



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

THIS IS THE BEGINNING OF MUR # 2423
DATE FILMED 12/3/87 CAMERA NO. 3
CAMERAMAN AS

87040565000

Public Record Index - MUR 2423

1. Memo, 10 Feb 87, John D. Gibson (Reports Analysis Division) to Charles Steele (General Counsel), subj: Referral of American Optometric Association PAC, w/atch (RAD Referral Package).
2. First General Counsel's Report, 18 May 87.
3. Certification of Commission Action, 22 May 87.
4. Ltr, 8 Jun 87 Scott E. Thomas (Chairman, FEC) to William T. Ling OD (Treas, American Optometric Association PAC).
5. Ltr, 25 Jun 87 Noel Brazil to FEC w/atch (Designation of Counsel statement).
6. Ltr, 25 Jun 87 David Crist to FEC E. Thomas, w/atch (Designation of Counsel Statement).
7. General Counsel's Report, 24 Jul 87.
8. Certification of Commission Action, 29 Jul 87.
9. Ltr, 31 Jul 87, Lawrence M. Noble (Acting General Counsel) to Noel Brazil.
10. General Counsel's Report, 28 Sep 87, w/atch (copy of penalty check).
11. Certification of Commission Action, 1 Oct 87.
12. Ltr, 7 Oct 87, L.M. Noble to N. Brazil, 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.

87040565001

Attachment

FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 10, 1987

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

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

SUBJECT: NON-FILER REFERRALS OF MONTHLY UNAUTHORIZED COMMITTEES

Attached is a listing of thirty-four (34) monthly filers which failed to file a report covering the pre-election period by Election Day, November 4, 1986. In accordance with Standard 3 of the 1985-1986 RAD Review and Referral Procedures, further examination is required by your office.

On September 29, 1986, prior notification was sent to all unauthorized committees which specifically informed monthly filers of the requirement to file a 12 Day Pre-General Report by October 23, 1986 (Attachment 35). Each committee which failed to submit either a 12 Day Pre-General Report or a November Monthly Report was sent a Non-Filer Notice on November 14, 1986 (Attachment 36). The following six (6) committees were not sent Non-Filer Notices because a report covering the pre-election period was indexed by November 14, 1986:

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-
-
-
-
-

87040565002

(2)

The attached printout lists the name, address and treasurer for each committee being referred. Any telephone conversations are referenced under Contacts with Filers. The Summary Pages of the late-filed reports and/or letters of explanation are included under Reports Filed/Response(s).

In addition, a "C" index has been included for each committee. Please note that the aggregate receipt and disbursement figures may be inflated in some cases because a) reports were submitted covering portions of the same period (e.g., a 12 Day Pre-General Report covering October 1, 1986 through October 15, 1986 and a November Monthly Report covering October 1, 1986 through October 31, 1986), or b) 1987 February Monthly Reports have been filed.

If you have any questions, please contact Lisa Stolaruk at 376-2480.

Attachments

87040565003

(3)

C00024968

American Optometric Association P
Political Action Committee

87NF-11

87040565004

1

28

**AMERICAN OPTOMETRIC ASSOCIATION POLITICAL
ACTION COMMITTEE**

(Attachments 4a - 4c)

