



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2439

DATE FILMED 7/15/88 CAMERA NO. _____

CAMERAMAN K.A.U.

100

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 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:

38040710862

International Brotherhood of Electrical
Workers Committee on Political
Education and Jack F. Moore,
as treasurer

38040710863

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:

38040710864

38040710855
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):

180407 P.0866

International Brotherhood of Electrical
Workers Committee on Political
Education and Jack P. Moore,
as treasurer

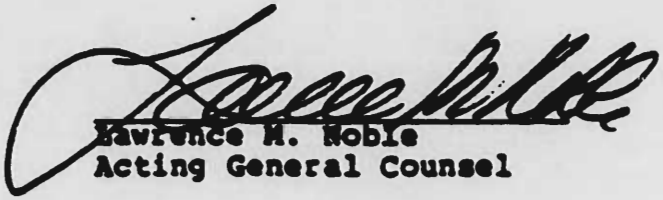
38040710867

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

4.

Date

5/18/87


Lawrence M. Noble
Acting General Counsel

Attachments

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

38040710853

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

RAD Ref. 87NF-08 to 41

38040710869

(continued)

International Brotherhood of Electrical
Workers Committee on Political
Education and Jack F. Moore,
as treasurer

18040710870

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):

(continued)

38040710871

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

Page 4

38040710872

International Brotherhood of Electrical
Workers Committee on Political
Education and Jack F. Moore,
as treasurer

(continued)

- 38040710873
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,	9:22
Circulated on 48 hour tally basis:	Tues.,	5-19-87,	4:00
Deadline for vote:	Thurs.,	5-21-87,	4:00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 8, 1987

Jack F. Moore, Treasurer
International Brotherhood of Electrical
Workers Committee on Political Education
1125 15th Street, N.W.
Washington, D.C. 20005

RE: MUR 2439
International Brotherhood
of Electrical Workers
Committee on Political
Education and Jack F. Moore,
as treasurer

Dear Mr. Moore:

On May 21, 1987, the Federal Election Commission determined there is reason to believe International Brotherhood of Electrical Workers Committee on Political Education 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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plan

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.

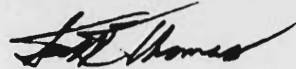
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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 Charles Snyder, 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

38040710875

GC#3723
RECEIVED AT THE FEC

LAW OFFICES

SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P.C. JUN 29 10:16

1125 FIFTEENTH STREET, N. W.

SUITE 801

WASHINGTON, D. C. 20005

LOUIS SHERMAN (RET.)
THOMAS X. DUNN (RET.)
LAURENCE J. COHEN
ELIHU I. LEIFER
JOHN P. COUNTS
TERRY R. YELLIG
RICHARD M. RESNICK
ROBERT D. KURNICK
VICTORIA L. BOR

AREA CODE 202
785-9300

DAVID H. POTTS-DUPRE
LARRY D. SILVER*
CHRISTOPHER S. RICHARDSON†

June 25, 1987

* CALIFORNIA BAR ONLY
† MARYLAND BAR ONLY

Larry M. Noble
Acting General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

RE: MUR 2439
International Brotherhood of Electrical Workers
Committee on Political Education and Jack F. Moore

Dear Mr. Noble:

As indicated in the attached statement of Designation of Counsel, this office represents the International Brotherhood of Electrical Workers Committee on Political Education (IBEW COPE) and IBEW COPE's treasurer Jack F. Moore. IBEW COPE and Moore recently received a letter from Commission Chairman Thomas stating that the Commission had determined that there is reason to believe that they violated 2 U.S.C. §434(a)(4)(B) by failing to file a 1986 Pre-General Election Report in a timely manner.

