



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2343

DATE FILMED 2/17/88 CAMERA NO. 3

CAMERAMAN BPC

98040572327

PUBLIC RECORD INDEX - MUR 2343

1. Memo, 31 Dec 86, John D. Gibson (Reports Analysis Division) to Charles N. Steele (General Counsel), subj: Referral of the PAC - International Union of Operating Engineers Local 487, w/atcch (RAD Referral Pkg)
2. First General Counsel's Report, 2 Feb 87.
3. Certification of Commission Action, 5 Feb 87.
4. Ltr, 10 Feb 87, Scott E. Thomas (Chairman, FEC) to Anton Hermes (treasurer, PAC-International Union of Operating Engineers Local 487)
5. Ltr, 20 Feb 87, Lester Fever (Counsel to Scott E. Thomas, w/atch (Designation of Counsel Statement)
6. Ltr, 20 Feb 87, Lester Fever to FEC, w/atchs
7. General Counsel's Report, 22 Apr 87.
8. Ltr, 29 Apr 87, L.M. Noble to Lester Fever, w/encl. (Brief).
9. Memo, 29 Apr 87, L.M. Noble to the Commission.
10. Ltr, 8 May 87, L. Fever to the Commission (Response to Brief).
11. General Counsel's Report, 18 Jun 87.
12. Certification of Commission Action, 8 Jul 87.
13. Ltr, 9 Jul 87, L.M. Noble to L. Fever.
14. Ltr, 17 Jul 87, L. Fever to L.M. Noble, w/atch
15. General Counsel's Report, 17 Sep 87.
16. Certification of Commission Action, 22 Sep 87.
17. Ltr, 25 Sep 87, L.M. Noble to L. Fever, w/atch (executed conciliation agreement)

-END-

NOTE: In preparing its file for the public record, O.G.C. routinely removes those documents in which it perceives little or no public interest, and those documents, or portions thereof, which are exempt from disclosure under the Freedom of Information Act.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 31, 1986

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

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

SUBJECT: REFERRAL OF THE PAC - INTERNATIONAL UNION OF
OPERATING ENGINEERS, LOCAL 487

This is a referral of the PAC - International Union of Operating Engineers, Local 487 ("the Committee"). The Committee failed to file the 1986 October Quarterly Report of Receipts and Disbursements by Election Day, November 4, 1986. According to the RAD Review and Referral Procedures for Unauthorized Committees (Standard 3), further examination is required by your office.

If you have any questions, please contact Edward Ryan at 376-2480.

Attachment

89040572329

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REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: December 31, 1986

ANALYST: Edward Ryan

I. COMMITTEE: PAC - International Union of Operating Engineers, Local 487 (C00133611)
Anton Hermes, Treasurer
1425 N.W. 36th Street
Miami, FL 33142

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(4)(A)(i)
11 CFR 104.5(c)(1)(i)(A)

III. BACKGROUND:

Failure to File the 1986 October Quarterly Report by Election Day

The PAC - International Union of Operating Engineers, Local 487 ("the Committee") failed to file the 1986 October Quarterly Report of Receipts and Disbursements by Election Day, November 4, 1986. The Committee was notified on September 19, 1986 that the report was due on October 15, 1986 (Attachment 2).

On November 4, 1986, A Non-Filer Notice was sent to the Committee for its failure to file the 1986 October Quarterly Report (Attachment 3).

The Committee submitted a response to the Non-Filer Notice on November 24, 1986 which explained that both the 1986 October Quarterly and 12 Day Pre-General Reports were mailed to Washington, D.C. on October 13, 1986. The letter further explained that copies of the reports had been requested from the Committee's accountant and would be filed as soon as possible (Attachment 4).

On November 26, 1986, Mr. Lester Feuer, the accountant who prepares the Committee's reports, attempted to call the Reports Analysis Division ("RAD") analyst concerning the non-filed report. The RAD analyst was unavailable to talk to Mr. Feuer at that time, so a message was left for the RAD

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PAC - INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 487
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

analyst to return the phone call. That same day, the RAD analyst attempted to call Mr. Feuer, but was unable to reach him (Attachment 5).

The Committee filed the 1986 October Quarterly Report on December 4, 1986 (Attachment 6). Included was a cover letter stating that the Committee's secretary had "failed to give the proper instructions for mailing the reports." The secretary had included instructions to send copies of the report to the Division of Elections for the State of Florida, but not the Commission.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

9 8 7 6 5 4 3 2 1

NON-PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
PAC-INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 487 CONNECTED ORGANIZATION: ENGINEERS; INT'L UNION OF OPERATING				NON-PARTY QUALIFIED	ID #C00133611	
1985	STATEMENT OF ORGANIZATION - AMENDMENT			1FEB85	2	85FEC/363/3266
	MID-YEAR REPORT	16,558	4,753	1JAN85 -30JUN85	6	85FEC/381/4524
	YEAR-END	8,816	6,584	1JUL85 -31DEC85	7	86FEC/397/4998
1986	MISCELLANEOUS REPORT			24NOV86 TO FEC	2	86FEC/444/4747
	APRIL QUARTERLY	7,553	10,800	1JAN86 -31MAR86	5	86FEC/409/3394
	JULY QUARTERLY	4,205	4,899	1APR86 -30JUN86	5	86FEC/421/4139
*	OCTOBER QUARTERLY	5,775	1,553	1JUL86 -30SEP86	6	86FEC/450/2459
	NOTICE OF FAILURE TO FILE			30SEP86	1	86FEC/443/3939
*	PRE-GENERAL	591	88	1OCT86 -15OCT86	6	86FEC/450/2465
	NOTICE OF FAILURE TO FILE			24NOV86	1	86FEC/452/1482
	TOTAL	43,498	0 28,677	0	41	TOTAL PAGES

All reports have been reviewed except for those which are asterisked.