8704065005

NON-PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
AMERICAN OPTOMETRIC ASSOCIATION POLITICAL ACTION COMMITTEE CONNECTED ORGANIZATION: OPTOMETRIC ASS'N INC; AMERICAN				NON-PARTY QUALIFIED	ID #C00024968	
1985	MISCELLANEOUS REPORT			31JAN85 TO FEC	1	85FEC/363/3927
	MID-YEAR REPORT	63,198	57,554	1JAN85 -30JUN85	16	85FEC/383/2459
	YEAR-END	61,021	48,100	1JUL85 -31DEC85	16	86FEC/399/0432
	YEAR-END - AMENDMENT	-	-	1JUL85 -31DEC85	5	86FEC/407/2014
	REQUEST FOR ADDITIONAL INFORMATION			1JUL85 -31DEC85	3	86FEC/405/3468
1986	MISCELLANEOUS REPORT			13MAY86 FROM FEC	1	86FEC/415/4576
	FEBRUARY MONTHLY	11,457	1,500	1JAN86 -31JAN86	5	86FEC/403/1256
	MARCH MONTHLY	3,219	3,382	1FEB86 -28FEB86	5	86FEC/405/4519
	MARCH MONTHLY - AMENDMENT	-	-	1FEB86 -28FEB86	5	86FEC/416/4157
	REQUEST FOR ADDITIONAL INFORMATION			1FEB86 -28FEB86	1	86FEC/415/4559
	APRIL MONTHLY	3,262	20,150	1MAR86 -31MAR86	8	86FEC/410/5285
	MAY MONTHLY	10,709	10,950	1APR86 -30APR86	7	86FEC/414/4783
	JUNE MONTHLY	21,545	28,025	1MAY86 -31MAY86	8	86FEC/417/3740
	JUNE MONTHLY - AMENDMENT	-	-	1MAY86 -31MAY86	7	86FEC/423/1631
	JULY MONTHLY	46,054	12,700	1JUN86 -30JUN86	7	86FEC/423/1696
	AUGUST MONTHLY	29,544	21,350	1JUL86 -31JUL86	7	86FEC/428/0605
	SEPTEMBER MONTHLY	18,035	23,640	1AUG86 -31AUG86	7	86FEC/431/0827
	OCTOBER MONTHLY	28,340	35,129	1SEP86 -30SEP86	8	86FEC/438/2289
	FRE-GENERAL	12,095	31,318	1OCT86 -15OCT86	8	86FEC/444/3196
	NOTICE OF FAILURE TO FILE			1OCT86 -15OCT86	1	86FEC/444/1508
	POST-GENERAL	29,987	9,000	15OCT86 -24NOV86	23	86FEC/448/0885
	YEAR-END	14,906	1,250	25NOV86 -31DEC86	5	87FEC/457/3482
1987	MISCELLANEOUS REPORT			30JAN87 TO FEC	1	87FEC/457/3481
	TOTAL	353,372	0 304,048	0	153	TOTAL PAGES

Ending cash-on-hand as of 12/31/86: \$87,120

Debts: \$0

All reports have been reviewed except the 1986 Year End Report.

29

**American
Optometric
Association**

**Political
Action
Committee**



ATTACHMENT 45

600 Maryland Ave., S.W.
Suite 400
Washington, D.C. 20024
(202) 462-9400

RECEIVED AT THE FES

86 NOV 19 P4:40

30

November 19, 1986

Chairman
Allard Reed, O.D.
1000 Connecticut Road
Warwick, RI 02886

Treasurer
William T. Ling, O.D.
280 Lake Avenue
Basking Ridge, NY 12006

Liaison
Larry Cussey, O.D.
4440 San Pacific Coast Hwy
Long Beach, CA 90804

David Cole, O.D.
2741 S. Colorado Blvd.
Denver, CO 80222

George Foster, O.D.
P.O. Box 779
Bellevue, OR 97006

Carl R. Callighly, O.D.
815 Washington Street
Michigan City, IN 46360

Mary Louisa Hester
5200 Douglas Drive
Yakima, WA 98908

Servon Phillips, O.D.
230 First Street
Winter Haven, FL 33880

John Thomas, O.D.
1226 Grand
West Des Moines, IA 50314

Steve Ward, O.D.
1487 North Race Street
Cincinnati, KY 45241

Manager
Noel Brazil
600 Maryland Avenue, S.W.
Suite 400
Washington, D.C. 20024
(202) 462-9400

John D. Gibson
Assistant Staff Director
Reports Analysis Division
Federal Election Commission
Washington, DC 20463

ID# C00024068
RE: 12 Day Pre-General Report

Dear Mr. Gibson:

Your letter of November 14, 1986 to Dr. William Ling, Treasurer, AOA-PAC, has been referred to me. The 12 day Pre-General report covering activity from 10/1/86 through 10/15/86 has been enclosed.

I have been filing the FEC reports on a monthly basis and apparently did not see reference to the pre-general report. I have been filing these reports since 1979 and do apologize for this oversight.

If you have any further questions please feel free to contact me at (202) 464-9400.

