Maya
615 First Street, N.W.
Albuquerque, NM 87102

RE: MUR 2129
Democratic Party of the
State of New Mexico
George Fettingner,
acting as treasurer

Dear Ms. Leyba:

On July 16, 1986, you were notified that the Federal Election Commission had determined that the Democratic Party of New Mexico and George Fettingner, acting as treasurer, had violated 2 U.S.C. § 433(c), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by failing to amend the Committee's Statement of Organization to designate a new treasurer. After considering the circumstances of the matter, however, the Commission determined to take no further action and close the file with respect to the 2 U.S.C. § 433(c) violation.

The date for this determination was incorrectly given as July 19, 1986. The correct date was July 9, 1986. We regret this error.

Sincerely,

Lawrence M. Noble
Deputy General Counsel

✓cc: George Fettingner

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

permanent
July 16, 1986

Judy Leyba
Democratic Party of
the State of New Mexico
Suite 100 Plaza Maya
615 First Street, N.W.
Albuquerque, NM 87102

RE: MUR 2129
Democratic Party of the
State of New Mexico
George Fettinger,
acting as treasurer

Dear Ms. Leyba:

On January 17, 1986, the Democratic Party of the State of New Mexico and Richard Kennedy, as treasurer, were notified that the Commission had found reason to believe that they had violated 2 U.S.C. § 434(a)(4)(A)(iv) by failing to file a 1985 Mid Year Report in a timely manner. A copy of the Commission's notification was subsequently sent to George Fettinger, State Chairman of the New Mexico Democratic Party.

On July 19, 1986, the Federal Election Commission determined that there is reason to believe that the Democratic Party of the State of New Mexico and George Fettinger, acting as treasurer, violated 2 U.S.C. § 433(c), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by failing to amend your Committee's Statement of Organization to name a new treasurer. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information. However, after considering the circumstances of this matter, the Commission determined to take no further action and close the file with respect to the 2 U.S.C. § 433(c) violation.

The Commission reminds you, however, that its file involving the 2 U.S.C. § 434(a)(4)(A)(iv) violation remains open.

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If you have any questions, please contact Shelley E. Garr,
the staff member assigned to this matter, at (202) 376-8200.

Sincerely,



Joan D. Aikens
Chairman

Enclosures

General Counsel's Factual and Legal Analysis

cc: George Fettingner

86040515208



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Judy Leyba
Democratic Party of
the State of New Mexico
Suite 100 Plaza Maya
615 First Street, N.W.
Albuquerque, NM 87102

RE: MUR 2129
Democratic Party of the
State of New Mexico
George Fettinger,
acting as treasurer

Dear Ms. Leyba:

On January 17, 1986, the Democratic Party of the State of New Mexico and Richard Kennedy, as treasurer, were notified that the Commission had found reason to believe that they had violated 2 U.S.C. § 434(a)(4)(A)(iv) by failing to file a 1985 Mid Year Report in a timely manner. A copy of the Commission's notification was subsequently sent to George Fettinger, State Chairman of the New Mexico Democratic Party.

On July 19, 1986, the Federal Election Commission determined that there is reason to believe that the Democratic Party of the State of New Mexico and George Fettinger, acting as treasurer, violated 2 U.S.C. § 433(c), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by failing to amend your Committee's Statement of Organization to name a new treasurer. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information. However, after considering the circumstances of this matter, the Commission determined to take no further action and close the file with respect to the 2 U.S.C. § 433(c) violation.

The Commission reminds you, however, that its file involving the 2 U.S.C. § 434(a)(4)(A)(iv) violation remains open.

peg 7/15/86

TBN 7/16/86

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If you have any questions, please contact Shelley E. Garr,
the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Joan D. Aikens
Chairman

Enclosures

General Counsel's Factual and Legal Analysis

cc: George Fetting

86040515210

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Democratic Party of New Mexico
George E. Fettinger, Acting as
Treasurer

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)
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)

MUR 2129

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session of July 9, 1986,
do hereby certify that the Commission decided by votes of 6-0
to take the following actions in MUR 2129:

1. Find reason to believe that the Democratic Party of New Mexico and George Fettinger, acting as treasurer, violated 2 U.S.C. § 433(c) and close the file with respect to this finding.
2. Approve the legal and factual analysis attached to the General Counsel's report dated June 25, 1986.
3. Direct the Office of General Counsel to send appropriate letters.

Commissioners Aikens, Elliott, Harris, Josefiak,
McDonald, and McGarry voted affirmatively for these decisions.

Attest:

7-10-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE REC
SECRETARY

In the Matter of
Democratic Party of New Mexico
George E. Fettinger, Acting as
treasurer/

NUR 2129

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SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On January 17, 1986, the Commission determined that there is reason to believe that the Committee and Richard Kennedy, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv) by failing to file the 1985 Mid Year Report of Receipts and Expenditures in a timely manner. On January 22, 1986, notification of the finding was sent to Richard Kennedy.

On February 7, 1986, this Office received a call from George Fettinger, the State Chairman of the New Mexico Democratic Party, to advise that Richard Kennedy was no longer treasurer. Mr. Fettinger advised that he was currently attempting to recreate the Committee's files and would respond to the reason to believe finding. No further written response to the reason to believe notification was received by the Commission.

On April 21, 1986, a Brief recommending probable cause to believe was forwarded to the Committee. Mr. Fettinger responded on May 13, 1986 and advised that he has "no reason to believe" that the information provided by the Commission regarding the late filing of the Mid Year Report was incorrect. Further, he

✓ Because Mr. Fettinger signed the last report filed by the Committee, the 1986 April Quarterly Report, and because the Committee is without a treasurer, this office will list George Fettinger "acting as treasurer" as responsible for Committee actions.

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requested that all other inquiries regarding any other Committee reports for the period ending on December 31, 1985, be directed to Mr. Kennedy. As of this date, however, the Committee has failed to amend its Statement of Organization to replace Richard Kennedy as treasurer.

LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 433(c), any change in information previously submitted in a statement of organization shall be reported in accordance with 2 U.S.C. § 432(g) no later than 10 days after the date of the change. Under 2 U.S.C. § 433(b) a statement of organization is required to include, inter alia, the address of a committee, and the name and address of the treasurer.

Because the Committee has failed to amend its Statement of Organization designating a new treasurer to replace Richard Kennedy, it is recommended that the Commission find reason to believe that the Committee and George Fettingner, acting as treasurer, violated 2 U.S.C. § 433(c).^{2/}

RECOMMENDATION

1. Find reason to believe that the Democratic Party of New Mexico and George Fettingner, acting as treasurer, violated 2 U.S.C. § 433(c).