Our records show that IBEW COPE did fail to file a 1986 Pre-General Election Report by the required deadline. Nevertheless we submit that, under the circumstances of this matter, no further action should be taken against IBEW COPE or Moore. IBEW COPE is a monthly filer and thus files several reports each year with the Commission. It has, as I think your records will confirm, consistently filed its reports in a timely manner with this one exception. The failure to file a timely 1986 Pre-General Election Report was solely the result of an inadvertant error. We have ascertained that IBEW COPE did receive the notice informing it of its obligation to file a Pre-General Election Report, but that the notice was unfortunately mislaid. IBEW COPE subsequently filed a report disclosing financial activity covering the pre-election period.

87 JUN 29 10:48

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

38090710876

SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P.C.

Because the failure to file a timely Pre-General Election Report represents one mistake in an otherwise unblemished record, and because the failure was simply an inadvertant error, IBEW COPE submits that no action should be taken against it. If however, it is determined that such action should be taken, IBEW COPE and Moore wish to pursue pre-probable cause conciliation.

Sincerely,

SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P.C.

Robert D Kurnick

Robert D. Kurnick

38040710877

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2439

NAME OF COUNSEL: Robert D. Kurnick, Esq.

ADDRESS: Sherman, Dunn, Cohen, Leifer & Counts, P.C.
1125 15th Street, N.W., Suite 801
Washington, D.C. 20005

TELEPHONE: (202) 785-9300

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.

6-15-87
Date

Jack F. Moore
Signature

RESPONDENT'S NAME: IBEW-COPE & Jack F. Moore

ADDRESS: 1125 15th St., N.W.
Washington, D.C. 20005

HOME PHONE: _____

BUSINESS PHONE: (202) 785-6020

38040710373

BEFORE THE FEDERAL ELECTION COMMISSION

CONFIDENTIAL

JUL 27 1987 P 1:16

In the Matter of)
)
International Brotherhood of) MUR 2439
Electrical Workers Committee on)
Political Education and Jack F.)
Moore, as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 21, 1987, the Commission found reason to believe that the International Brotherhood of Electrical Workers Committee on Political Education ("the Committee") and Jack F. Moore, as treasurer, violated 2 U.S.C. § 434(a)(4)(B) by failing to file their 1986 Pre-General Election Report in a timely manner. 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

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III. RECOMMENDATIONS

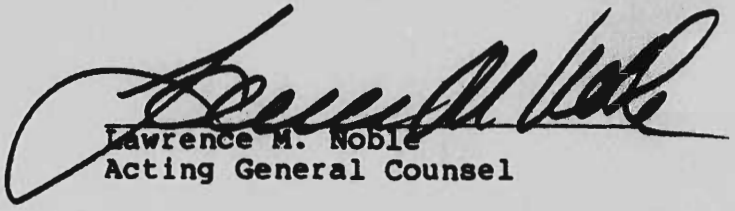
1. Enter into conciliation with the International Brotherhood of Electrical Workers Committee on Political Education, and Jack F. Moore, as treasurer, prior to a finding of probable cause to believe.

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2. Approve the attached proposed conciliation agreement and letter.

Date

7/21/57


Lawrence M. Noble
Acting General Counsel

Attachments

1. Request for Conciliation
2. Proposed agreement and letter

38040710881

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

International Brotherhood of)
Electrical Workers Committee on)
Political Education and Jack F.)
Moore, as treasurer)

MUR 2439

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal
Election Commission, do hereby certify that on July 30,
1987, the Commission decided by a vote of 5-0 to take
the following actions in MUR 2439:

1. Enter into conciliation with the International
Brotherhood of Electrical Workers Committee on
Political Education, and Jack F. Moore, as
treasurer, prior to a finding of probable cause
believe.
2. Approve the proposed conciliation agreement
and letter, as recommended in General Counsel's
Report signed July 21, 1987.