Sincerely,

Noel Brazil

Noel Brazil
Manager
AOA-PAC

MB/mtb
Enclosure

5332P

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

ATTACHMENT 4c

(31)

(Summary Page)

1. Name of Committee (in Full) American Optometric Association Political Action Committee Address (Number and Street) 600 Maryland Avenue, S. W. Suite 400 City, State and ZIP Code Washington, D.C. 20024 ☐ Check here if address is different than previously reported. 2. FEC Identification Number 24968 3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on _____	4. TYPE OF REPORT (Check one) ☐ 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 <u>General</u> election on <u>Nov. 4</u> in the State of _____ ☐ Thirtieth day report following the General Election on _____ in the State of _____ ☐ Termination Report Is this Report an Amendment? ☐ YES ☒ NO
---	--

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>10/1/86</u> through <u>10/15/86</u>			
6. (a) Cash on hand January 1, 19<u>86</u>			\$ 56,358.11
(b) Cash on Hand at Beginning of Reporting Period		\$ 71,700.00	
(c) Total Receipts (from Line 10)		\$ 12,095.00	\$ 184,263.84
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ 83,795.00	\$ 240,621.95
7. Total Disbursements (from Line 20)		\$ 31,318.00	\$ 188,144.95
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 52,477.00	\$ 52,477.00
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)		\$ 0	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)		\$ 0	

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

William Ling, O.D.
Type or Print Name of Treasurer

William Ling
Signature of Treasurer

11/14/86
Date

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-423-4655

NOTE: Submission of false, erroneous or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. § 637c.

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

	FEC FORM 3X (3/80)
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967344:3197

SENSITIVE

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

FIRST GENERAL COUNSEL'S REPORT

**DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION** _____

RAD REFERRALS 97NF-08 to 41
STAFF MEMBER
Deborah Cuffy

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

RESPONDENTS' NAMES:

American Optometric Association Political
Action Committee and William T. Ling,
as treasurer

87040365009

RELEVANT STATUTES: 2 U.S.C. § 434(a)(4)(B) and
11 C.F.R. 104.5(c)(3)(ii)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was generated by the Reports Analysis Division ("RAD") after a review of the disclosure reports of the above-named committees. The RAD referral reveals that the above mentioned committees and their treasurers, may have violated 2 U.S.C. § 434(a)(4)(B) by failing to file the 1986 Pre-General Election Report in a timely manner.

II. FACTUAL AND LEGAL ANALYSIS

Attached is a listing of thirty-four (34) monthly filers which failed to file a report covering the pre-election period by Election Day, November 4, 1986. (Attachment 1) On September 29, 1986, prior notification was sent to all unauthorized committees which specifically informed monthly filers of the requirement to file a 12 Day Pre-General Report by October 23, 1986. (Attachment 1, page 137) Each committee which failed to submit either a 12 Day Pre-General Report or a November Monthly Report was sent a Non-Filer Notice on November 14, 1986. (Attachment 1, page 139) The following six (6) committees were not sent Non-Filer Notices because a report covering the pre-election period was indexed by November 14, 1986:

The attached printout lists the name, address and treasurer for each committee being referred. (Attachment 1, pages 5-10) Any telephone conversations are referenced under Contacts with Filers. The Summary Pages of the late-filed reports and/or letters of explanation are included under Reports Filed/Response(s).

In addition, a "C" index has been included for each committee. (Attachment 1) Please note that the aggregate receipt and disbursement figures may be inflated in some cases because (a) reports were submitted covering portions of the same period (e.g., a 12 Day Pre-General report covering October 1, 1986 through October 15, 1986 and a November Monthly Report covering October 1, 1986 through October 31, 1986), or (b) 1987 February Monthly Reports have been filed.

2 U.S.C. § 434(a)(4)(B) requires that monthly filers file a Pre-General Election Report, covering financial activity from October 1 through October 15, by October 23, 1986. The above

referenced committees failed to file the 1986 Pre-General Election Report by the required deadline. Therefore, though the Commission is in receipt of report(s) disclosing financial activity covering the pre-general election period, such report(s) were not filed in a timely manner.

With regard to thirty-two non-filers listed below, the Office of General Counsel recommends that the Commission open MURs and find reason to believe these committees and their treasurers violated 2 U.S.C. § 434(a)(4)(B).