Ending cash-on-hand as of 10/15/86: \$122,828

Debts and obligations owed by the committee as of 10/15/86: \$0

Debts and obligations owed to the committee as of 10/15/86: \$0

3 3 0 4 0 6 7 2 3 3 3

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (83-84)DATE 22DEC86
PAGE 1

NON-PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
PAC-INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 487	CONNECTED ORGANIZATION: ENGINEERS; INT'L UNION OF OPERATING			NON-PARTY QUALIFIED		ID #C00133611
1983	STATEMENT OF ORGANIZATION - AMENDMENT			18MAY83	2	83FEC/272/0711
	APRIL QUARTERLY	7,309	0	1JAN83 -31MAR83	3	83FEC/271/0013
	JULY QUARTERLY	8,690	45	1APR83 -30JUN83	4	83FEC/276/0323
	OCTOBER QUARTERLY	7,009	1,000	1JUL83 -30SEP83	4	83FEC/285/0986
	YEAR-END	12,122	2,877	1OCT83 -31DEC83	4	84FEC/292/0737
1984	APRIL QUARTERLY	12,968	12,000	1JAN84 -31MAR84	4	84FEC/312/2572
	JULY QUARTERLY	6,514	5,532	1APR84 -30JUN84	6	84FEC/323/1568
	1ST LETTER INFORMATIONAL NOTICE			1APR84 -30JUN84	1	84FEC/328/4192
	OCTOBER QUARTERLY	6,917	12,000	1JUL84 -30SEP84	7	84FEC/339/1972
	POST-GENERAL	3,049	3,200	1OCT84 -26NOV84	6	85FEC/360/3439
	NOTICE OF FAILURE TO FILE			1OCT84 -26NOV84	1	84FEC/357/4918
	YEAR-END	2,965	0	27NOV84 -31DEC84	3	85FEC/363/2547
1985	MISCELLANEOUS NOTICE FROM FEC			18JAN85	1	85FEC/360/3747
	MISCELLANEOUS NOTICE FROM FEC			22JAN85	1	85FEC/361/0414
	TOTAL	67,543	0		47	TOTAL PAGES

ALL REPORTS HAVE BEEN REVIEWED

Ending Cash-on-Hand as of 12/31/84: \$108,007

Debts and obligations owed by the Committee as of 12/31/84: \$0

Debts and obligations owed to the Committee as of 12/31/84: \$0

Attachment
Page 2 of 2

QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

September 19, 1986

WHO MUST FILE

ALL Party Committees, Nonconnected Committees and Separate Segregated Funds, except those that file monthly (see below), must file a quarterly report by October 15, 1986.

WHAT MUST BE REPORTED

The report must disclose all financial activity that occurred from the close of books for the last report filed through September 30, 1986. Political committees that have not previously filed a financial disclosure report should report all financial activity through September 30, 1986.* For more detailed instructions, consult your campaign guide.

WHEN TO FILE

Reports sent by registered or certified mail must be postmarked no later than midnight October 15, 1986. Reports hand delivered or mailed first class must be received no later than close of business October 15, 1986.

WHERE AND HOW TO FILE

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

MONTHLY FILERS

Committees that file on a monthly schedule must file their next report by October 20, 1986, and disclose all financial activity from September 1 through September 30, 1986. (See Monthly Filers on the reverse side.)

COMPLIANCE

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

*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 or disbursed during the current reporting period. See 11 CFR 104.3(a) and (b).



REMINDERS

QUARTERLY FILERS

Committees that make contributions or expenditures (including independent expenditures) in connection with an election, and coordinated party expenditures in connection with a general election, must file a pre-election report if this activity has not been previously disclosed. See the January 1986 issue of the Federal Election Commission Record for primary and general election filing requirements.

MONTHLY FILERS

Committees that are filing monthly must file a pre-general election report due on October 23, a post-general election report due on December 24, and a year-end report due January 31, 1987, instead of monthly reports on November 20, December 20 and January 20, 1987. See the schedule below.

<u>REPORT</u>	<u>PERIOD COVERED</u>	<u>REG./CERT. MAILING DATE</u>	<u>FILING DATE</u>
Pre-general	10/01 - 10/15	10/20/86	10/23/86
Post-general	10/16 - 11/24	12/24/86	12/24/86
Year-end	11/25 - 12/31	01/31/87	01/31/87

See General Election Notice

INDEPENDENT EXPENDITURES

Any independent expenditure aggregating \$1,000 or more and made between 2 and 20 days before an election must be reported within 24 hours after the expenditure is made. See 11 CFR 104.4(c)(2) and (3) for information concerning where to file.

A notice explaining general election filing requirements will be sent to you before the general election.

FOR INFORMATION CALL: Information Services Division
800/424-9530 or 202/376-3120

33040672335



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

89-7

November 4, 1986

Anton J. Hermes, Treasurer
PAC-International Union of Operating
Engineers, Local 487
1425 N.W. 36th Street
Miami, FL 33142

Identification Number: C00133611

Reference: October Quarterly Report (through 9/30/86)

Dear Mr. Hermes:

It has come to the attention of the Federal Election Commission ("the Commission") that your committee 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, 999 E 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.

Although the Commission may initiate an audit or legal enforcement action concerning this matter, your prompt response and a letter of explanation will be taken into consideration.

If you have any questions, please contact Edward D. Ryan on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

A handwritten signature in cursive script, reading "John D. Gibson".
John D. Gibson
Assistant Staff Director
Reports Analysis Division

86034414747
IAC-International Union of Operating Engineers, Local #487
1425 N.W. 36th Street
Miami, Florida, 33142

November 19, 1986

Federal Election Commission
Washington, D.C., 20463

Dear Sirs:

It has come to our attention that the IAC-I.U.O.E., Local #487, quarterly report, third quarter 1986, and the Pre-Election report, period of October 1, 1986, through October 15, 1986, did not arrive at the Federal Election Commission. Those reports were signed by the Treasurer, Anton Hermes, and mailed to Washington, D.C., October 13, 1986. We have requested copies from the accountant. As soon as those reports are received by our IAC committee, they will in turn be signed by Mr. Hermes and mailed to Washington again. There is no way of knowing what happened to those two reports. It has been a worry and an inconvenience for our committee, but we are doing everything possible to get copies to Washington as soon as possible.

In the future we will be mailing all reports by registered mail.

Sincerely,

Mr. Carl Powell
President

Carl P. Powell

Anton Hermes
Treasurer

Anton J. Hermes

1

TELECON

Attachment #5

ANALYST: Ed Ryan

CONVERSATION WITH: Mr. Lester Feuer, Accountant

COMMITTEE: PAC-International Union of Operating Engineers, Local #487

DATE: 11/26/86

SUBJECT(S): Returned telephone call concerning 1986 October Quarterly Report not being filed.

I returned Mr. Lester Feuer's phone call made earlier while I was away from my desk.. I was unable to reach him at the phone number given on the message.

33040572338

(b)(6) (b)(7)(C)

GASSEL, ANTV. CPA.

AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS
FLORIDA INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

Lester Feuer
Lester Feuer

LF:sh
Enc.