^{2/} This approach is consistent with the Commission's handling of MURs 1735 (Northeast DAC) and 1927 (Connor) in which the Committees failed to amend their Statements of Organization designating new treasurers.

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2. Approve the attached letter and legal and factual analysis.

Charles W. Steele
General Counsel

6/25/86
Date

BY: *Lawrence M. Noble*
Lawrence M. Noble
Deputy General Counsel

Attachments

1. Proposed letter
2. Response to brief

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**Democratic Party of the
State of New Mexico**

HF FEC
GCC 499

26 MAY 16 P 1: 55

Suite 100, Plaza Maya
615 First Street, N.W.
Albuquerque, New Mexico 87102

May 13, 1986

Ms. Shelley Garr
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

RE: MUR 2129 Democratic Party of New Mexico
Richard Kennedy Treasurer
ID #161810

Dear Ms. Garr:

Thank you very much for chatting with me by telephone on April 28, 1986.

At that time, we discussed your letter of April 21, 1986, and the General Counsel's Brief, which was attached thereto.

Subsequent to my conversation with your office on February 7, 1986, I received photocopies of the 1983-84-85 Financial Disclosure Reports filed by the Democratic Party of the State of New Mexico, together with other information which was purchased from the FEC.

In reviewing that material, it appears that there was an obligation from the Federal Account of the State Democratic Party to the Non-Federal Account of the Democratic Party Account as of June 30, 1983, in the amount of \$4,323.03.

At the time of the filing of the report for the period ending June 30, 1984, Mr. Kennedy did not show any obligation from the Federal Account of the Democratic Party to the Regular Democratic Party Account for the State of New Mexico.

Unfortunately, I have no substantial information regarding the factual foundation for the filing of these reports by Mr. Kennedy. Therefore, I must presume the accuracy of the numbers he states. In short, if, in fact, there was no obligation from the "Federal Account" of the Democratic Party of the State of New Mexico to the Regular Account of the Party at the time of the filing of the report covering the period from 7-1-83 through 12-21-83 by reason of the payment shown to have been made on Page 1 of Schedule 1 of the Schedule D attachment to the report for the period ending 12-31-83, then I believe you stated that only a summary report was required from the Democratic Party of the State of New Mexico thereafter.

To the best of my knowledge, we have made no payments in support of any Federal candidate on or after the 1st day of January, 1985, up to the date of this letter.

As of the report submitted for the period from October 18, 1984, through November 26, 1984, Mr. Kennedy reported a \$5,000.00 obligation.

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The report filed for the period from November 27, 1984, through December 31, 1984, also indicates an obligation of \$5,000.00, which is, presumably, from the Federal Account to the Non-Federal Account of the Democratic Party of the State of New Mexico.

Since that date, no portion of the income of the Democratic Party of the State of New Mexico has been paid on any Federal obligation. We would acknowledge that there is still outstanding the sum of \$5,000.00.

It is anticipated that we will be filing a more detailed account for the period from the 1st day of January, 1986, through the last day of March, 1986. We hope to have that obligation from our Federal Account to our State Account substantially paid at that time.

Unfortunately, the information you require is peculiarly within the knowledge of Mr. Richard Kennedy. He is no longer the Executive Director of the Party. He did assist in the preparation of the report which was due for the period ending December 31, 1985. I believe that report is in your hands.

By letter dated April 21, 1986, from Charles M. Steele, General Counsel, I was advised that our report due by July 31, 1985, was in fact filed on or about the 23rd day of September, 1985, approximately 54 days late. I have no reason to believe that that is not correct.

May I ask that any further requests for information regarding reports filed by the Democratic Party of the State of New Mexico for periods ending on December 31, 1985, or before, be directed to Mr. Kennedy?

All other correspondence should be direct to Ms. Judy Leyba, Democratic Party of the State of New Mexico, Suite 100 Plaza Maya, 615 First Street N.W., Albuquerque, New Mexico, 87102.

If you have any further questions, please call me at 505-437-6620, or Judy Leyba at 505-242-6000.

Very truly yours,


George E. Fetting
State Chairman

GEF:ch



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Judy Leyba
Democratic Party of
the State of New Mexico
Suite 100 Plaza Maya
615 First Street, N.W.
Albuquerque, NM 87102

RE: MUR 2129

Democratic Party of the
State of New Mexico
George Fettinger,
acting as treasurer

Dear Ms. Leyba:

On January 17, 1986, the Democratic Party of the State of New Mexico and Richard Kennedy, as treasurer, were notified that the Commission had found reason to believe that they had violated 2 U.S.C. § 434(a)(4)(A)(iv) by failing to file a 1985 Mid Year Report in a timely manner. A copy of the Commission's notification was subsequently sent to George Fettinger, State Chairman of the New Mexico Democratic Party.

On , 1986, the Federal Election Commission determined that there is reason to believe that the Democratic Party of the State of New Mexico and George Fettinger, acting as treasurer, violated 2 U.S.C. § 433(c), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by failing to amend your Committee's Statement of Organization to name a new treasurer. 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 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, within fifteen days of your receipt of this letter.

In the absence of any additional information which demonstrates that no further action should be taken against the Committee and Mr. Fettinger, acting as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and 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 Shelley E. Garr, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Joan D. Aikens
Chairman

Enclosures

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

cc: George Fetting

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Democratic Party of New Mexico MUR 2129
George E. Fettinger, Acting as
treasurer 1/

SUMMARY OF ALLEGATIONS

On January 17, 1986, the Commission determined that there is reason to believe that the Democratic Party of New Mexico ("Committee") and Richard Kennedy, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv) by failing to file the 1985 Mid Year Report of Receipts and Expenditures in a timely manner. On January 22, 1986, notification of the finding was sent to Richard Kennedy.

On February 7, 1986, this Office received a call from George Fettinger, the State Chairman of the New Mexico Democratic Party, to advise that Richard Kennedy was no longer treasurer. Mr. Fettinger advised that he was currently attempting to recreate the Committee's files and would respond to the reason to believe finding. No further written response to the reason to believe notification was received by the Commission.

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1/ Because Mr. Fettinger signed the last report filed by the Committee, the 1986 April Quarterly Report, and because the Committee is without a treasurer, this office will list George Fettinger "acting as treasurer" as responsible for Committee actions.

reports for the period ending on December 31, 1985, be directed to Mr. Kennedy. As of this date, however, the Committee has failed to amend its Statement of Organization to replace Richard Kennedy as treasurer.

FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 433(c), any change in information previously submitted in a statement of organization shall be reported in accordance with 2 U.S.C. § 432(g) no later than 10 days after the date of the change. Under 2 U.S.C. § 433(b) a statement of organization is required to include, inter alia, the address of a committee, and the name and address of the treasurer.