III. RECOMMENDATIONS

1. Open MURs with respect to those committees listed in Recommendation 2.
2. Find reason to believe the following committees and their treasurers violated 2 U.S.C. § 434(a)(4)(B):

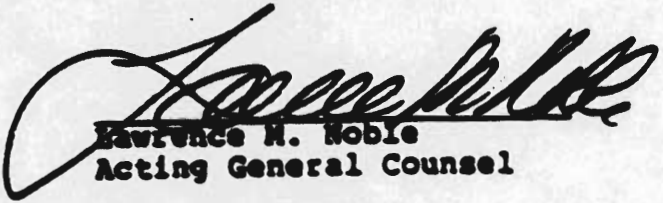
American Optometric Association Political
Action Committee and William T. Ling,
as Treasurer

87040865012

- 87040565013
3. Approve the attached sample letter and sample Factual and Legal Analysis to be sent to each committee listed in Recommendation 2.

Date

5/13/87


Lawrence M. Noble
Acting General Counsel

Attachments

1. Referral Materials
2. Sample Letter (1)
3. Sample Factual and Legal Analysis (1)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

**American Optometric Association Political
Action Committee and William T. Ling, as
Treasurer**

RAD Ref. 87NF-08 to 41

8704065014

(continued)

Federal Election Commission
Certification for RAD Ref. 87NF-08 to 41
May 21, 1987

Page 2.

8704065015

(continued)

3

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 21, 1987, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 87NF-08 to 41:

1. Open MURs with respect to those committees listed in Recommendation 2.
2. Find reason to believe the following committees and their treasurers violated 2 U.S.C. § 434(a) (4) (B):

American Optometric Association Political
Action Committee and William T. Ling,
as treasurer

Federal Election Commission
Certification for RAD Ref. 87NF-08 to 41
May 21, 1987

Page 4

87040565017

3

(continued)

- 87040365018
3. Approve the sample letter and sample Factual and Legal Analysis to be sent to each committee listed in Recommendation 2, as recommended in the First General Counsel's Report signed May 18, 1987.
 - 4.

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

Attest:

5-22-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Tues., 5-19-87, 9:00
Circulated on 48 hour tally basis: Tues., 5-19-87, 4:00
Deadline for vote: Thurs., 5-21-87, 4:00

3



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 8, 1987

William T. Ling OD, Treasurer
American Optometric Association Political
Action Committee
600 Maryland Avenue, S.W. #400
Washington, D.C. 20024

RE: MUR 2423
American Optometric
Association Political
Action Committee and
William T. Ling, as
treasurer

Dear Mr. Ling:

On May 21, 1987, the Federal Election Commission determined there is reason to believe American Optometric Association Political Action Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The 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 you, 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

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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 Phillip Wise, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Scott E. Thomas
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Statement

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palm

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS: American Optometric Association
Political Action Committee and
William T. Ling, as treasurer**

MUR 2423

The RAD referral reveals that the above-mentioned committee and treasurer, may have violated 2 U.S.C. § 434(a)(4)(B) by failing to file the 1986 Pre-General Election Report in a timely manner.

On September 29, 1986, prior notification was sent to all unauthorized committees which specifically informed monthly filers of the requirement to file a 12 Day Pre-General Election Report by October 23, 1986. The above-mentioned Committee failed to file a report covering the pre-election period by Election Day, November 4, 1986. Each Committee which failed to submit either a 12 Day Pre-General Election Report or a November Monthly Report was sent a Non-filer Notice on November 14, 1986, unless the Commission had received the reports by that date.

2 U.S.C. § 434(a)(4)(B) required that monthly filers file a Pre-General Election Report, covering financial activity from October 1 through October 15, by October 23, 1986. The above-referenced committee failed to file the 1986 Pre-General Election Report by the required deadline. Though the Committee may have filed a report which disclosed financial activity covering the pre-general election period, such report was not filed in a

timely manner. Therefore, the Office of General Counsel recommends the Commission open a MUR in this matter and find reason to believe the above-mentioned Respondents have violated 2 U.S.C. § 434(a)(4)(B).