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

Attest:

7-30-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary:	Mon., 7-27-87,	1:16
Circulated on 48 hour tally basis:	Tues., 7-28-87,	11:00
Deadline for vote:	Thurs., 7-30-87,	11:00

CONFIDENTIAL

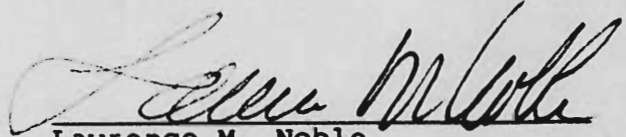
BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
International Brotherhood of) MUR 2439
Electrical Workers Committee)
on Political Education and)
Jack F. Moore, as treasurer)

GENERAL COUNSEL'S REPORT

The Office of the General Counsel is prepared to close the investigation in this matter as to the International Brotherhood of Electrical Workers Committee on Political Education and Jack F. Moore, as treasurer, based on the assessment of the information presently available.

12/17/81
Date


Lawrence M. Noble
General Counsel

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARY

87 DEC 17 PM 4:18

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88 JAN -6 AM 9:02



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 6, 1988

MEMORANDUM

TO: The Commission
FROM: Lawrence M. Noble
General Counsel
SUBJECT: MUR # 2439

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 respondents of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on January 6, 1988. Following receipt of the respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments

- 1-Brief
- 2-Letter to respondents

38040710881

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
International Brotherhood of) MUR 2439
Electrical Workers Committee)
on Political Education and)
Jack F. Moore, as treasurer)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

The Commission found reason to believe on May 21, 1987 that the International Brotherhood of Electrical Workers Committee on Political Education ("the Committee") and Jack F. Moore, as treasurer, violated 2 U.S.C. § 434(a)(4)(B) by failing to file their 1986 Pre-General Election Report in a timely manner. Said report, which was due on October 23, 1986, was not filed until November 17, 1986, some twenty-five days late.

II. ANALYSIS

The pertinent statute states that political committees may choose to file monthly (rather than quarterly) reports,

except that, in lieu of filing the report otherwise due in November ... of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i)

2 U.S.C. § 434(a)(4)(B). The referenced statute states that political committees subject to the provision shall file

(i) a pre-election report, which shall be filed no later than the 12th day before ... any election ..., and which shall be complete as of the 20th day before such election.

3804071083

2 U.S.C. § 434(a)(2)(A). In 1986, the 12th day before the general election was October 23, 1986. As noted above, respondents failed to file the 1986 Pre-General Election Report until November 17, 1986.

Respondents in this case do not contest the allegation that they had an obligation to file the 1986 Pre-General Election Report in accordance with the statutes quoted above. Nor do they contest the allegation that they failed to file said report in a timely manner. They assert, rather, that they have a good record for timely filing of reports, and that their failure to comply with the requirements of the law in the present instance resulted from their misplacing a notice from the Commission informing them of their obligation to file a Pre-General Election Report. Such factors do not, however, excuse respondents' failure to file the required report in a timely manner.

In conclusion, this Office recommends that the Commission find probable cause to believe respondents violated 2 U.S.C. § 434(a)(4)(B).

III. GENERAL COUNSEL'S RECOMMENDATION

Find probable cause to believe the International Brotherhood of Electrical Workers Committee on Political Education and Jack F. Moore, as treasurer, violated 2 U.S.C. § 434(a)(4)(B).

Date

1/5/88

Lawrence M. Noble
General Counsel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 6, 1988

Robert D. Kurnick, Esquire
Sherman, Dunn, Cohen, Leifer & Counts
1125 Fifteenth Street, N.W.
Suite 801
Washington, D.C. 20005

RE: MUR 2439
International Brotherhood
of Electrical Workers
Committee on Political
Education and Jack F.
Moore, as treasurer

Dear Mr. Kurnick:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on May 21, 1987, found reason to believe that your clients violated 2 U.S.C. § 434(a)(4)(B), 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.