P.A.C. 64b. International Union of

Operating Engineers Local 487

FORM

8 6 2 3 4 5 0 2 4 6 8
LEVINE, CONN, FEUER & COMPANY
Certified Public Accountants
1100 N.W. 72nd AVENUE, SUITE 400
MIAMI, FLORIDA 33150

SUBJECT

10-10-86

The enclosed report of receipts and disbursements for the period
July 1, 1986 through September 30, 1986 should be signed and dated
by the Treasurer and mailed immediately to:

Division of Elections

Office of the Secretary of State

The Capitol, Room 1001

Tallahassee, Florida 32301

12-03-86 -

THIS IS COPY
OF INSTRUCTIONS
SENT TO ALL
I.U.O.E. OFFICES

10-10-86.

THERE WERE

NO INSTRUCTIONS

TO SEND ANY

PREPARED

REPORTS TO

WASHINGTON

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

(Summary Page)

RECEIVED AT THE FEC.
Attachment #6, Page 3
of 4

1. Name of Committee (in Full)
**P.A.C. #487 International Union of
Operating Engineers Local 487**

Address (Number and Street)
1425 N.W. 36th Street

City, State and ZIP Code
Miami, Florida 33142

☐ Check if address is different than previously reported.

2. FEC Identification Number
00133611

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

4. TYPE OF REPORT (check appropriate box)

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

(b) Is this Report an Amendment?
☐ YES ☒ NO

SUMMARY		Column A This Period	Column B Calendar Year-to-Date
5. Covering Period	<u>7-1-86</u> Through <u>9-30-86</u>		
6. (a) Cash on Hand January 1, 19 <u>86</u>			\$ 122,044
(b) Cash on Hand at Beginning of Reporting Period		\$ 118,103	
(c) Total Receipts (from Line 18)		\$ 5,775	\$ 17,533
(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B)		\$ 123,878	\$ 139,577
7. Total Disbursements (from Line 28)		\$ 1,553	\$ 17,252
8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d))		\$ 122,325	\$ 122,325
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.

For further information, contact:

Federal Election Commission
Toll Free 800-434-6538
Local 202-623-4888

ANTON HERMES
Type or Print Name of Treasurer

Anton J. Hermes
SIGNATURE OF TREASURER

12-03-86
Date

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

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

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FEC FORM 3X (3/80)

FEUER & COMPANY
PUBLIC ACCOUNTANTS
2ND AVENUE, SUITE 478
FLORIDA 33126

CERTIFIED
MAIL
P-524 146-867

RETURN RECEIPT
REQUESTED

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

CERTIFIED MAIL # P-524-146-867
RETURN RECEIPT REQUESTED

66DEC8 P6 11

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION _____

RAD REFERRAL 86NF-59
STAFF MEMBER
Deborah Curry

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

RESPONDENTS' NAMES: PAC - International Union of Operating
Engineers, Local 487 and Anton Hermes,
as treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(4)(A)(i)
11 CFR § 104.5(c)(1)(i)(A)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

GENERATION OF MATTER

This matter was generated by the Reports Analysis Division
("RAD") after a review of the disclosure reports of PAC -
International Union of Operating Engineers, Local 487
(hereinafter "Engineers Committee").

SUMMARY OF ALLEGATIONS

The RAD referral reveals that the Engineers Committee and
Anton Hermes, as treasurer, may have violated 2 U.S.C.
§ 434(a)(4)(A)(i) by failing to file the 1986 Quarterly Report in
a timely manner.

FACTUAL AND LEGAL ANALYSIS

The Engineers Committee failed to file the 1986 October
Quarterly Report of Receipts and Disbursements by Election Day,

November 4, 1986. The Committee was notified on September 19, 1986 that the report was due on October 15, 1986 (Attachment 1, page 6).

On November 4, 1986, a Non-Filer Notice was sent to the Committee for its failure to file the 1986 October Quarterly Report (Attachment 1, page 8).

The Engineers Committee submitted a response to the Non-Filer Notice on November 24, 1986 which explained that both the 1986 October Quarterly and 12 Day Pre-General Reports were mailed to Washington, D.C. on October 13, 1986. The letter further explained that copies of the reports had been requested from the Committee's accountant and would be filed as soon as possible (Attachment 1, page 9).

On November 26, 1986, Mr. Lester Feuer, the accountant who prepares the Committee's reports attempted to call the RAD analyst concerning the non-filed report. The RAD analyst was unavailable to talk to Mr. Feuer at that time, so a message was left for the RAD analyst to return the phone call. That same day, the RAD analyst attempted to call Mr. Feuer, but was unable to reach him (Attachment 1, page 10).

The Engineers Committee filed the 1986 October Quarterly Report on December 4, 1986 (Attachment 1, page 11). Included was a cover letter stating that the Committee's secretary had "failed to give the proper instructions for mailing the reports." The

secretary had included instructions to send copies of the report to the Division of Elections for the State of Florida, but not to the Commission.

2 U.S.C. § 434(a)(4)(A)(i) requires that political committees, other than authorized committees of the candidate, shall file quarterly reports no later than the 15th day after the last day of the calendar quarter during any year in which a regularly scheduled general election is held. 11 CFR § 104.5(c)(1)(i)(A).

The Engineers Committee was required to file the 1986 October Quarterly Report by October 15, 1986. The Engineers Committee, however, did not file the 1986 October Quarterly Report until December 4, 1986. In view of the Engineers Committee's failure to file the 1986 October Quarterly Report by the required filing date, it is the recommendation of the Office of General Counsel that the Commission open a MUR and find reason to believe that the Engineers Committee and Anton Hermes, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).

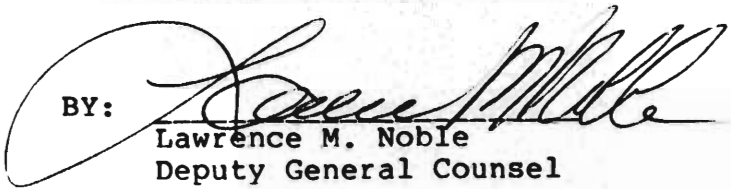
RECOMMENDATIONS

1. Open a MUR;
2. Find reason to believe PAC - International Union of Operating Engineers, Local 487 and Anton Hermes, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i); and
3. Approve the attached letter and General Counsel's Factual and Legal Analysis.

Charles N. Steele
General Counsel

2/2/87
Date

BY:


Lawrence M. Noble
Deputy General Counsel

Attachments

1. Referral Materials
2. Letter
3. General Counsel Factual and Legal Analysis

0 3 3 4 0 5 7 2 3 4 6

Attachments to First General
Counsel's Report

have been removed from this position in the Public Record File either because they duplicate documents located elsewhere in this file, or because they reflect exempt information.