Because the Committee has failed to amend its Statement of Organization designating a new treasurer to replace Richard Kennedy, it is recommended that the Commission find reason to believe that the Committee and George Fettingner, acting as treasurer, violated 2 U.S.C. § 433(c).

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**Democratic Party the
State of New Mexico**

RECEIVED AT THE FEC

GCC 499

86 MAY 16 P 1: 55

*Suite 100, Plaza Maya
615 First Street, N.W.*

Albuquerque, New Mexico 87102

May 13, 1986

**Ms. Shelley Garr
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463**

**RE: MUR 2129 Democratic Party of New Mexico
Richard Kennedy Treasurer
ID #161810**

86 MAY 16 P 3: 14

**RECEIVED
OFFICE OF THE
GENERAL COUNSEL**

Dear Ms. Garr:

Thank you very much for chatting with me by telephone on April 28, 1986.

At that time, we discussed your letter of April 21, 1986, and the General Counsel's Brief, which was attached thereto.

Subsequent to my conversation with your office on February 7, 1986, I received photocopies of the 1983-84-85 Financial Disclosure Reports filed by the Democratic Party of the State of New Mexico, together with other information which was purchased from the FEC.

In reviewing that material, it appears that there was an obligation from the Federal Account of the State Democratic Party to the Non-Federal Account of the Democratic Party Account as of June 30, 1983, in the amount of \$4,323.03.

At the time of the filing of the report for the period ending June 30, 1984, Mr. Kennedy did not show any obligation from the Federal Account of the Democratic Party to the Regular Democratic Party Account for the State of New Mexico.

Unfortunately, I have no substantial information regarding the factual foundation for the filing of these reports by Mr. Kennedy. Therefore, I must presume the accuracy of the numbers he states. In short, if, in fact, there was no obligation from the "Federal Account" of the Democratic Party of the State of New Mexico to the Regular Account of the Party at the time of the filing of the report covering the period from 7-1-83 through 12-21-83 by reason of the payment shown to have been made on Page 1 of Schedule 1 of the Schedule D attachment to the report for the period ending 12-31-83, then I believe you stated that only a summary report was required from the Democratic Party of the State of New Mexico thereafter.

To the best of my knowledge, we have made no payments in support of any Federal candidate on or after the 1st day of January, 1985, up to the date of this letter.

As of the report submitted for the period from October 18, 1984, through November 26, 1984, Mr. Kennedy reported a \$5,000.00 obligation.

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The report filed for the period from November 27, 1984, through December 31, 1984, also indicates an obligation of \$5,000.00, which is, presumably, from the Federal Account to the Non-Federal Account of the Democratic Party of the State of New Mexico.

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It is anticipated that we will be filing a more detailed account for the period from the 1st day of January, 1986, through the last day of March, 1986. We hope to have that obligation from our Federal Account to our State Account substantially paid at that time.

Unfortunately, the information you require is peculiarly within the knowledge of Mr. Richard Kennedy. He is no longer the Executive Director of the Party. He did assist in the preparation of the report which was due for the period ending December 31, 1985. I believe that report is in your hands.

By letter dated April 21, 1986, from Charles M. Steele, General Counsel, I was advised that our report due by July 31, 1985, was in fact filed on or about the 23rd day of September, 1985, approximately 54 days late. I have no reason to believe that that is not correct.

May I ask that any further requests for information regarding reports filed by the Democratic Party of the State of New Mexico for periods ending on December 31, 1985, or before, be directed to Mr. Kennedy?

All other correspondence should be direct to Ms. Judy Leyba, Democratic Party of the State of New Mexico, Suite 100 Plaza Maya, 615 First Street N.W., Albuquerque, New Mexico, 87102.

If you have any further questions, please call me at 505-437-6620, or Judy Leyba at 505-242-6000.

Very truly yours,


George E. Fetting
State Chairman

GEF:eh



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 21, 1986

Richard Kennedy, Treasurer
Democratic Party of New Mexico
615 First Street, N.W.
Suite 100
Albuquerque, New Mexico 87102

RE: MUR 2129
Democratic Party of New Mexico
Richard Kennedy, Treasurer

Dear Mr. Kennedy:

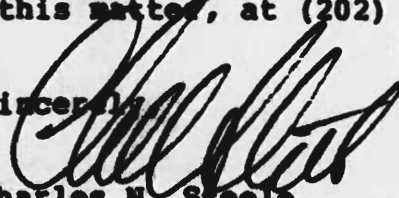
Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on January 17, 1986, found reason to believe that the Democratic Party of New Mexico and you, as treasurer, had violated 2 U.S.C. § 434(a)(4)(A)(iv), by failing to file a 1985 Mid Year Report of Receipts and Disbursements in a timely manner.

After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred. The Commission may or may not approve the General Counsel's Recommendation.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 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 submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

Should you have any questions, please contact Shelley Garr, the staff member assigned to handle this matter, at (202) 376-8200.

Sincerely,


Charles N. Steele
General Counsel

Enclosure
Brief

86040615223

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Democratic Party of New Mexico)

NUR 2129

Richard Kennedy, Treasurer)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

The Democratic Party of New Mexico ("Committee") and Richard Kennedy, as treasurer, were referred to the Office of General Counsel by the Reports Analysis Division for failing to file a 1985 Mid Year Report of Receipts and Disbursements in a timely manner.

The Committee was notified on June 21, 1985 that its 1985 Mid Year Report was due by July 31, 1985. A non-filer notice was sent on August 22, 1985.

On September 17, 1985, a Reports Analysis Division analyst contacted Mr. Kennedy to inform him that the Commission had not received the over-due report. The Committee filed the report on September 23, 1985, 54 days late.

On January 17, 1986, the Commission determined that there is reason to believe the Democratic Party of New Mexico ("the Committee") and Richard Kennedy as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv) by failing to file the 1985 Mid Year Report of Receipts and Expenditures in a timely manner. Notification of the finding was sent on January 22, 1986.

On February 7, 1986, this Office received a call from George Fetting, the State Chairman of the New Mexico Democratic Party

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to advise that Richard Kennedy was no longer treasurer. Further, he advised that he was currently attempting to recreate the Committee's files and would respond to the reason to believe finding. As of this date, the Commission has received no further communication, nor an amended Statement of Organization designating a new treasurer.

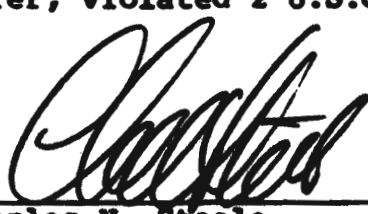
II. LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 434(a)(4)(A)(iv), all political committees other than authorized committees of a candidate may elect to file, in any calendar year in which a regularly scheduled election is not held, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31 which shall be filed no later than January 31 of the following calendar year. The Committee's failure to file its 1984 Mid Year Report of Receipts and Disbursements in a timely manner is a violation of 2 U.S.C. § 434(a)(4)(A)(iv).