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Robert D. Kurnick, Esquire

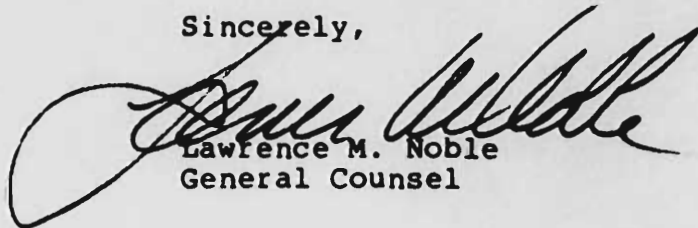
Page 2

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 Charles Snyder, the attorney assigned to handle this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Brief

380407100333

HAND DELIVERED

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

LAW OFFICES

SHERMAN, DUNN, COHEN, LEIFER & COUNTS 88 JAN 25 PM 1:17

1125 FIFTEENTH STREET, N. W.

SUITE 801

WASHINGTON, D. C. 20005

CCA#5287

AREA CODE 202
785-9300

LOUIS SHERMAN (RET.)
THOMAS X. DUNN (RET.)
LAURENCE J. COHEN
ELIHU I. LEIFER
JOHN P. COUNTS
TERRY R. YELLIG
RICHARD M. RESNICK
ROBERT D. KURNICK
VICTORIA L. BOR

DAVID H. POTTS-DUPRE
LARRY D. SILVER*
CHRISTOPHER S. RICHARDSON†
MARIA MAKRIS-GOUVAS††
* CALIFORNIA BAR ONLY
† MARYLAND BAR ONLY
†† WISCONSIN BAR ONLY

January 25, 1988

Mr. Lawrence Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: IBEW-COPE and Jack F. Moore (MUR 2439)

Dear Mr. Noble:

Pursuant to 11 C.F.R. §111.16(c), I am sending you three
copies of respondents brief to the Commission in the above
captioned MUR.

Sincerely,

SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P.C.

Robert D. Kurnick

Robert D. Kurnick

Enclosure

RDK:jab

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

88 JAN 25 PM 3:05

38040710332

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS COMMITTEE
ON POLITICAL EDUCATION AND
JACK F. MOORE, AS TREASURER

MUR 2439

RESPONDENTS' RESPONSE TO THE
GENERAL COUNSEL'S BRIEF

I. Introduction

Pursuant to 11 C.F.R. § 111.16(a), the General Counsel of the Federal Election Commission ("the Commission") has submitted a brief in this MUR recommending that the Commission find probable cause to believe that the International Brotherhood of Electrical Workers Committee on Political Education ("IBEW-COPE") and Jack F. Moore, as treasurer, violated the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431 et seq. ("the Act"). IBEW-COPE and Jack F. Moore submit this response to the General Counsel's brief, pursuant to 11 C.F.R. §111.16(c).

The General Counsel contends that IBEW-COPE violated 2 U.S.C. §434(a)(4)(B) by filing its 1986 Pre-General Election Report 25 days late. There is no dispute in this case that IBEW-COPE did in fact file that report 25 days late. IBEW-COPE acknowledged that fact in response to the Commission's finding of reason to believe and sought pre-probable cause conciliation.

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38040710891

II. Statement of Facts

IBEW-COPE is a multicandidate committee that was created long before the passage of the Act. IBEW-COPE is a monthly filer, and in the sixteen years that the Commission has existed, this case is the first in which the Commission has found reason to believe that IBEW-COPE has violated the Act by failing to file a timely report.

IBEW-COPE's election reports are prepared by the secretary to IBEW-COPE's director. The current secretary assumed that position in June of 1986, and thus, as of October 1986, she had never prepared a pre-election report. Although she received a written notice stating that a pre-general election report was due, it was misplaced and ultimately forgotten. Unfortunately and regretfully, a 1986 pre-election report was not filed on

October 23, when it was due.

38040710892
In November, she prepared an October monthly report, covering October 1 through October 31, which she thought was the appropriate report to be filed. On November 17, that report was completed and signed by the Treasurer of IBEW-COPE. That same day we received a notice from the Commission stating that a pre-general election report had not been filed. That letter stated that a prompt response and explanation would be considered in any resulting administrative proceeding. The Director's secretary immediately called Ivonne Cotto in the Commission's Reports Analysis Division, explained the circumstances, and asked for advise. Cotto suggested that IBEW-COPE file its October monthly report, which included all information required to be included in the pre-election report. The report was filed that same day, November 17, 25 days after the due-date for the pre-election report.

