



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2463

DATE FILMED 9/9/00 CAMERA NO. 2

CAMERAMAN K.A.U.

88040713937

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: April 28, 1987

ANALYST: Brian J. Hancock

I. COMMITTEE: Populist Party of the United States
(C00201343)
Faye G. Miller, Treasurer
1921 Summer Place Drive, West*
Mobile, AL 36618

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

III. BACKGROUND:

Failure to File Reports in a Timely Manner

The Populist Party of the United States ("PPUS") failed to timely file four Reports of Receipts and Disbursements during the 1985-1986 election cycle (see Chart and Attachments). The reports were filed between 36 and 174 calendar days late.

On March 19, 1986, the Reports Analysis Division ("RAD") analyst contacted Faye G. Miller, the treasurer of PPUS, concerning the non-filing of the 1985 Year End Report. Ms. Miller said that she was holding back the report because she still lacked the names of employers and occupations for a few of PPUS's contributors. The RAD analyst encouraged her to send the report in anyway and then amend the report when all of the information had been gathered. She assured the RAD analyst that the report would be in the mail by Monday, March 24, 1986 (Attachment 4).

On May 6, 1986, A Chronic Late Filer Notice was sent to PPUS for failing to timely file the 1985 Mid-Year and Year End Reports. The Notice advised PPUS that any additional late filings could result in legal enforcement action (Attachment 7).

*/ PPUS changed its address to the above on July 21, 1986. Prior Notices and Non-Filer Notices sent prior to that date were sent to previous addresses of PPUS.

88040713938

POPULIST PARTY OF THE UNITED STATES
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

Ms. Miller called the RAD analyst on May 21, 1986 concerning the non-filing of the 1986 April Quarterly Report. She stated that she would mail the report that same day. She further explained that because PPUS had no federal candidates in 1986, she assumed that 1986 would not be considered an election year for PPUS and that it would thus only be required to file on a semi-annual basis (Attachment 9).

A letter from Ms. Miller was received at the Commission on May 27, 1986 that responded to the May 6, 1987 Chronic Late Filer Notice. Ms. Miller indicated that she mailed the 1985 Mid-Year Report on August 6, 1985 and that she was unaware that the report had not been received at the Commission until she was notified in January of 1986. Ms. Miller also indicated that the 1985 Year End Report "was not mailed timely due to [our] having to peruse the entire year's receipts to determine who had donated in excess of \$200." Ms. Miller further stated that "there was never any intent to willfully violate any section of the Election Campaign Act" (Attachment 10).

A letter from Ms. Miller was received at the Commission on May 29, 1986 that reiterated the phone conversation of May 21, 1986 (Attachment 12).

Subsequent to the mailing of the Chronic Late Filer Notice, PPUS failed to timely file both the 1986 April Quarterly and 30 Day Post-General Reports.

On May 29, 1986, the RAD analyst contacted PPUS regarding the delinquent 1986 April Quarterly Report. Ms. Miller told the RAD analyst that the report was late because she had only received the reporting forms on May 27. Ms. Miller assured the RAD analyst that the report would be sent, postmarked no later than June 2, 1986 (Attachment 11).

On January 6, 1987, the RAD analyst once again contacted Ms. Miller, this time concerning the 30 Day Post-General Report. Ms. Miller told the RAD analyst that the report had not been filed due to the fact that she had not been notified that such a report was due. Ms. Miller promised that the delinquent report would be mailed to the Commission either January 7 or January 8 (Attachment 16).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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LATE FILING HISTORY

REPORT TYPE	PRIOR NOTICE	DATE DUE	NON-FILER NOTICE	DATE FILED
1985 Mid-Year ^{1/} (1/1/85-6/30/85)	N/A	07/31/85	N/A	01/21/86 (Attachment 2) ^{2/}
1985 Year End ^{3/} (7/1/85-12/31/85)	N/A	01/31/86	02/25/86 (Attachment 3)	04/14/86 (Attachment 6) ^{4/}
1986 April Quarterly (1/1/86-3/31/86)	03/21/86 (Attachment 5)	04/15/86	05/07/86 (Attachment 8)	06/02/86 (Attachment 13) ^{5/}
1986 30 Day Post-General (10/1/86-11/24/86)	09/29/86 (Attachment 14)	12/04/86	12/23/86 (Attachment 15)	01/09/87 (Attachment 17) ^{6/}