III. RECOMMENDATION

The Office of General Counsel recommends that the Commission find probable cause to believe that the Democratic Party of New Mexico and Richard Kennedy, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv).

18 April 1986
Date


Charles N. Steele
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Democratic Party of New Mexico
Richard Kennedy, Treasurer

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MUR 2129

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 probable cause to believe that the Democratic Party of New Mexico, and Richard Kennedy, as treasurer, (hereinafter "the Respondents") violated 2 U.S.C. § 434(a)(4)(A)(iv).

NOW, THEREFORE, the Commission and Respondent, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i) do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding.

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. Respondent Democratic Party of New Mexico is a political committee registered with the Commission.

2. Richard Kennedy is the treasurer of the Democratic Party of New Mexico.

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3. Respondents were required to file the 1985 Mid Year Report by July 31, 1985. The report was filed on September 23, 1985, 54 days late.

V. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iv), all political committees other than authorized committees of a candidate, may elect to file in a calendar year in which a regularly scheduled election is not held, a report covering the period beginning January 1, and ending June 30, which shall be filed no later than July 31.

VI. Respondents' failure to file timely the 1985 Mid Year Report is in violation of 2 U.S.C. § 434(a)(4)(A)(iv).

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of () Dollars (\$125.00) pursuant to 2 U.S.C. § 437g(a)(5)(A).

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 all parties hereto have executed the 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:

86040515228



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSIONER
SENSITIVE

86 APR 21 P 3:17

April 21, 1986

MEMORANDUM

TO: The Commission
FROM: Charles N. Steele
General Counsel
SUBJECT: MUR #2129

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 April 21, 1986. 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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

April 21, 1986

Richard Kennedy, Treasurer
Democratic Party of New Mexico
615 First Street, N.W.
Suite 100
Albuquerque, New Mexico 87102

RE: MUR 2129
Democratic Party of New Mexico
Richard Kennedy, Treasurer

Dear Mr. Kennedy:

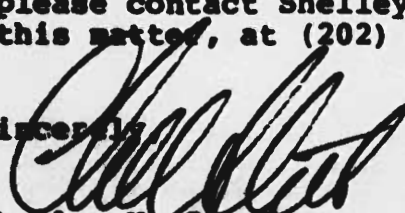
Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on January 17, 1986, found reason to believe that the Democratic Party of New Mexico and you, as treasurer, had violated 2 U.S.C. § 434(a)(4)(A)(iv), by failing to file a 1985 Mid Year Report of Receipts and Disbursements in a timely manner.

After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred. The Commission may or may not approve the General Counsel's Recommendation.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 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 submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

Should you have any questions, please contact Shelley Garr, the staff member assigned to handle this matter, at (202) 376-8200.

Sincerely,


Charles W. Steele
General Counsel

Enclosure
Brief

86040515231

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Democratic Party of New Mexico)

NUR 2129

Richard Kennedy, Treasurer)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

The Democratic Party of New Mexico ("Committee") and Richard Kennedy, as treasurer, were referred to the Office of General Counsel by the Reports Analysis Division for failing to file a 1985 Mid Year Report of Receipts and Disbursements in a timely manner.

The Committee was notified on June 21, 1985 that its 1985 Mid Year Report was due by July 31, 1985. A non-filer notice was sent on August 22, 1985.

On September 17, 1985, a Reports Analysis Division analyst contacted Mr. Kennedy to inform him that the Commission had not received the over-due report. The Committee filed the report on September 23, 1985, 54 days late.

On January 17, 1986, the Commission determined that there is reason to believe the Democratic Party of New Mexico ("the Committee") and Richard Kennedy as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv) by failing to file the 1985 Mid Year Report of Receipts and Expenditures in a timely manner. Notification of the finding was sent on January 22, 1986.

On February 7, 1986, this Office received a call from George Fetting, the State Chairman of the New Mexico Democratic Party

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to advise that Richard Kennedy was no longer treasurer. Further, he advised that he was currently attempting to recreate the Committee's files and would respond to the reason to believe finding. As of this date, the Commission has received no further communication, nor an amended Statement of Organization designating a new treasurer.

II. LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 434(a)(4)(A)(iv), all political committees other than authorized committees of a candidate may elect to file, in any calendar year in which a regularly scheduled election is not held, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31 which shall be filed no later than January 31 of the following calendar year. The Committee's failure to file its 1984 Mid Year Report of Receipts and Disbursements in a timely manner is a violation of 2 U.S.C. § 434(a)(4)(A)(iv).

III. RECOMMENDATION

The Office of General Counsel recommends that the Commission find probable cause to believe that the Democratic Party of New Mexico and Richard Kennedy, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv).

18 April 1986
Date


Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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63 APR 21 1986
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26 APR 21 P3:17

April 21, 1986

MEMORANDUM

TO: The Commission
FROM: Charles W. Steele
General Counsel *CS*
SUBJECT: MUR #2129

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 April 21, 1986. 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

86040515234



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

April 21, 1986

**Richard Kennedy, Treasurer
Democratic Party of New Mexico
615 First Street, N.W.
Suite 100
Albuquerque, New Mexico 87102**

**RE: MUR 2129
Democratic Party of New Mexico
Richard Kennedy, Treasurer**

Dear Mr. Kennedy:

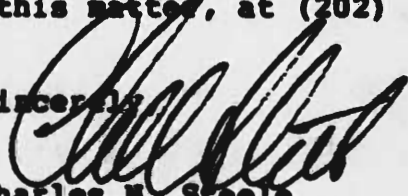
Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on January 17, 1986, found reason to believe that the Democratic Party of New Mexico and you, as treasurer, had violated 2 U.S.C. § 434(a)(4)(A)(iv), by failing to file a 1985 Mid Year Report of Receipts and Disbursements in a timely manner.

After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred. The Commission may or may not approve the General Counsel's Recommendation.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 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 submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

Should you have any questions, please contact Shelley Garr, the staff member assigned to handle this matter, at (202) 376-8200.

Sincerely,


**Charles H. Steele
General Counsel**

**Enclosure
Brief**

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to advise that Richard Kennedy was no longer treasurer. Further, he advised that he was currently attempting to recreate the Committee's files and would respond to the reason to believe finding. As of this date, the Commission has received no further communication, nor an amended Statement of Organization designating a new treasurer.