III. Argument

nothing more than an inadvertant clerical error, resulting

largely from a new employee's inexperience, which caused a single report to be filed 25 days late. When the mistake was discovered, IBEW-COPE immediately corrected it and in the manner advised by the Commission itself. IBEW-COPE immediately provided the Commission with a full explanation and took immediate corrective action pursuant to a notice from the Commission stating that a prompt response and explanation would be considered in any administrative proceeding before the Commission.

38040710893

IV. Conclusion

For all the foregoing reasons the Commission should direct the General Council to reopen its conciliation efforts with IBEW-COPE and defer its decision on probable casue until that process is completed.

Respectfully submitted,

Robert D. Kurnick

Robert D. Kurnick
SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P.C.
1125 15th Street, N.W., Suite 801
Washington, D.C. 20005
(202) 785-9300

COUNSEL FOR IBEW-COPE AND
JACK F. MOORE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
International Brotherhood of)
Electrical Workers Committee on)
Political Education and Jack F.)
Moore, as treasurer)

MUR 2439

SENSITIVE
EXECUTIVE SESSION
MAR 08 1988

GENERAL COUNSEL'S REPORT

I. BACKGROUND

The Commission found reason to believe on May 21, 1987 that the International Brotherhood of Electrical Workers Committee on Political Education ("the Committee") and Jack F. Moore, as treasurer, violated 2 U.S.C. § 434(a)(4)(B) by failing to file their 1986 Pre-General Election Report in a timely manner. Said report, which was due on October 23, 1986, was not filed until November 17, 1986, some twenty-five days late. An attempt at pre-probable cause conciliation proved unavailing.

II. ANALYSIS

(See General Counsel's Brief, signed January 5, 1988.) Respondents have submitted a reply brief dated January 25, 1988. Respondents therein acknowledged their failure to file their 1986 Pre-General Election Report in a timely manner. They argue for mitigation of the violation on the grounds that the person they had assigned to prepare the subject report was inexperienced and also that "Although she received a written notice stating that a pre-general election report was due, it was misplaced and ultimately forgotten." Respondents conclude that pre-probable cause conciliation should be re-opened and that the matter should

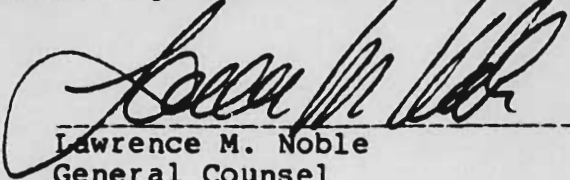
38040710895

III. RECOMMENDATIONS

1. Find probable cause to believe that the International Brotherhood of Electrical Workers Committee on Political Education, and Jack F. Moore, as treasurer, violated 2 U.S.C. § 434(a)(4)(B).
2. Approve the attached conciliation agreement and letter.

Date

2/23/88


Lawrence M. Noble
General Counsel

Attachments

1. Respondents' brief
2. Proposed Conciliation Agreement
3. Letter

Staff Person: Charles Snyder

38040710895

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
International Brotherhood of)
Electrical Workers Committee) MUR 2439
on Political Education and)
Jack F. Moore, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session of March 8,
1988, do hereby certify that the Commission decided by a
vote of 6-0 to take the following actions in MUR 2439:

1. Find probable cause to believe that the
International Brotherhood of Electrical
Workers Committee on Political Education,
and Jack F. Moore, as treasurer, violated
2 U.S.C. § 434(a)(4)(B).
2. Approve the conciliation agreement and
letter attached to the General Counsel's
report dated February 23, 1988.

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

Attest:

3/8/88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

38040710897



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 10, 1988

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert D. Kurnick, Esquire
Sherman, Dunn, Cohen, Leifer & Counts
1125 Fifteenth Street, N.W.
Suite 801
Washington, D.C. 20005

RE: MUR 2439
International Brotherhood
of Electrical Workers
Committee on Political
Education and Jack F.
Moore, as treasurer

Dear Mr. Kurnick:

On March 8, 1988, the Federal Election Commission found that there is probable cause to believe your clients, the International Brotherhood of Electrical Workers Committee on Political Education and Jack F. Moore, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with their failure to file their 1986 Pre-General Election 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.