^{1/} PPUS did not register with the Commission until January 21, 1986. Its 1985 Mid-Year Report covered the period of March 10, 1985 through June 30, 1985. Therefore, PPUS was not sent a Prior Notice concerning the due dates of the 1985 Mid-Year or Year End Reports, and PPUS was not sent a Non-Filer Notice for the 1985 Mid-Year Report. PPUS was previously referred for failing to timely file the 1985 Year End Report (see MUR 2187). The Commission also found reason to believe in MUR 2187 that PPUS had failed to timely file the 1985 Mid-Year Report.

^{2/} A cover letter attached to the 1985 Mid-Year Report acknowledged the lateness of the report.

^{3/} See footnote #1.

^{4/} A cover letter attached to the 1985 Year End Report indicated that the report was late because of "considerable turmoil" at PPUS.

^{5/} A cover letter attached to the 1986 April Quarterly Report indicated that the report was late because the treasurer believed that "during election year" only pertained to presidential elections and thus quarterly reports were not required in 1986.

^{6/} A cover letter attached to the 1986 30 Day Post-General Report indicated that the treasurer thought that PPUS only had to file quarterly reports since it "did not have any candidates in the General Election."

88040713941

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (85-86)DATE 27APR87
PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
POPULIST PARTY OF THE UNITED STATES				PARTY NON-QUALIFIED		ID #C00201343
CONNECTED ORGANIZATION:	NONE					
1985	MID-YEAR REPORT	54,775	51,157	10MAR85 -30JUN85	8	86FEC/395/2267
	MID-YEAR REPORT	54,775	51,157	10MAR85 -30JUN85	9	86FEC/395/2918
	MID-YEAR REPORT - AMENDMENT	-	-	10MAR85 -30JUN85	2	86FEC/415/4455
	MID-YEAR REPORT - AMENDMENT	-	-	10MAR85 -30JUN85	2	86FEC/415/4739
	REQUEST FOR ADDITIONAL INFORMATION			10MAR85 -30JUN85	3	86FEC/413/0306
	REQUEST FOR ADDITIONAL INFORMATION 2ND			10MAR85 -30JUN85	8	86FEC/415/3006
	YEAR-END	91,487	41,314	1JUL85 -31DEC85	15	86FEC/409/1612
	YEAR-END - AMENDMENT	-	-	1JUL85 -31DEC85	1	86FEC/415/5026
	NOTICE OF FAILURE TO FILE			1JUL85 -31DEC85	1	86FEC/403/3640
	REQUEST FOR ADDITIONAL INFORMATION			1JUL85 -31DEC85	4	86FEC/413/0241
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL85 -31DEC85	1	86FEC/415/3014
1986	STATEMENT OF ORGANIZATION			21JAN86	4	86FEC/395/2914
	STATEMENT OF ORGANIZATION - AMENDMENT			14APR86	2	86FEC/409/1609
	MISCELLANEOUS NOTICE FROM FEC			6MAY86	1	86FEC/413/2188
	MISCELLANEOUS REPORT			29MAY86 TO FEC	1	86FEC/415/4738
	STATEMENT OF ORGANIZATION - AMENDMENT			21JUL86	1	86FEC/424/2655
	APRIL QUARTERLY	8,772	22,798	1JAN86 -31MAR86	11	86FEC/416/1924
	NOTICE OF FAILURE TO FILE			1JAN86 -31MAR86	1	86FEC/413/2948
	JULY QUARTERLY	13,210	28,638	1APR86 -30JUN86	12	86FEC/424/2656
	JULY QUARTERLY - AMENDMENT	13,210	28,638	1APR86 -30JUN86	18	86FEC/438/4105
	REQUEST FOR ADDITIONAL INFORMATION			1APR86 -30JUN86	1	86FEC/429/4341
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1APR86 -30JUN86	2	86FEC/432/1464
	OCTOBER QUARTERLY	5,524	23,942	1JUL86 -30SEP86	14	86FEC/439/3908
	POST-GENERAL	16,490	15,390	1OCT86 -24NOV86	13	87FEC/453/5357
	POST-GENERAL - AMENDMENT	16,490	15,390	1OCT86 -24NOV86	11	87FEC/461/1762
	POST-GENERAL - AMENDMENT	16,490	15,390	1OCT86 -24NOV86	14	87FEC/462/1567
	POST-GENERAL - AMENDMENT	16,490	15,390	1OCT86 -24NOV86	14	87FEC/464/2500
	NOTICE OF FAILURE TO FILE			24NOV86	1	86FEC/452/1241
	REQUEST FOR ADDITIONAL INFORMATION			1OCT86 -24NOV86	1	87FEC/459/5169
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1OCT86 -24NOV86	1	87FEC/461/3982
	YEAR-END	12,295	8,160	25NOV86 -31DEC86	15	87FEC/458/5342
	YEAR-END - AMENDMENT	12,295	8,160	25NOV86 -31DEC86	9	87FEC/461/1753
	YEAR-END - AMENDMENT	12,295	8,160	25NOV86 -31DEC86	13	87FEC/464/2514
	REQUEST FOR ADDITIONAL INFORMATION			25NOV86 -31DEC86	1	87FEC/462/3784
	REQUEST FOR ADDITIONAL INFORMATION 2ND			25NOV86 -31DEC86	2	87FEC/464/1695
	TOTAL	202,553	0 191,399	0	217	TOTAL PAGES