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**American
Optometric
Association**

**Political
Action
Committee**



GCC 3712

1505 Prince Street
Suite 300
Alexandria, VA 22314 2816
(703) 739-9200

87 JUN 26 AM 1:03

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

June 25, 1987

Chairman
Alfred Rosati, O.D.
1050 Centerville Road
Warwick, RI 02886

Scott E. Thomas
Chairman
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Treasurer
William T. Ling, O.D.
205 Lake Avenue
Saratoga Springs, NY 12886

RE: MUR 2423
American Optometric Association
Political Action Committee and
William T. Ling, As Treasurer

Directors
Larry Creasey, O.D.
4610 East Pacific Coast Hwy.
Long Beach, CA 90804

Dear Chairman Thomas:

David Crist, O.D.
2741 S. Colorado Blvd.
Denver, CO 80222

On June 22, 1987 I received your letter of June 8 regarding MUR 2423. The offices of the American Optometric Association Political Action Committee have recently moved to a new address and there was a delay in receiving notification of MUR 2423. The new address is:

George Foster, O.D.
P.O. Box 719
Bristow, OK 74010

Carl R. Golightly, O.D.
815 Washington Street
Michigan City, IN 46360

American Optometric Association
Political Action Committee
1505 Prince Street, Suite 300
Washington, DC 22314
703/739-9200

Mary Louise Heiser
5209 Douglas Drive
Yakima, WA 98908

Steven Phillips, O.D.
250 First Street
Winter Haven, FL 33880

As Manager of AOA-PAC, I am responsible for seeing that the FEC Reports are prepared and filed in a timely manner. I received a non-filer notice on or about November 19 and immediately filed the Pre-General Election Report. I have been preparing and filing these reports since 1979 and this is the first time that our report was filed in an untimely manner. It will certainly not occur again.

John Thomas, O.D.
1226 Grand
West Des Moines, IA 50265

Steve Ward, O.D.
1407 North Race Street
Glasgow, KY 42141

Manager
Noel Brazil
1505 Prince Street
Suite 300
Alexandria, VA 22314-2816
(703) 739-9200

5

Page Two

As per your letter, the Committee is interested in pursuing pre-probable cause conciliation.

If you have any additional questions do not hesitate to contact me.

Sincerely,

Noel Brazil

Noel Brazil
Manager
AOA-PAC

Enclosure

cc: William T. Ling, O.D., Treasurer

NB/ldf

87040365024

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2423

NAME OF COUNSEL: Noel Brazil and Nancy Garland

ADDRESS: American Optometric Association Political Action Committee
1505 Prince Street, #300
Alexandria, VA 22314

TELEPHONE: 703/739-9200

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.

June 25, 1987
Date

Noel Brazil
Signature

RESPONDENT'S NAME: Noel Brazil

ADDRESS: American Optometric Association Political Action Committee
1505 Prince Street, #300
Alexandria, VA 22314

HOME PHONE: 202/547-3610

BUSINESS PHONE: 703/739-9200

8704065025

5

**American
Optometric
Association**

**Political
Action
Committee**



1505 Prince Street
Suite 300
Alexandria, VA 22314 2816
(703) 739-9200

June 25, 1987

Chairman

Alfred Rosati, O.D.
1050 Centerville Road
Warwick, RI 02886

Treasurer

William T. Ling, O.D.
205 Lake Avenue
Saratoga Springs, NY 12886

Directors

Larry Creasey, O.D.
4610 East Pacific Coast Hwy
Long Beach, CA 90804

David Crist, O.D.

2741 S. Colorado Blvd
Denver, CO 80222

George Foster, O.D.

P.O. Box 719
Bristow, OK 74010

Carl R. Golightly, O.D.

815 Washington Street
Michigan City, IN 46360

Mary Louise Heiser

5209 Douglas Drive
Yakima, WA 98908

Steven Phillips, O.D.

250 First Street
Winter Haven, FL 33880

John Thomas, O.D.

1226 Grand
West Des Moines, IA 50265

Steve Ward, O.D.

1407 North Race Street
Glasgow, KY 42141

Manager

Noel Brazil
1505 Prince Street
Suite 300
Alexandria, VA 22314-2816
(703) 739-9200

Scott E. Thomas
Chairman
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

RE: MUR 2423

American Optometric Association
Political Action Committee and
William T. Ling, As Treasurer

Dear Chairman Thomas:

I received your letter of June 8 regarding MUR 2423. The offices of the American Optometric Association Political Action Committee have recently moved to a new address and there was a delay in receiving notification of MUR 2423. The new address is:

American Optometric Association
Political Action Committee
1505 Prince Street, Suite 300
Alexandria, VA 22314
703/739-9200

Ms. Noel Brazil is the manager of the AOA-PAC, and as manager she is responsible for seeing that the FEC Reports are prepared and filed in a timely manner. She received a non-filer notice on or about November 19 and immediately filed the Pre-General Election Report. She has been preparing and filing these reports since 1979 and this is the first time that the report was filed in an untimely manner. It will certainly not occur again.