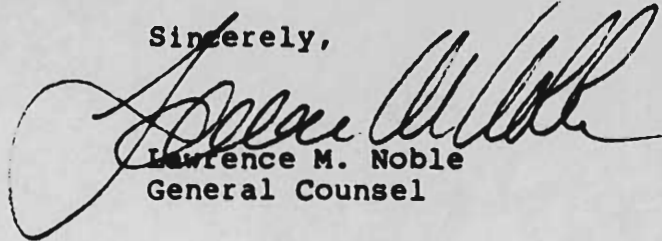
Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within 10 days. I will then recommend that the Commission approve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

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Letter to Robert K. Kurnick, Esquire
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 Charles Snyder, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

38040710899

03/07/88 01:03:46

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
International Brotherhood of) MUR 2439
Electrical Workers Committee on)
Political Education and Jack F.)
Moore, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On March 8, 1988, the Commission found probable cause to believe that the International Brotherhood of Electrical Workers Committee on Political Education ("the Committee") and Jack F. Moore, as treasurer, violated 2 U.S.C. § 434(a)(4)(B) by failing to file their 1986 Pre-General Election Report in a timely manner.

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II. RECOMMENDATIONS

1.

2. Approve the attached revised proposed conciliation agreement with the International Brotherhood of Electrical Workers Committee on Political Education and Jack F. Moore, as treasurer.

3. Approve the attached letter.

Lawrence M. Noble
General Counsel

4/21/88
Date

[Signature]
Lois G. Lerner
Associate General Counsel

Attachments

1. Letter from Robert D. Kurnick
2. Proposed revised conciliation agreement
3. Proposed letter

Staff Attorney: Charles Snyder

38040710902

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

International Brotherhood of
Electrical Workers Committee on
Political Education and Jack F.
Moore, as treasurer

)
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)
)
)
)
)

MUR 2439

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal
Election Commission, do hereby certify that on April 27,
1988, the Commission decided by a vote of 5-0 to take
the following actions in MUR 2439:

1.

2. Approve the revised proposed conciliation
agreement with the International Brotherhood
of Electrical Workers Committee on Political
Education and Jack F. Moore, as treasurer,
as recommended in the General Counsel's
report signed April 21, 1988.

(Continued)

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3. Approve the letter, as recommended in the General Counsel's report signed April 21, 1988.

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

Attest:

4-27-88
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary:	Fri.,	4-22-88,	3:46
Circulated on 48 hour tally basis:	Mon.,	4-25-88,	11:00
Deadline for vote:	Wed.,	4-27-88,	11:00

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LAW OFFICES

SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P. C. MAY 19 AM 11:50

1125 FIFTEENTH STREET, N. W.

SUITE 801

WASHINGTON, D. C. 20005

LOUIS SHERMAN (RET.)
THOMAS X. DUNN (RET.)
LAURENCE J. COHEN
ELIHU I. LEIFER
JOHN P. COUNTS
TERRY R. YELLIG
RICHARD M. RESNICK
ROBERT D. KURNICK
VICTORIA L. BOR

AREA CODE 202
785-9300

DAVID H. POTTS-DUPRE
LARRY D. SILVER
CHRISTOPHER S. RICHARDSON†
MARIA MAKRIS-GOUVAS††

May 18, 1988

†MARYLAND BAR ONLY
††WISCONSIN BAR ONLY

Mr. Lawrence M. Noble
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: IBEW-COPE and Jack F. Moore (MUR 2439)

I have enclosed, on behalf of IBEW-COPE and Jack F. Moore, a signed conciliation agreement in the above-captioned case.

A check for the civil penalty provided for in the agreement is also enclosed.

Sincerely,

SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P.C.