All Reports have been reviewed.

Cash-on hand as of 12/31/86: \$ 11,154

Debts Owed to the Committee as of 12/31/86: \$0

Debts Owed by the Committee as of 12/31/86: \$0

ATTACHMENT 1

HARD DELIVERED

86 JAN 21 09:23

POPULIST PARTY OF THE UNITED STATES

Office of Treasurer

P.O. Box 377

Dauphin Island, Ala

36528

August 5, 1985

Federal Election Commission

1325 K Street N.W.

Washington, D.C. 20463

Gentlemen:

Attached hereto is the initial Report of the Populist Party of the United States.

I hope you will excuse our being some 5 days late with this Report; we just secured the forms to complete.

If further information is necessary, please contact the Treasurer:

Faye G. Miller

Populist Party of the United States

P.O. Box 377

Dauphin Island, Ala

36528

Phone: (205) 861-6462

Very truly yours

POPULIST PARTY

Faye Miller

Treasurer

Encl.

9 6 0 3 7 9 5 2 2 6 1

(Summary Page)

ALIGN AREA

ALIGN AREA

1. Name of Committee (in Full)

POPULIST PARTY OF THE UNITED STATES

Address (Number and Street)

2303 N. 44th Street SUITE 14-345

City, State and ZIP Code

Phoenix, Arizona 85035

☐ Check here if address is different than previously reported.

2. FEC Identification Number

3. ☐ This committee qualified as a multicandidate committee during this reporting period on March 10, 1985

4. TYPE OF REPORT (Check appropriate box)

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

☐ July 15 Quarterly Report ☐ January 31 Year End Report

☒ July 31 Mid Year Report (Non-Election Year Only)

☐ Monthly Report for _____

☐ Twelfth day report preceding _____
(Type or Specify)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election

on _____ in the State of _____

☐ Termination Report

(b) Is this Report an Amendment?

☐ YES

☒ NO

SUMMARY

5. Covering Period March 10, 1985 through June 30, 1985

6. (a) Cash on hand January 1, 1985 NA

(b) Cash on hand at Beginning of Reporting Period

(c) Total Receipts (from Line 18)

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

7. Total Disbursements (from Line 28)

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

9. Debts and Obligations Owed TO The Committee

(Itemize all on Schedule C or Schedule D)

10. Debts and Obligations Owed BY the Committee

(Itemize all on Schedule C or Schedule D)

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

FAYE G. MILLER

Type or Print Name of Treasurer

August 5, 1985

Date

SIGNATURE OF TREASURER

For further information contact

Federal Election Commission

Toll Free 800-424-9530

Local 707-573-4088

NOTE: Submission of false or misleading information may subject the person signing this report to the penalties of 2 U.S.C. § 437c.