For Attachment 1 see 1
2 4

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

PAC - International Union of Operating
Engineers, Local 487 and Anton Hermes,
as treasurer

RAD Ref. 86NF-59 (MUR 2343)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 5, 1987, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 86NF-59.

1. Open a MUR.
2. Find reason to believe PAC - International Union of Operating Engineers, Local 487 and Anton Hermes, as treasurer, violated 2 U.S.C. § 434 (a) (4) (A) (i).
3. Approve the letter and General Counsel's Factual and Legal Analysis, as recommended in the First General Counsel's Report signed February 2, 1987.

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

Attest:

2-5-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Mon., 2-2-87, 3:55
Circulated on 48 hour tally basis: Tues., 2-3-87, 11:00
Deadline for vote: Thurs., 2-5-87, 11:00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 10, 1987

Anton Hermes, Treasurer
PAC - International Union of
Operating Engineers, Local 487
1425 N.W. 36th Street
Miami, FL 33142

RE: MUR 2343
PAC - International Union of
Operating Engineers, Local
487, and Anton Hermes,
as treasurer

Dear Mr. Hermes:

On February 5, 1987, the Federal Election Commission determined that there is reason to believe that PAC - International Union of Operating Engineers, Local 487 and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), 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

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Anton Hermes, Treasurer
Page 2

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 Deborah Curry, the attorney assigned to this matter, at (202) 387-8200.

Sincerely,



Scott E. Thomas
Chairman

Enclosures

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

LEVINE, COHN, FEUER & COMPANY

CERTIFIED PUBLIC ACCOUNTANTS

AIRPORT EXECUTIVE TOWER

1150 N. W. 72ND AVENUE, SUITE 475

MIAMI, FLORIDA 33126

(305) 592-9954

SAUL S. LEVINE, C.P.A. (1919-1981)

STANLEY D. COHN, C.P.A.

LESTER FEUER, C.P.A.

STEVEN D. EISENBERG, C.P.A.

DANIEL ARTY, C.P.A.

MEMBERS

AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

FLORIDA INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

February 20, 1987

Mr. Scott E. Thomas, Chairman
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2343

PAC-International Union of Operating
Engineers Local 487 and Anton Hermes,
as Treasurer

Dear Mr. Thomas:

Enclosed is Statement of Designation of Counsel in the above
matter, signed by Anton Hermes, Treasurer.

Very truly yours,

Lester Feuer
Lester Feuer

LF:sh
Enc.

87FEB25 P3:16

RECEIVED
GENERAL COUNSEL

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2343

NAME OF COUNSEL: Lester Feuer, C.P.A.

ADDRESS: 1150 N.W. 72nd Avenue, Suite 475
Miami, Florida 33126

TELEPHONE: (305) 592-9954

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

2-20-87
Date

Anton J. Hermes
Signature

RESPONDENT'S NAME: Anton Hermes

ADDRESS: PAC 487 International Union of
Operating Engineers Local 487
1425 N.W. 36th Street

HOME PHONE: Miami, FL 33142

BUSINESS PHONE: (305) 634-3419

GCM# 2778
Curry

LEVINE, COHN, FEUER & COMPANY
CERTIFIED PUBLIC ACCOUNTANTS
AIRPORT EXECUTIVE TOWER
1150 N. W. 72ND AVENUE, SUITE 475
MIAMI, FLORIDA 33126
(305) 592-9954

SAUL S. LEVINE, C.P.A. (1919-1981)
STANLEY D. COHN, C.P.A.
LESTER FEUER, C.P.A.
STEVEN D. EISENBERG, C.P.A.
DANIEL ARTY, C.P.A.

MEMBERS
AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS
FLORIDA INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

February 20, 1987

Mr. Scott E. Thomas, Chairman
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2343

PAC-International Union of Operating Engineers
Local 487 and Anton Hermes as Treasurer

Dear Mr. Thomas:

We are writing in response to your letter of February 10, 1987 to our above named client with regard to having violated 2 U.S.C. § 434(a) (4) (i) of the Federal Election Campaign Act of 1971.

As we had previously informed you by our letters of December 1, 1986 and January 31, 1987, copies of which are herewith enclosed, we were responsible for the PAC not filing timely reports.

We wish to call your attention to page two (2) of your General Counsel's Factual and Legal Analysis wherein it states that the PAC's secretary "failed to give the proper instructions for mailing the reports". This is incorrect. It was our secretary who failed to give the proper instructions. We are again submitting herewith a copy of the "speed letter" that accompanied the reports, and which was prepared by our secretary. As you will note, our secretary instructed the PAC to forward the reports to the State of Florida, which they did.

We are also enclosing copies of our analysis sheets which we used to prepare the Reports for the quarter ended September 30, 1986. These analysis sheets, which I personally prepare from their records, indicate that I did the work on October 10, 1986 and the pencil copies of the reports which were prepared were typed and delivered to the PAC on the same day.

Based upon the factual evidence herewith submitted, we believe that the Commission should find no reason to believe that a possible violation of the Act has occurred and that the file on this matter be closed.

Very truly yours,

Lester Feuer
Lester Feuer

LF:sh
Encs.

87 FEB 23 10:13 AM

RECEIVED
GENERAL COUNSEL

6

LEVINE, COHN, FEUER & COMPANY

CERTIFIED PUBLIC ACCOUNTANTS

AIRPORT EXECUTIVE TOWER

1150 N. W. 72ND AVENUE, SUITE 475

MIAMI, FLORIDA 33126

(305) 592-9954

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DANIEL ARTY, C.P.A.

MEMBERS

AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

FLORIDA INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

January 31, 1987

Ms. Lisa J. Stolaruk
Chief, Party/Non-Party Branch
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

Re: P.A.C. International Union of
Operating Engineers, Local 487
C00133611

Dear Ms. Stolaruk:

In reply to your recent letter to our above named client with regard to their late filing of the reports which you indicate have been filed late, we take full responsibility for not having filed timely reports.

Specifically with regard to the 1986 October quarterly report and the twelve (12) day pre-general one, we previously wrote to you explaining the reason why these reports were filed late. A copy of our letter is enclosed. We were not aware that we had to file a thirty (30) day post general one, however, upon being notified that we were delinquent we filed this report on January 16, 1987 along with the year end one. Consequently, by filing both of these reports, we are now current.

When we filed the above reports on January 16, 1987, we requested that our client be granted permission to file on a semi-annual basis. Please advise our client as to whether or not this request has been granted.