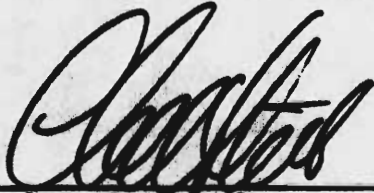
II. LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 434(a)(4)(A)(iv), all political committees other than authorized committees of a candidate may elect to file, in any calendar year in which a regularly scheduled election is not held, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31 which shall be filed no later than January 31 of the following calendar year. The Committee's failure to file its 1984 Mid Year Report of Receipts and Disbursements in a timely manner is a violation of 2 U.S.C. § 434(a)(4)(A)(iv).

III. RECOMMENDATION

The Office of General Counsel recommends that the Commission find probable cause to believe that the Democratic Party of New Mexico and Richard Kennedy, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv).

18 April 1986
Date


Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 22, 1986

Richard Kennedy, Treasurer
Democratic Party of New Mexico
615 First Street, N.W. Suite 100
Albuquerque, New Mexico 87102

RE: MUR 2129
Democratic Party of New Mexico
Richard Kennedy, Treasurer

Dear Mr. Kennedy:

On January 17, 1986, the Federal Election Commission determined that there is reason to believe that the Democratic Party of New Mexico and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv), 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 within fifteen 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.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so

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that it may complete its investigation of the matter. Further, requests for pre-probable conciliation after briefs on probable cause have been mailed to the respondent will not be entertained.

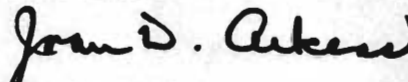
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of each 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 Shelley Garr, the staff member attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Joan D. Aikens
Chairman

Enclosures

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

86040515238

**FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS**

**MUR NO. 2129
STAFF MEMBER & TEL. NO.**

RESPONDENT: Democratic Party of New Mexico

SUMMARY OF ALLEGATIONS

The Committee was notified on June 21, 1985 that its 1985 Mid Year Report was due by July 31, 1985. A non-filer notice was sent on August 22, 1985.

On September 17, 1985, a Reports Analysis Division analyst contacted Mr. Kennedy to inform him that the Commission had not received the over-due report. The Committee filed the report on September 23, 1985, 54 days late.

FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 434(a)(4)(A)(iv), all political committees other than authorized committees of a candidate may elect to file, in any calendar year in which a regularly scheduled election is not held, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31 which shall be filed no later than January 31 of the following calendar year. The Committee's failure to file its 1984 Mid Year Report of Receipts and Disbursements in a timely manner is a violation of 2 U.S.C. § 434(a)(4)(A)(iv).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

**Richard Kennedy, Treasurer
Democratic Party of New Mexico
615 First Street, N.W. Suite 100
Albuquerque, New Mexico 87102**

**RE: MUR 2129
Democratic Party of New Mexico
Richard Kennedy, Treasurer**

Dear Mr. Kennedy:

On January 17, 1986, the Federal Election Commission determined that there is reason to believe that the Democratic Party of New Mexico and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv), 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 within fifteen 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.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so

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that it may complete its investigation of the matter. Further, requests for pre-probable conciliation after briefs on probable cause have been mailed to the respondent will not be entertained.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of each 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 Shelley Garr, the staff member attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Joan D. Aikens
Chairman

Enclosures

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

86040515241

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Democratic Party of New Mexico
Richard Kennedy, Treasurer

RAD 85NF-133

M2129

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 17, 1986, the Commission decided by a vote of 6-0 to take the following actions in RAD 85NF-133:

1. Open a MUR.
2. Find reason to believe that the Democratic Party of New Mexico and Richard Kennedy, as Treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv).
3. Approve and send the letter and legal and factual analysis attached to the First General Counsel's Report signed January 13, 1986.

Commissioners Aikens, Elliott, Harris, Josefiak, McDonald and McGarry voted affirmatively for this decision.

Attest:

1-17-86

Date

Cheryl A. Fleming
for Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: Tues., 1-14-86, 5:05
Circulated on 48 hour tally basis: Wed., 1-15-86, 11:00
Deadline for vote: Fri., 1-17-86, 11:00

86040515242

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

RECEIVED
OFFICE OF THE FEC
COMMISSIONER

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

85 JAN 14 P 5: 05

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION:

MUR 85MF-133
STAFF MEMBER:
GRI

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENT'S NAME: Democratic Party of New Mexico
Richard Kennedy, Treasurer

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

INTERNAL REPORTS
CHECKED: FEC Disclosure Documents

FEDERAL AGENCIES
CHECKED: N/A

GENERATION OF MATTER

The Democratic Party of New Mexico ("Committee") and Richard Kennedy, Treasurer, were referred to the Office of General Counsel by the Reports Analysis Division for failing to file a 1985 Mid Year Report of Receipts and Disbursements in a timely manner.

SUMMARY OF ALLEGATIONS

The Committee was notified on June 21, 1985 that its 1985 Mid Year Report was due by July 31, 1985. A non-filer notice was sent on August 22, 1985.

On September 17, 1985, a Reports Analysis Division analyst contacted Mr. Kennedy to inform him that the Commission had not received the over-due report. The Committee filed the report on September 23, 1985, 54 days late.

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FACTUAL AND LEGAL ANALYSIS

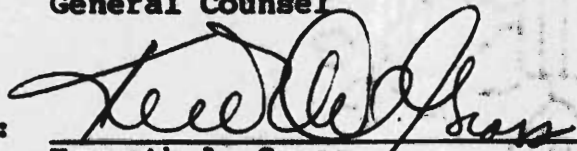
Pursuant to 2 U.S.C. § 434(a)(4)(A)(iv), all political committees other than authorized committees of a candidate may elect to file, in any calendar year in which a regularly scheduled election is not held, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31 which shall be filed no later than January 31 of the following calendar year. The Committee's failure to file its 1984 Mid Year Report of Receipts and Disbursements in a timely manner is a violation of 2 U.S.C. § 434(a)(4)(A)(iv).

RECOMMENDATION

1. Open a MUR.
2. Find reason to believe that the Democratic Party of New Mexico and Richard Kennedy, as Treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv).
3. Approve and send the attached letter and legal and factual analysis.

Charles N. Steele
General Counsel

1-13-85
Date

BY: 
Kenneth A. Gross
Associate General Counsel

Attachments

1. Referral
2. Proposed letter and legal and factual analysis

86040615244

**REPORTS ANALYSIS REFERRAL
TO
OFFICE OF GENERAL COUNSEL**

DATE: November 29, 1985

ANALYST: Anthony Raymond

I. COMMITTEE: Democratic Party of New Mexico
(C00161810)
Richard Kennedy, Treasurer
615 First Street, N.W., Suite 100
Albuquerque, NM 87102

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(4)(A)(iv)
11 CFR 104.5(c)(2)(i)(A)

III. BACKGROUND:

Failure to Timely File the 1985 Mid-Year Report

The Democratic Party of New Mexico ("the Committee") failed to file the 1985 Mid-Year Report of Receipts and Disbursements in a timely manner. The Committee was notified on June 21, 1985 that the report was due by July 31, 1985 (Attachment 2). A non-filer notice was sent on August 22, 1985 (Attachment 3).