Page Two

As Treasurer of AOA-PAC, I have appointed Noel Brazil, Manager of AOA-PAC, and/or Nancy Garland, AOA-PAC Counsel, as counsel to represent AOA-PAC in this matter. It is my understanding, based upon your letter, that the Committee may request a pre-probable cause conciliation meeting. The Committee would like to request such a meeting.

The AOA-PAC Board of Directors recently met on July 5, 1987 and elected a new Chairman and Treasurer. At that meeting I was elected as Treasurer, replacing Doctor William Ling and thus responding to this letter.

If you have any additional questions do not hesitate to contact me.

Sincerely,



David Crist, O.D.
Treasurer
AOA-PAC

Enclosure

cc: Noel Brazil
Nancy Garland
Carl Golightly, O.D., Chairman

87040365027

6

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2423

NAME OF COUNSEL: Noel Brazil and Nancy Garland

ADDRESS: American Optometric Association Political Action Committee

1505 Prince Street, #300

Alexandria, VA 22314

TELEPHONE: 703/739-9200

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

Date

7/6/87

Signature

David H. Crist, O.D.

RESPONDENT'S NAME:

David Crist, O.D.

ADDRESS:

2741 South Colorado

Denver, Co 80222

HOME PHONE:

BUSSINESS PHONE:

303-757-3311

87040565028

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

American Optometric Association)

Political Action Committee and)

David Crist, as treasurer)

MUR 2423

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 21, 1987, the Commission found reason to believe that the American Optometric Association Political Action Committee and William T. Ling, as treasurer, violated 2 U.S.C.

§ 434(a)(4)(B) by failing to file the 1986 Pre-General Election

Report in a timely manner.^{1/} By letter dated June 25, 1987, respondents requested to settle this matter prior to a finding of probable cause to believe (Attachment 1).

II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

^{1/} The AOA-PAC Board of Directors met on July 5, 1987 and elected David Crist, O.D., as treasurer, replacing William T. Ling. An amended Statement of Organization was filed with the Commission on July 13, 1987.

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III. RECOMMENDATION

1. Enter into conciliation with the American Optometric Association Political Action Committee and David Crist, as treasurer, prior to a finding of probable cause to believe.
2. Approve the attached proposed conciliation agreement and letter.

Date

7/24/87

Lawrence M. Noble
Acting General Counsel

Lawrence M. Noble (Signature)

Attachments:

- 1) Request for conciliation
- 2) Proposed agreement and letter

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 1 see 5
2 9

87040565031

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

American Optometric Association)
Political Action Committee and)
David Crist, as treasurer)

MUR 2423

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 29, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2423:

1. Enter into conciliation with the American Optometric Association Political Action Committee and David Crist, as treasurer, prior to a finding of probable cause to believe.
2. Approve the proposed conciliation agreement and letter, as recommended in the General Counsel's Report signed July 24, 1987.

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

Attest:

7-29-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of the Commission Secretary: Fri., 7-24-87, 4:02
Circulated on 48 hour tally basis: Mon., 7-27-87, 11:00
Deadline for vote: Wed., 7-29-87, 11:00

/jw/

8



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 31, 1987

Noel Brazil, Manager
American Optometric Association
Political Action Committee
1505 Prince Street, #300
Alexandria, Virginia 22314

RE: MUR 2423
American Optometric
Association Political
Action Committee, and
David Crist, as
treasurer

Dear Ms. Brazil:

On May 21, 1987, the Federal Election Commission found reason to believe that the American Optometric Association Political Action Committee and its treasurer violated 2 U.S.C. § 434(a)(4)(B). At your request, on July 29, 1987, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

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

Sincerely,

Lawrence M. Noble
Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

SENSITIVE

RECEIVED
FEDERAL ELECTION COMMISSION

87 SEP 29 AM 9:51

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

American Optometric Association)
Political Action Committee, and)
David Crist, as treasurer)

MUR 2423

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Noel Brazil, the Manager and Representative for the American Optometric Association Political Action Committee, and David Crist, as treasurer. (Attachment 1).