Very truly yours,

Lester Feuer

LF:mca

cc: Mr. Anton J. Hermes, Treasurer
P.A.C. I.U.O.E. Local 487

88040572354
COPY

LEVINE, COHN, FEUER & COMPANY

CERTIFIED PUBLIC ACCOUNTANTS

AIRPORT EXECUTIVE TOWER

1150 N. W. 72ND AVENUE, SUITE 475

MIAMI, FLORIDA 33126

(305) 592-9954

SAUL S. LEVINE, C.P.A. (1919-1981)

STANLEY D. COHN, C.P.A.

LESTER FEUER, C.P.A.

STEVEN D. EISENBERG, C.P.A.

DANIEL ARTY, C.P.A.

MEMBERS

AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS
FLORIDA INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

December 1, 1986

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

Re: PAC 487 International Union of Operating
Engineers Local 487

Gentlemen:

Enclosed please find the reports we prepared for our above named client for the period July 1, 1986 through September 30, 1986 and October 1, 1986 through October 15, 1986.

Inadvertently, our secretary failed to give the proper instructions for mailing the reports to you. She did give them instructions to mail the copies to the Division of Elections for the State of Florida. Copies of those instructions are herewith enclosed. Consequently your copies of those reports were never forwarded to you.

Very truly yours,

LF:sh
Enc.

Lester Feuer

3 3 3 4 0 5 7 2 3 5 5
C
O
P
Y

TO

FROM

P.A.C. #48. International Union of

Operating Engineers Local 487

LEVINE, COHN, FEUER & COMPANY

Certified Public Accountants

1150 N.W. 72nd AVENUE, SUITE 475

MIAMI, FLORIDA 33126

SUBJECT

FOLD HERE

DATE

10-10-86

The enclosed report of receipts and disbursements for the period

July 1, 1986 through September 30, 1986 should be signed and dated

by the Treasurer and mailed immediately to:

Division of Elections

Office of the Secretary of State

The Capitol, Room 1801

Tallahassee, Florida 32301

SIGNED

6

PAC 1/8
Schedule of Receipts

2/1/80 - 5/31/80

		Debit	Credit	Sales Chgs & Revs	Refund Fgt	
1	7/11	507 -	507 -			1
2	11	1025 -		1025 -		2
3	18	236 -	236 -			3
4	18	320 -		320 -		4
5	18	489 -			489 -	5
6	25	314 -	314 -			6
7	25	280 -		280 -		7
8	1	261 -	261 -			8
9	1	240 -		240 -		9
10	8	197 -	197 -			10
11	8	240 -		240 -		11
12	15	184 -		184 -		12
13	15	340 -	340 -			13
14	22	323 -	323 -			14
15	22	115 -		115 -		15
16	29	224 -	224 -			16
17	29	50 -		50 -		17
18	5	110 -	110 -			18
19	5	55 -		55 -		19
20	12	187 -	187 -			20
21	12	20 -		20 -		21
22	19	412 -	412 -			22
23						23
24						24
25						25
26		177180	317120	2555 -	455 -	26
27						27
28						28
29						29
30						30
31						31
32						32
33						33
34						34
35						35
36						36
37						37
38						38
39						39
40						40
41						41
42						42
43						43
44						44

JAC 487
 Schedule Check Disbursement
 7/1/86 - 9/30/86

		1	2	3	4	
		1986	chk	amt		
1	8	1 Judy J. M. Madon	253 -	100 -		1
2	12	Quaker Oats	254 -	200 -		2
3	17	Fanny Hawkins	255 -	500 -		3
4	28	Quaker Oats	256 -	500 -		4
5	21	Quaker Oats	257 -	400 -		5
6	12	Quaker Oats	258 -	200 -		6
7		Quaker Oats		900 -		7
8						8
9						9
10						10
11				1583.24		11
12						12
13						13
14						14
15						15
16						16
17						17
18						18
19						19
20						20
21						21
22						22
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39						39
40						40
41						41
42						42
43						43
44						44

8 3 7 4 0 5 7 2 3 5 8

1-21 C V87
Schmidt 1/18/66 9/20/56

1	2	3	4
1/86	chr	part	
1 8 1 Judy J. M. Mason	253 -	100 -	1
2 13 Susan M. Mason	254 -	200 -	2
3 14 Larry Hawkins	255 -	500 -	3
4 25 Hunter Morgan	256 -	500 -	4
5 810 John J. M.	257 -	44 -	5
6 18 Robert S.	258 -	200 -	6
7 10215 Chy.		901 -	7
8			8
9			9
10			10
11		1553 24	11
12			12
13			13
14			14
15			15
16			16
17			17
18			18
19			19
20			20
21			21
22			22
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39			39
40			40
41			41
42			42
43			43
44			44

6

9 3 0 4 0 5 7 2 3 5 9

PAC 1187
 Schedule of Receipts

- 7/1/80 - 5/31/81

		Deposit	Contract	Sales Chgs & Receipts	Refund Exp.	
1	7 11	537 -	537 -			1
2	11	1025 -		1025 -		2
3	18	236 -	236 -			3
4	18	320 -		320 -		4
5	18	4085 -			455 -	5
6	25	344 -	344 -			6
7	25	250 -		250 -		7
8	8 1	261 -	261 -			8
9	1	240 -		240 -		9
10	8	197 -	197 -			10
11	8	240 -		240 -		11
12	15	150 -		150 -		12
13	15	340 -	340 -			13
14	24	323 -	323 -			14
15	24	115 -		115 -		15
16	29	224 -	224 -			16
17	29	50 -		50 -		17
18	5 5	110 -	110 -			18
19	5	55 -		55 -		19
20	12	157 -	157 -			20
21	12	20 -		20 -		21
22	18	412 -	412 -			22
23						23
24						24
25						25
26		27450	312100	2555 -	1000	26
27						27
28						28
29						29
30						30
31						31
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42						42
43						43
44						44



0 3 0 4 0 5 7 2 3 6 0

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
PAC-International Union of)
Operating Engineers, Local 487)
and Anton Hermes, as treasurer)

MUR 2343

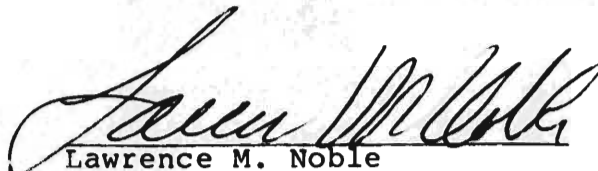
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RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARY

GENERAL COUNSEL'S REPORT

The Office of General Counsel is prepared to close the investigation in this matter as to PAC-International Union of Operating Engineers, Local 487 and Anton Hermes, as treasurer, based on the assessment of the information presently available.