Robert D. Kurnick

Robert D. Kurnick

Enclosure

cc: Jack F. Moore
Rick Diegel

RDK:jab

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
MAY 23 PM 3:19

50601206083

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION

88 JUN 13 PM 4:31

In the Matter of)
)
International Brotherhood of) MUR 2439
Electrical Workers Committee on)
Political Education and Jack F.)
Moore, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Robert D. Kurnick, the counsel of the International Brotherhood of Electrical Workers Committee on Political Education and Jack F. Moore, as treasurer.

The attached agreement contains no changes from the agreement approved by the Commission on April 27, 1988. A check for the civil penalty has been received.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the International Brotherhood of Electrical Workers Committee on Political Education and Jack F. Moore, as treasurer.
2. Close the file.
3. Approve the attached letter.

Lawrence M. Noble
General Counsel

6/19/88
Date

Lois G. Lerner
Associate General Counsel

Attachments

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

Staff Person: Charles Snyder

38040710906

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
International Brotherhood of)
Electrical Workers Committee on) MUR 2439
Political Education and Jack F.)
Moore, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal
Election Commission, do hereby certify that on June 16,
1988, the Commission decided by a vote of 6-0 to take
the following actions in MUR 2439:

1. Accept the conciliation agreement with the
International Brotherhood of Electrical Workers
Committee on Political Education and Jack F. Moore,
as treasurer, as recommended in the General Counsel's
Report signed June 13, 1988.
2. Close the file.
3. Approve the letter, as recommended in the General
Counsel's Report signed June 13, 1988.

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

Attest:

6-16-88

Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Mon., 6-13-88, 4:31
Circulated on a 48 hour tally basis: Tues., 6-14-88, 11:00
Deadline for vote: Thurs., 6-16-88, 11:00

38040710907



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 24, 1988

Robert D. Kurnick, Esquire
Sherman, Dunn, Cohen, Leifer & Counts
1125 Fifteenth Street, N.W., Suite 801
Washington, D.C. 20005

RE: MUR 2439
International Brotherhood of
Electrical Workers Committee
on Political Education and
Jack F. Moore, as treasurer

Dear Mr. Kurnick:

On June 14, 1988, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your clients' behalf 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 Charles Snyder, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

38040710903

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2439
International Brotherhood of)
Electrical Workers Committee)
on Political Education and Jack F.)
Moore, as treasurer)

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 probable cause to believe that the International Brotherhood of Electrical Workers Committee on Political Education and Jack F. Moore, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(4)(B).

NOW, THEREFORE, the Commission and the 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. Respondent, International Brotherhood of Electrical Workers Committee on Political Education, is a political committee within the meaning of 2 U.S.C. § 431(4).

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2. Respondent, Jack F. Moore, is the treasurer of said political committee.

3. Respondents were required by 2 U.S.C. § 434(a)(4)(B) to file their 1986 Pre-General Election Report by October 23, 1986.

4. Respondents failed to file said 1986 Pre-General Election Report until November 17, 1986.

V. Respondents' failure to file their 1986 Pre-General Election Report in a timely manner was 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 Two Thousand Five Hundred Dollars (\$2,500.00), 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.

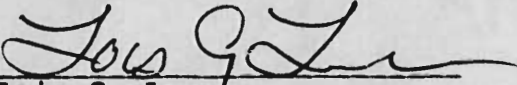
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IX. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

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.

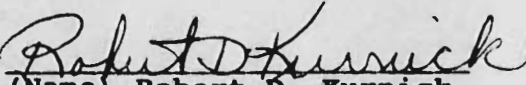
FOR THE COMMISSION:

Lawrence M. Noble
General Counsel


Lois G. Lerner
Associate General Counsel

6/23/88
Date

FOR THE RESPONDENTS:


(Name) Robert D. Kurnick
(Position)
Counsel for IBEW-COPE and
Jack F. Moore

May 16, 1988
Date

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2439

DATE FILMED 7/15/88 CAMERA NO. ____

CAMERAMAN _____

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