On September 17, 1985, the Reports Analysis Division ("RAD") analyst contacted Richard Kennedy, the Committee's treasurer, to inform him that the Commission had not received the overdue report. Mr. Kennedy stated that the report would be filed in the next few days (Attachment 4).

On September 23, 1985, the 1985 Mid-Year Report was filed (Attachment 5).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS (C) (85-86)
PARTY RELATED

DATE 23NOV85
PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
DEMOCRATIC PARTY OF NEW MEXICO CONNECTED ORGANIZATION: NONE				PARTY QUALIFIED		ID 6C00161010
	1985 MID-YEAR REPORT	3,675	2,865	13JAN85 -30JUN85	5	85FEC/388/1466
	NOTICE OF FAILURE TO FILE			13JAN85 -30JUN85	1	85FEC/386/3125
	TOTAL	3,675	0	0	6	TOTAL PAGES

Ending cash on hand as of 6/30/85: \$1,082
Outstanding debts and obligations owed to the committee: \$-0-
Outstanding debts and obligations owed by the committee: \$200.00

The 1985 Mid-Year Report has been reviewed.

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ATTACHMENT 1
(1 of 2)

PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	0 OF PAGES	MICROFILM LOCATION
DEMOCRATIC PARTY OF NEW MEXICO				PARTY QUALIFIED		ID 9C00161810
CONNECTED ORGANIZATION:	NONE					
1983	MID-YEAR REPORT	20,481	20,460	1JAN83 - 30JUN83	18	83FEC/378/3835
	1ST LETTER INFORMATIONAL NOTICE			1JAN83 - 30JUN83	1	84FEC/306/4057
	YEAR-END	4,650	17,040	1JUL83 - 31DEC83	7	84FEC/394/1996
	1ST LETTER INFORMATIONAL NOTICE			1JUL83 - 31DEC83	1	84FEC/306/4929
1984	MISCELLANEOUS NOTICE FROM FEC			27DEC84	1	84FEC/357/4464
	APRIL QUARTERLY	10,028	7,298	1JAN84 - 31MAR84	10	84FEC/324/2577
	NOTICE OF FAILURE TO FILE			1JAN84 - 31MAR84	1	84FEC/313/4777
	REQUEST FOR ADDITIONAL INFORMATION			1JAN84 - 31MAR84	2	84FEC/329/4734
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN84 - 31MAR84	3	84FEC/341/4391
	JULY QUARTERLY	1,426	9,745	1APR84 - 30JUN84	3	85FEC/373/2293
	NOTICE OF FAILURE TO FILE			1APR84 - 30JUN84	1	84FEC/329/1361
	REQUEST FOR ADDITIONAL INFORMATION			1APR84 - 30JUN84	2	85FEC/377/1387
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1APR84 - 30JUN84	3	85FEC/381/2256
	OCTOBER QUARTERLY	9,628	11	1JUL84 - 30SEP84	6	85FEC/373/2288
	NOTICE OF FAILURE TO FILE			1JUL84 - 30SEP84	1	84FEC/348/3057
	PRE-GENERAL	20,818	18,099	1OCT84 - 17OCT84	13	85FEC/373/4344
	REQUEST FOR ADDITIONAL INFORMATION			1OCT84 - 17OCT84	1	85FEC/381/1204
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1OCT84 - 17OCT84	2	85FEC/383/4644
	POST-GENERAL	25,415	36,409	18OCT84 - 26NOV84	40	85FEC/373/4314
	NOTICE OF FAILURE TO FILE			1OCT84 - 26NOV84	1	84FEC/357/4080
	REQUEST FOR ADDITIONAL INFORMATION			18OCT84 - 26NOV84	3	85FEC/381/1200
	REQUEST FOR ADDITIONAL INFORMATION 2ND			18OCT84 - 26NOV84	1	85FEC/383/4644
	YEAR-END	2,100	3,169	27NOV84 - 31DEC84	35	85FEC/373/4388
	NOTICE OF FAILURE TO FILE			27NOV84 - 31DEC84	1	85FEC/366/4675
	TOTAL	94,543	0 112,231	0	156	TOTAL PAGES

Ending cash on hand as of 12/31/84: \$272.00
Outstanding debts and obligations owed to the committee: \$5,000.00
Outstanding debts and obligations owed by the committee: \$-0-

All reports have been reviewed.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 21, 1985

**SEMIANNUAL REPORT NOTICE
FOR UNAUTHORIZED COMMITTEES**

WHO MUST FILE

ALL POLITICAL COMMITTEES currently registered with the Commission (except committees filing monthly) must file a semiannual report by July 31, 1985.

WHAT MUST BE REPORTED

All financial activity must be disclosed from the last report filed through June 30, 1985. Unauthorized political committees that have not previously filed a financial disclosure report should report all financial activity from date of registration, through June 30, 1985.*

WHEN TO FILE

Reports sent by registered or certified mail must be postmarked no later than midnight July 31, 1985. Reports hand delivered or mailed first class must be received no later than close of business July 31, 1985.

WHERE AND HOW TO FILE

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

MONTHLY FILERS

Committees filing on a monthly schedule need not file a semi-annual report. Monthly reports are due by the twentieth of each month and should cover all financial activity of the previous month. The next monthly report must be filed by July 20, 1985, and should disclose all financial activity of the committee from June 1 through June 30, 1985.

*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 101.3; 104.3(a) and (b). Activity which occurred prior to 1985 should be reported separately.

- over -

I(4)

86040315248

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: Information Services Division
202/523-4068
800/424-9530

86040515249

I(5)



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

HQ-7

August 22, 1985

Richard Kennedy, Treasurer
Democratic Party of New Mexico
615 First Street, N.W. #100
Albuquerque, NM 87102

Identification Number: C00161810

Reference: Mid-Year Report (1/1/85-6/30/85)

Dear Mr. Kennedy:

It has come to the attention of the Federal Election Commission ("the Commission") that you may be in violation of 2 U.S.C. §434(a) for failing to file the above referenced Report of Receipts and Disbursements. You were notified previously 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 2 U.S.C. §439.

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 Anthony Raymond on our toll-free number (800) 424-9530. Our local number is (202) 523-4048.

Sincerely,

A handwritten signature in cursive script that reads "John D. Gibson".

John D. Gibson
Assistant Staff Director
Reports Analysis Division

I(6)

TELECONANALYST Ryan
initiated call? yesTELECON WITH: Richard Kennedy
initiated call?