4/22/87
Date


Lawrence M. Noble
Acting General Counsel

33740672361



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 29, 1987

Lester Feuer
Levine, Cohn, Feuer & Company
Airport Executive Tower
1150 N.W. 72nd Avenue, Suite 475
Miami, FL 33126

RE: MUR 2343
PAC-International Union
of Operating Engineers,
Local 487 and
Anton Hermes, as
treasurer

Dear Mr. Feuer:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on February 5, 1987, found reason to believe that your clients, PAC-International Union of Operating Engineers, Local 487 and Anton Hermes as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), and instituted an investigation in this matter.

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

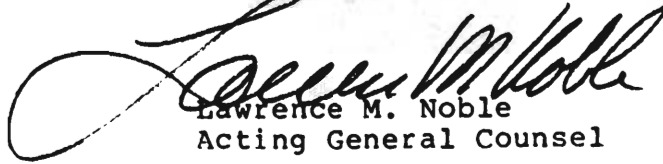
The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a 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 the General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days. All requests for extension of time must be submitted in writing five days prior to the due date. Further, good cause must be shown.

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Deborah Curry, the attorney assigned to handle this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble
Acting General Counsel

Enclosure
Brief

3 3 0 4 0 6 7 2 3 6 3

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
PAC - International)
Union of Operating) MUR 2343
Engineers, Local 487 and)
Anton Hermes, as treasurer)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter was generated by the Reports Analysis Division ("RAD") after a review of the disclosure reports of PAC - International Union of Operating Engineers, Local 487 (hereinafter "Engineers Committee"). The RAD referral revealed that the Engineers Committee and Anton Hermes, as treasurer, may have violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file the 1986 Quarterly Report in a timely manner.

The Engineers Committee failed to file the 1986 October Quarterly Report of Receipts and Disbursements by Election Day, November 4, 1986. The Committee was notified on September 19, 1986, that the report was due on October 15, 1986. On November 4, 1986, a Non-Filer Notice was sent to the Committee for its failure to file the 1986 October Quarterly Report.

The Engineers Committee submitted a response to the Non-Filer Notice on November 24, 1986, which explained that both the 1986 October Quarterly and 12 Day Pre-General Reports were mailed to Washington, D.C. on October 13, 1986. The letter further explained that copies of the reports had been requested from the Committee's accountant and would be filed as soon as possible.

On November 26, 1986, Mr. Lester Feuer, the accountant who prepares the Committee's reports, attempted to call the RAD analyst concerning the non-filed report. The RAD analyst was unavailable to talk to Mr. Feuer at that time, so a message was left for the RAD analyst to return the phone call. That same day, the RAD analyst attempted to call Mr. Feuer, but was unable to reach him.

The Engineers Committee filed the 1986 October Quarterly Report on December 4, 1986. Included was a cover letter stating that the Committee's secretary had "failed to give the proper instructions for mailing the reports." The secretary had included instructions to send copies of the report to the Division of Elections for the State of Florida, but not to the Commission.

On February 25, 1987, the Office of General Counsel received Respondents' answer to the reason to believe notification. Lester Feuer, the Committee's accountant, again reiterated that the accounting firm was responsible for the Committee's failure to file 1986 October Quarterly in a timely manner. Mr. Feuer also clarified a minor inaccuracy, stating that it was the firm's secretary and not the PAC secretary that failed to give the proper instructions for mailing the report.

The response of the Engineers Committee included copies of letters previously sent to the Commission and contained in the RAD referral. Additionally, Mr. Feuer enclosed copies of analysis

sheets, used to prepare the 1986 October Quarterly Report, that indicated that the work was indeed prepared on October 10, 1986.

Based on this factual evidence the Engineers Committee argues that the Commission should find no reason to believe that a possible violation of the Act has occurred and that the file on the matter should be closed.

II. ANALYSIS

2 U.S.C. § 434(a)(4)(A)(i) requires that political committees, other than authorized committees of the candidate, shall file quarterly reports no later than the 15th day after the last day of the calendar quarter during any year in which a regularly scheduled general election is held. 11 CFR § 104.5(c)(1)(i)(A).

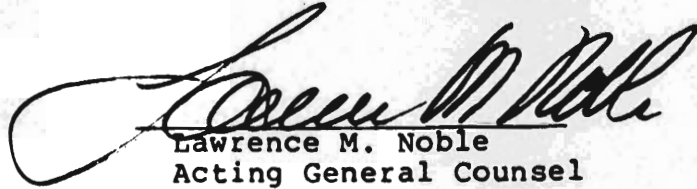
The Engineers Committee was required to file the 1986 October Quarterly Report by October 15, 1986. The Engineers Committee, however, did not file the 1986 October Quarterly Report until December 4, 1986. The Response of the Engineers Committee indicating an error in the filing instructions does not negate the finding of a possible 2 U.S.C. § 434(a)(4)(A)(i) violation. Therefore, in view of the Engineers Committee's failure to file the 1986 October Quarterly Report by the required filing date, it is the recommendation of the Office of General Counsel that the Commission find probable cause to believe that the Engineers Committee and Anton Hermes, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).

III. GENERAL COUNSEL'S RECOMMENDATION

1. Find probable cause to believe PAC - International Union of Operating Engineers, Local 487 and Anton Hermes, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).

Date

4/28/87


Lawrence M. Noble
Acting General Counsel

28040572367

SENSITIVE



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 29, 1987

97 APR 29 11:07

COMMUNICATIONS SECTION

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble *LMN*
Acting General Counsel

SUBJECT: MUR #2343 PAC-International Union of Operating
Engineers, Local 487 and Anton Hermes, as treasurer

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on April 29, 1987. 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

83040572368



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Attachments to Memo
dtd 29 Apr 87

have been removed from this
position in the Public Record
File either because they duplicate
documents located elsewhere in
this file, or because they reflect
exempt information.

For Attachment Brief see 9

00040572369

May 7, 1987

RECEIVED AT THE FEC
GCC# 3343
87 MAY!! All: 32

Before The Federal Election Commission

In the Matter of
P.A.C. International Union of
Operating Engineers, Local 487
and Anton Hermes, As Treasurer

MUR2343

LESTER FEUER, C.P.A.