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II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the American Optometric Association Political Action Committee, and David Crist, as treasurer.
2. Close the file.
3. Approve the attached letter.

Date

9/28/87

Lawrence M. Noble (282)

Lawrence M. Noble
Acting General Counsel

Attachments

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

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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 1 see 12

4 12

Use



GCC# 4257

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

MEMORANDUM

TO: DEBRA A. TRIMIEW

TO: CECILIA LIEBER 87 AUG 28 PM 2:54

FROM: CECILIA LIEBER

FROM: DEBRA A. TRIMIEW

CHECK NO. 222 { A COPY OF WHICH IS ATTACHED } RELATING TO
PUR 2423 AND NAME American Optometric Association PAC
and David Crist, as treasurer

WAS RECEIVED ON 8/28/87. PLEASE INDICATE THE ACCOUNT INTO
WHICH IT SHOULD BE DEPOSITED:

/ ☒ BUDGET CLEARING ACCOUNT { 95F3875.16 }

/ / CIVIL PENALTIES ACCOUNT { 95-1099.160 }

/ / OTHER _____

SIGNATURE

Debra A. Trimiew

DATE

8/31/87

Attachment # 2

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

American Optometric Association
Political Action Committee, and
David Crist, as treasurer

MUR 2423

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 1, 1987, the Commission decided by a vote of 5-0 to take the following actions in MUR 2423:

1. Accept the conciliation agreement with the American Optometric Association Political Action Committee, and David Crist, as treasurer, as recommended in the General Counsel's report signed September 28, 1987.
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's report signed September 28, 1987.

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

Attest:

10-1-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Tues., 9-29-87, 9:51
Circulated on 48 hour tally basis: Tues., 9-29-87, 4:00
Deadline for vote: Thurs., 10-01-87, 4:00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

7 October 1987

Noel Brazil, Manager
American Optometric Association
Political Action Committee
1505 Prince Street, #300
Alexandria, VA 22314

RE: MUR 2423
American Optometric
Association Political Action
Committee, and David Crist,
as treasurer

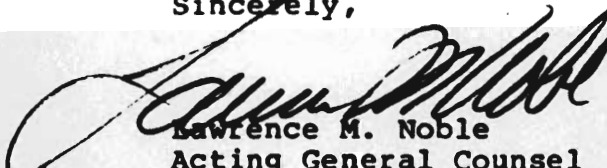
Dear Ms. Brazil:

On October 1, 1987, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted by you in settlement of a violation of 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter. 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 Phillip L. Wise, the attorney assigned to this matter at (202) 376-8200.

Sincerely,


Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

12

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

American Optometric Association)

Political Action Committee and)

David Crist, as treasurer)

MUR 2423

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the American Optometric Association Political Action Committee and its treasurer violated 2 U.S.C. § 434(a)(4)(B).

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

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

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

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

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

1. Respondent, American Optometric Association Political Action Committee ("AOA-PAC"), is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Respondent, David Crist, is the treasurer of American Optometric Association Political Action Committee ("AOA-PAC").

3. Respondents were required to file their 1986 12 Day Pre-General Election Report by October 23, 1986. This report was filed on November 19, 1986, 27 days late.

V. Respondents failed to file their 1986 12 Day Pre-General Election Report in a timely manner in violation of 2 U.S.C. § 434(a)(4)(B).

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).

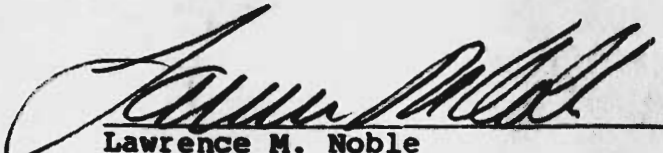
VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute 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 that all parties hereto have executed 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.

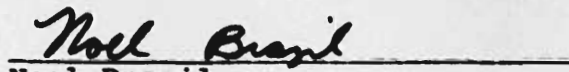
X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:


Lawrence M. Noble
Acting General Counsel

10/1/87
Date

FOR THE RESPONDENTS:


Noel Brazil
Manager, AOA-PAC

August 21, 1987
Date

87040565042



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20543

THIS IS THE END OF MUR # 2423

DATE FILMED 12/3/87 CAMERA NO. 3
CAMERAMAN AS

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