Candidate/Committee: Democratic Party of New Mexico

DATE: 9/17/85

SUBJECT(S): 1985 Mid-Year Non-Filer

I called Richard Kennedy, the committee's treasurer, to inform him that the Commission had not received the committee's 1985 Mid-Year Report. Mr. Kennedy said that the report would be filed within the next few days.

86040615251

I(7)

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

ATTACHMENT 5

(Summary Page)

HAND DELIVERED
SEP 23 10:42

AL KING AREA

1. Name of Committee (in Full)

**DEMOCRATIC PARTY
OF NEW MEXICO**

Address (Number and Street)

**SUITE 100
615 FIRST ST. N.W.**

City, State and ZIP Code

ALBUQUERQUE NM 87102

☐ Check here if address is different than previously reported

2. FEC Identification Number

C00161810

3 ☐ This committee qualified as a candidates committee during the Reporting Period on _____

4. TYPE OF REPORT (Check appropriate box)

☐ 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 _____

☐ Tenth day report preceding _____

election on _____ in the State of _____

☐ Tenth day report following the General Election

on _____ in the State of _____

☐ Termination Report

Is this Report an Amendment?

☐ YES

☒ NO

SUMMARY

5. Covering Period **1-1-85** through **6-30-85**

6. (a) Cash on Hand January 1, 19**85**

(b) Cash on Hand at Beginning of Reporting Period

(c) Total Receipts (from Line 10)

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

7. Total Disbursements (from Line 20)

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

9. Debts and Obligations Owed TO The Committee

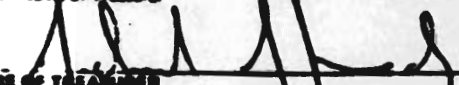
(Itemize all on Schedule C or Schedule D)

10. Debts and Obligations Owed BY the Committee

(Itemize all on Schedule C or Schedule D)

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

RICHARD R KENNEDY
Type or Print Name of Treasurer

 **9/30/85**
Date

SIGNATURE OF TREASURER

NOTE: Submission of false or misleading information may subject the person to a fine or imprisonment under the provisions of 2 U.S.C. § 437a

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

For further information contact:

Federal Election Commission

Toll Free 800 424 9530

Local 202 523 4058

FEC FORM 3X (3-80)

I(8)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Richard Kennedy, Treasurer
Democratic Party of New Mexico
615 First Street, N.W. Suite 100
Albuquerque, New Mexico 87102

RE: MUR
Democratic Party of
New Mexico, Richard
Kennedy, Treasurer

Dear Mr. Kennedy:

On , 198 , the Federal Election Commission determined that there is reason to believe that the Democratic Party of New Mexico and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv), 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 within fifteen 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.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so

that it may complete its investigation of the matter. Further, requests for pre-probable conciliation after briefs on probable cause have been mailed to the respondent will not be entertained.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of each 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 Shelley Garr, the staff member attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Enclosures

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

II(10)

86040515254

**FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS**

**MUR NO.
STAFF MEMBER & TEL. NO.**

RESPONDENT: Democratic Party of New Mexico

SUMMARY OF ALLEGATIONS

The Committee was notified on June 21, 1985 that its 1985 Mid Year Report was due by July 31, 1985. A non-filer notice was sent on August 22, 1985.

On September 17, 1985, a Reports Analysis Division analyst contacted Mr. Kennedy to inform him that the Commission had not received the over-due report. The Committee filed the report on September 23, 1985, 54 days late.

FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 434(a)(4)(A)(iv), all political committees other than authorized committees of a candidate may elect to file, in any calendar year in which a regularly scheduled election is not held, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31 which shall be filed no later than January 31 of the following calendar year. The Committee's failure to file its 1984 Mid Year Report of Receipts and Disbursements in a timely manner is a violation of 2 U.S.C. § 434(a)(4)(A)(iv).

II(1)

**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20463

November 29, 1985

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA *JCS*
STAFF DIRECTOR

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

SUBJECT: REFERRAL OF THE DEMOCRATIC PARTY OF NEW MEXICO

This is a referral of the Democratic Party of New Mexico for failing to file the 1985 Mid-Year Report within thirty (30) calendar days from the date of the non-filer notice. According to RAD Review and Referral Procedures for Unauthorized Committees (Standard 3), further examination is required by your office.

If you have any questions, please contact Tony Raymond at 523-4048.

Attachment

86040315256

**REPORTS ANALYSIS REFERRAL
TO
OFFICE OF GENERAL COUNSEL**

DATE: November 29, 1985

ANALYST: Anthony Raymond

I. COMMITTEE: Democratic Party of New Mexico
(C00161810)
Richard Kennedy, Treasurer
615 First Street, N.W., Suite 100
Albuquerque, NM 87102

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(4)(A)(iv)
11 CFR 104.5(c)(2)(i)(A)

III. BACKGROUND:

Failure to Timely File the 1985 Mid-Year Report

The Democratic Party of New Mexico ("the Committee") failed to file the 1985 Mid-Year Report of Receipts and Disbursements in a timely manner. The Committee was notified on June 21, 1985 that the report was due by July 31, 1985 (Attachment 2). A non-filer notice was sent on August 22, 1985 (Attachment 3).

On September 17, 1985, the Reports Analysis Division ("RAD") analyst contacted Richard Kennedy, the Committee's treasurer, to inform him that the Commission had not received the overdue report. Mr. Kennedy stated that the report would be filed in the next few days (Attachment 4).

On September 23, 1985, the 1985 Mid-Year Report was filed (Attachment 5).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

86040615257

PARTY RELATED						
COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
DEMOCRATIC PARTY OF NEW MEXICO CONNECTED ORGANIZATION: NONE				PARTY QUALIFIED		ID 0C00161010
	1985 MID-YEAR REPORT	3,675	2,865	1JAN85 -30JUN85	5	05FEC/388/1466
	NOTICE OF FAILURE TO FILE			1JAN85 -30JUN85	1	05FEC/386/3125
	TOTAL	3,675	0	0	6	TOTAL PAGES

Ending cash on hand as of 6/30/85: \$1,082
 Outstanding debts and obligations owed to the committee: \$-0-
 Outstanding debts and obligations owed by the committee: \$200.00

The 1985 Mid-Year Report has been reviewed.

PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
DEMOCRATIC PARTY OF NEW MEXICO				PARTY QUALIFIED		ID 8C00161810
CONNECTED ORGANIZATION:	NONE					
1983	MID-YEAR REPORT	20,481	26,460	1JAN83 - 30JUN83	18	83FEC/278/3835
	1 ST LETTER INFORMATIONAL NOTICE			1JAN83 - 30JUN83	1	84FEC/306/4857
	YEAR-END	4,650	17,940	1JUL83 - 31DEC83	7	84FEC/394/1996
	1 ST LETTER INFORMATIONAL NOTICE			1JUL83 - 31DEC83	1	84FEC/306/4929
1984	MISCELLANEOUS NOTICE FROM FEC			27DEC84	1	84FEC/357/4464
	APRIL QUARTERLY	10,025	7,298	1JAN84 - 31MAR84	18	84FEC/324/2535
	NOTICE OF FAILURE TO FILE			1JAN84 - 31MAR84	1	84FEC/313/4737
	REQUEST FOR ADDITIONAL INFORMATION			1JAN84 - 31MAR84	2	84FEC/329/4730
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN84 - 31MAR84	3	84FEC/341/4391
	JULY QUARTERLY	1,426	9,745	1APR84 - 30JUN84	3	85FEC/373/2295
	NOTICE OF FAILURE TO FILE			1APR84 - 30JUN84	1	84FEC/329/1381
	REQUEST FOR ADDITIONAL INFORMATION			1APR84 - 30JUN84	2	85FEC/377/1387
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1APR84 - 30JUN84	3	85FEC/381/2256
	OCTOBER QUARTERLY	9,628	11	1JUL84 - 30SEP84	4	85FEC/373/2288
	NOTICE OF FAILURE TO FILE			1JUL84 - 30SEP84	1	84FEC/348/2857
	PRE-GENERAL	20,818	18,099	1OCT84 - 17OCT84	13	85FEC/373/4500
	REQUEST FOR ADDITIONAL INFORMATION			1OCT84 - 17OCT84	1	85FEC/381/1206
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1OCT84 - 17OCT84	3	85FEC/385/4664
	POST-GENERAL	25,415	36,409	18OCT84 - 26NOV84	40	85FEC/273/4514
	NOTICE OF FAILURE TO FILE			1OCT84 - 26NOV84	1	84FEC/357/4888
	REQUEST FOR ADDITIONAL INFORMATION			18OCT84 - 26NOV84	2	85FEC/381/1206
	REQUEST FOR ADDITIONAL INFORMATION 2ND			18OCT84 - 26NOV84	1	85FEC/385/4666
	YEAR-END	2,100	3,169	27NOV84 - 31DEC84	35	85FEC/373/4555
	NOTICE OF FAILURE TO FILE			27NOV84 - 31DEC84	1	85FEC/386/4675
	TOTAL	94,543	0 112,331	0	156	TOTAL PAGES

Ending cash on hand as of 12/31/84: \$272.00
 Outstanding debts and obligations owed to the committee: \$5,000.00
 Outstanding debts and obligations owed by the committee: \$-0-

All reports have been reviewed.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 21, 1985

**SEMIANNUAL REPORT NOTICE
FOR UNAUTHORIZED COMMITTEES**

WHO MUST FILE

ALL POLITICAL COMMITTEES currently registered with the Commission (except committees filing monthly) must file a semiannual report by July 31, 1985.

WHAT MUST BE REPORTED

All financial activity must be disclosed from the last report filed through June 30, 1985. Unauthorized political committees that have not previously filed a financial disclosure report should report all financial activity from date of registration, through June 30, 1985.*

WHEN TO FILE

Reports sent by registered or certified mail must be postmarked no later than midnight July 31, 1985. Reports hand delivered or mailed first class must be received no later than close of business July 31, 1985.

WHERE AND HOW TO FILE

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

MONTHLY FILERS

Committees filing on a monthly schedule need not file a semi-annual report. Monthly reports are due by the twentieth of each month and should cover all financial activity of the previous month. The next monthly report must be filed by July 20, 1985, and should disclose all financial activity of the committee from June 1 through June 30, 1985.

*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 101.3; 104.3(a) and (b). Activity which occurred prior to 1985 should be reported separately.

- over -

86040515260

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: Information Services Division
202/523-4068
800/424-9530

86040615261



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20541

HQ-7

August 22, 1985

Richard Kennedy, Treasurer
Democratic Party of New Mexico
615 First Street, N.W. #100
Albuquerque, NM 87102

Identification Number: C00161810

Reference: Mid-Year Report (1/1/85-6/30/85)

Dear Mr. Kennedy:

It has come to the attention of the Federal Election Commission ("the Commission") that you may be in violation of 2 U.S.C. §434(a) for failing to file the above referenced Report of Receipts and Disbursements. You were notified previously 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 2 U.S.C. §439.

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 Anthony Raymond on our toll-free number (800) 424-9530. Our local number is (202) 523-4048.

Sincerely,

A handwritten signature in cursive script, reading "John D. Gibson".

John D. Gibson
Assistant Staff Director
Reports Analysis Division

TELECONANALYST Ryan
initiated call? yesTELECON WITH: Richard Kennedy
initiated call?

Candidate/Committee: Democratic Party of New Mexico

DATE: 9/17/85

SUBJECT(S): 1985 Mid-Year Non-Filer

I called Richard Kennedy, the committee's treasurer, to inform him that the Commission had not received the committee's 1985 Mid-Year Report. Mr. Kennedy said that the report would be filed within the next few days.

86040615263

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

ATTACHMENT 5

(Summary Page)

HAND DELIVERED
SEP 23 1985

ALBANY AREA

1. Name of Committee (in Full)

**DEMOCRATIC PARTY
OF NEW MEXICO**

Address (Number and Street)

**SUITE 100
615 FIRST ST. N.W.**

City, State and ZIP Code

ALBUQUERQUE NM 87102

☐ Check here if address is different than previously reported

2. FEC Identification Number

C00161810

3 ☐ This committee qualified as a multi-candidate committee during the Reporting Period on _____

4. TYPE OF REPORT (Check appropriate box)

- (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 _____ (Type of Election)
 election on _____ in the State of _____
☐ Twelfth day report following the General Election
 on _____ in the State of _____
☐ Termination Report

(b) Is the Report an Amendment?

☐ YES ☒ NO

SUMMARY

5. Covering Period **1-1-85** through **6-30-85**

6. (a) Cash on hand January 1, 19**85**

(b) Cash on Hand at Beginning of Reporting Period

(c) Total Receipts (from Line 10)

(d) Subtotal (add Lines 6(a) 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)

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

Type or Print Name of Treasurer

RICHARD R. KENNEDY

SIGNATURE OF TREASURER

[Signature]

Date

9/20/85

NOTE: Submission of false or incomplete information may subject the person submitting the report to the penalties of 2 U.S.C. § 437a

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

For further information contact:

Federal Election Commission

Toll Free 800 424 9530

Local 202 523 4068

FEC FORM 3X - 3 80-

86040615265



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF FUR # 2129

Date Filmed 11/3/86 Camera No. --- 2

Cameraman AS