1) Statement of Lester Feuer, C.P.A.:

I, as the preparer of the questioned report wish to offer the following:

(a) Explanation of my role in this matter:

My firm Levine, Cohn, Feuer and Company, C.P.A.'s, was engaged by the P.A.C. International Union of Operating Engineers Local 487, hereafter referred to as P.A.C. and Anton Hermes, its Treasurer, hereafter referred to as Treasurer, to prepare all reports required to be filed with the commission. We have been preparing these reports since the formation of the P.A.C. on August 22, 1980. Our function consisted of organizing the raw data submitted to us into a format that would enable us to properly prepare the reports. My position, as the Client Service Executive, required that I personally prepare the reports or supervise their preparation.

(b) Explanation as to why the questioned report was filed late:

I have submitted to your counsel evidence of what had occurred. However, I shall again reiterate the series of events that occurred.

1. The report was timely prepared by me on October 10, 1986 and delivered to the Treasurer on the same day for his signature.

33040572370

2. The report contained instructions, which my secretary prepared which instructed the Treasurer to file the report with the Division of Elections for the State of Florida. My secretary failed to also include instructions for filing of the report with the Election Commission.

3. The Treasurer, following my secretaries instructions mailed the report to the Florida Division of Elections on October 13, 1986.

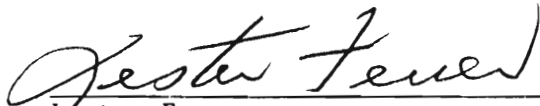
4. The P.A.C. received a Non File Notice on November 4, 1986 and replied to the notice on November 24, 1986, stating that the report had been mailed on October 13, 1986, and furthermore, that they would contact me for another copy.

5. Upon receiving the request for a copy of the report, I examined my file and found the error which my secretary had committed. A copy of the report was again submitted to the Treasurer, which report the Commission received on December 4, 1986.

2) Conclusion:

Based on the evidence submitted, it was the intention of the P.A.C. through its Treasurer to file timely a report. However, due to the events that occurred as explained in my statement, the report was filed late. There was no intention on the part of any of the individuals involved to not file a timely report. Therefore, I am requesting that the General Counsel's Recommendation that the P.A.C. and its Treasurer violated 2 U.S.C. Section 434 (a)(4)(A)(i) be vacated.

5/8/87


Lester Feuer
Partner - Levine, Cohn, Feuer
and Company

CONFIDENTIAL
BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
PAC-International Union of)
Operating Engineers, Local)
487 and Anton Hermes,)
as treasurer)

MUR 2343

EXECUTIVE SESSION

JUL 7 1987

97 JUN 19

P12:26

GENERAL COUNSEL'S REPORT

I. BACKGROUND

2 9 0 4 0 6 7 2 3 7 2
This matter was generated by the Reports Analysis Division ("RAD"), after its review of the disclosure reports of PAC-International Union of Operating Engineers, Local 487 ("Engineers Committee"). The RAD referral revealed that the Engineers Committee and Anton Hermes, as treasurer, may have violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file the 1986 Quarterly Report in a timely manner.

On February 5, 1987, the Commission found reason to believe the Engineers Committee and Anton Hermes, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i). On April 29, 1987 the Office of General Counsel sent a brief to the Engineers Committee and Anton Hermes, as treasurer, recommending that the Commission find probable cause to believe that the Engineers Committee and Anton Hermes, as treasurer, violated 2 U.S.C. 434(a)(4)(A)(i). The Engineers Committee responded to the brief on May 11, 1987. (Attachment 1).

II. ANALYSIS

The legal analysis of the Office of General Counsel is set out in its brief dated May 28, 1987. Lester Feuer on behalf of the Engineers Committee again reiterated that the report was timely prepared but that his secretary had failed to include

11

instructions, to the treasurer, regarding the filing of the
report with the Federal Election Commission.

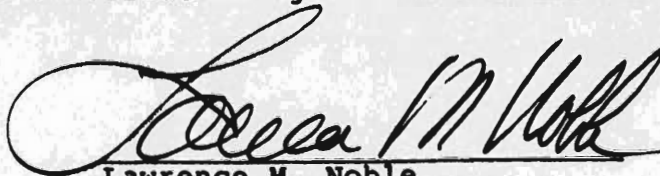
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IV. RECOMMENDATIONS

1. Find probable cause to believe that PAC-International Union of Operating Engineers, Local 487 and Anton Hermes, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).
2. Approve the attached conciliation agreement and letter.

Date

6/18/87



Lawrence M. Noble
Acting General Counsel

Attachments

1. Response of Engineers Committee
2. Proposed Conciliation Agreement
3. Letter

33040572374



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

88040672375

Attachments to General
Counsel's Report

have been removed from this position in the Public Record File either because they duplicate documents located elsewhere in this file, or because they reflect exempt information.

For Attachment	<u>1</u>	see	<u>10</u>
	<u>2</u>		<u>-</u>
	<u>3</u>		<u>13</u>
	<u> </u>		<u> </u>
	<u> </u>		<u> </u>

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
PAC-International Union of)
Operating Engineers, Local) MUR 2343
487 and Anton Hermes, as)
treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of July 7, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2343:

1. Find probable cause to believe that PAC-International Union of Operating Engineers, Local 487 and Anton Hermes, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).
2. Approve and send the conciliation agreement and letter attached to the General Counsel's report dated June 18, 1987.

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

Attest:

7-8-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 9, 1987

Lester Feuer
Levine, Cohn, Feuer
& Company
Airport Executive Tower
1150 N.W. 72nd Avenue
Suite 475
Miami, FL 33126

RE: MUR 2343
PAC-International Union
of Operating Engineers,
Local 487 and Anton Hermes,
as treasurer

Dear Mr. Feuer:

On July 7, 1987, the Federal Election Commission found that there is probable cause to believe your clients PAC-International Union of Operating Engineers, Local 487 and Anton Hermes, as treasurer, violated 2 U.S.C. § 434a(4)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with failing to file the 1986 Quarterly Report in a timely manner.

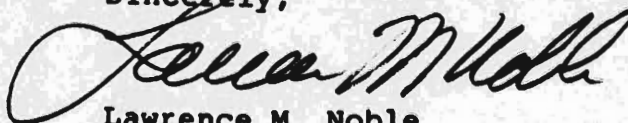
The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within 10 days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

Lester Feuer
Page 2

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Deborah Curry, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

33040672378

87 JUL 20 P12: 2

LEVINE. COHN, FEUER & COMPANY
CERTIFIED PUBLIC ACCOUNTANTS
1150 NW. 72ND AVE., SUITE 475
MIAMI, FL 33126

1288

PAY
TO THE
ORDER OF

7-16-1987
Federal Election Commission *500.00*

THE SUM **500 DOLS 00 CTS**

DOLLARS



VILLAGE BANK

2100 NW 76th Street
Hialeah, Florida 33016

FOR

Fester Feuer

⑈001288⑈ ⑆067011553⑆ 101017227⑈06

GCC 3986

MEMORANDUM

TO: DEBRA A. TRIMIEW

TO: CECILIA LIEBER

FROM: CECILIA LIEBER

FROM: DEBRA A. TRIMIEW

CHECK NO. 1288 { A COPY OF WHICH IS ATTACHED } RELATING TO

MUR 2343 (Weissman) AND NAME PAC-International Union of Operating Engineers, Local 487 and Anton Hermes, as treas.

WAS RECIEVED ON 7/22/87. PLEASE INDICATE THE ACCOUNT INTO WHICH IT SHOULD BE DEPOSITED:

/ ☒ / BUDGET CLEARING ACCOUNT { 95-3875.16 }

/ / CIVIL PENALTIES ACCOUNT { 95-1099.160 }

/ / OTHER _____

SIGNATURE Debra A. Trimiew

DATE 7/23/87

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

PAC-International Union of)
Operating Engineers, Local 487)
and Anton Hermes, as treasurer)

MUR 2343

SENSITIVE

87 SEP 17 PM 4:40

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Lester Feuer on behalf of P.A.C. - International Union of Operating Engineers, Local 487 and Anton Hermes, as treasurer.

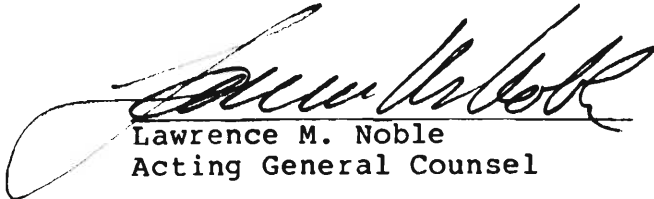
The attached agreement contains no changes from the agreement approved by the Commission on July 7, 1987. A check for the civil penalty (\$500) has been received.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with PAC - International Union of Operating Engineers, Local 487 and Anton Hermes, as treasurer.
2. Close the file.
3. Approve the attached letter.

Date

9/17/87


Lawrence M. Noble
Acting General Counsel

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check
3. Letter to Respondent



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Attachments to General
Counsel's Report

have been removed from this position in the Public Record File either because they duplicate documents located elsewhere in this file, or because they reflect exempt information.

For Attachment	<u>1</u>	see	<u>17</u>
	<u>2</u>		<u>15</u>
	<u>3</u>		<u>17</u>
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23040572382

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

PAC-International Union of
Operating Engineers, Local 487
and Anton Hermes, as treasurer

)
)
) MUR 2343
)
)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal
Election Commission, do hereby certify that on September 22,
1987, the Commission decided by a vote of 6-0 to take
the following actions in MUR 2343:

1. Accept the conciliation agreement with PAC-
International Union of Operating Engineers,
Local 487 and Anton Hermes, as treasurer,
as recommended in the General Counsel's
Report signed September 17, 1987.
2. Close the file.
3. Approve the letter, as recommended in
the General Counsel's Report signed
September 17, 1987.

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

Attest:

9-22-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Thurs., 9-17-87, 4:40
Circulated on 48 hour tally basis: Fri., 9-18-87, 12:00
Deadline for vote: Tues., 9-22-87, 4:00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

25 September 1987

Lester Feuer
Levine, Cohn, Feuer & Company
Airport Executive Tower
1150 N.W. 72nd Avenue
Suite 475
Miami, FL 33126

RE: MUR 2343
PAC - International
Union of Operating
Engineers, Local 487
and Anton Hermes,
as treasurer

Dear Mr. Feuer:

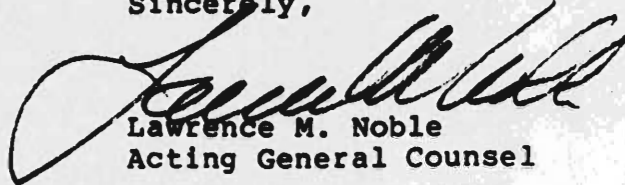
On September 22, 1987, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to your client. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

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

questions, please contact Deborah Curry, the attorney assigned to this matter at (202) 376-8200.

Sincerely,



Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

88040672385

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
PAC-International Union of) MUR 2343
Operating Engineers, Local 487)
and Anton Hermes, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found probable cause to believe PAC-International Union of Operating Engineers, Local 487 and Anton Hermes, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file the 1986 October Quarterly in a timely manner.

NOW, THEREFORE, the Commission and Respondents, 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. PAC - International Union of Operating Engineers, Local 487 is a separate segregated fund of a local of the International Union of Operating Engineers. Mr. Anton Hermes is treasurer of PAC-International Union of Operating Engineers Local 487.

2. Respondents were required by 2 U.S.C. § 434(a)(4)(A)(i) to file their 1986 October Quarterly Report by October 15, 1986.

3. Respondents failed to file the 1986 October Quarterly Report until December 4, 1986, 51 days late.

V. Respondents' failure to file the 1986 October Quarterly Report in a timely manner violated 2 U.S.C. § 434(a)(4)(A)(i).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Five Hundred Dollars (\$500) pursuant to 2 U.S.C. § 437g(a)(5)(A).

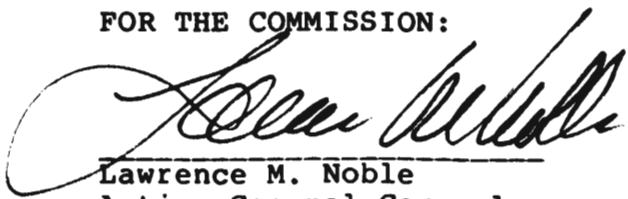
VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute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

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

IX. 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.

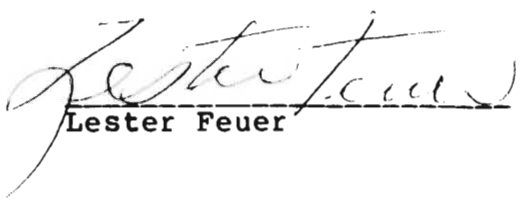
X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:


Lawrence M. Noble
Acting General Counsel

9/25/87
Date

FOR THE RESPONDENTS:


Lester Feuer

7/16/87
Date

98040672388



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2343

DATE FILMED 2/17/88 CAMERA NO. 3

CAMERAMAN GPC

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