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

FEC FORM 3X (3-80)



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

EQ-7

February 25, 1986

Pete G. Miller, Treasurer
Populist Party of The United States
2303 W. 44th Street, Ste. 14-345
Phoenix, AZ 85035

Identification Number: C00201343

Reference: Year-End Report (7/1/85-12/31/85)

Dear Ms. Miller:

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 Bill Baber on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

88040713944

MEMORANDUM TO THE FILES:

COMMITTEE: POPULIST PARTY OF THE UNITED STATES (C00201343)
CONTACT: FAYE G. MILLER
DATE: MARCH 19, 1986
ANALYST: BILL BABER
SUBJECT: NON-FILING OF THE 1985 YEAR-END REPORT

I called Ms. Miller to inform her that we had not received the 1985 Year-End Report for the Populist Party of The United States as of March 19, 1986.

She said that it was nearly completed but she was holding it back because they were missing the names of employers and occupations of a few of their contributors. I encouraged her to file her report anyway and to amend her report later when all of the information had been gathered. I encouraged her to send her report in by registered or certified mail as soon as possible. She assured me it would be in the mail by Monday, March 24, 1986.

I mentioned to Ms. Miller that the Committee may have received an apparent corporate contribution on its Mid-Year Report and that I was preparing a letter regarding this matter.

88040713945

QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PAGE

March 21, 1986

WHO MUST FILE

ALL Party Committees, Non-connected Committees and Separate Segregated Funds, except those filing monthly (see below), must file a quarterly report by April 15, 1986.

WHAT MUST BE REPORTED

The report must disclose all financial activity that occurred from the close of books for last report filed through March 31, 1986. Political committees that have not previously filed a financial disclosure report should report all financial activity through March 31, 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 April 15, 1986. Reports hand delivered or mailed first class must be received no later than close of business April 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 April 20, 1986, and disclose all financial activity of their committee from March 1 through March 31, 1986. (See the schedule of monthly reports 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).

-over-

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REQUIREMENTS**QUARTERLY FILERS**

Committees that make contributions or expenditures (including independent expenditures) in connection with an 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 election filing requirements.

MONTHLY FILERS

Committees that file monthly must follow the schedule below. Pre-general election reports sent by registered or certified mail must be postmarked no later than midnight October 20, 1986. All other reports sent by registered or certified mail must be postmarked no later than midnight on the filing date in order to be timely. Reports hand delivered or mailed first class must be received by close of business on the filing date.

REPORT	PERIOD COVERED			FILING DATE
February	01/01	-	01/31	02/20/86
March	02/01	-	02/28	03/20/86
April	03/01	-	03/31	04/20/86
May	04/01	-	04/30	05/20/86
June	05/01	-	05/31	06/20/86
July	06/01	-	06/30	07/20/86
August	07/01	-	07/31	08/20/86
September	08/01	-	08/31	09/20/86
October	09/01	-	09/30	10/20/86
Pre-election	10/01	-	10/15	10/23/86
Post-election	10/16	-	11/24	12/04/86
Year-End	11/25	-	12/31	01/31/87

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.

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

88040713947

6 APR 14 1986

POPULIST PARTY OF THE UNITED STATES

Office of The Treasurer
P.O. Box 377
Dauphin Island, Ala

36526

April 8, 1986

Mr. William Baber
Reports & Filings
Federal Election Commission
999 "E" Street NW
Washington, D.C.

20463

Dear Mr. Baber:

I apologize for being delinquent in getting this report to you. However, as you can see by the attached we have considerable turmoil in our organization that has required mountains of work for those few of us.

I am attaching information that I believe will answer your question pertaining to the \$30,000.00. We considered that a partial reimbursement of funds that had been collected by the Washington office. It was only much later in the year 1985 that we (Executive Committee) became aware of the fact that there was not to be any cooperation with the Washington office and that Mr. Carto had set up a Corporation and was depositing monies collected in the name of the Populist Party in this account, Populist Party, Inc.

At this particular time this is the only information I can give you. However, as matters progress I will certainly keep you informed.

Thank you again for your consideration.

Very truly yours,

POPULIST PARTY OF THE UNITED STATES

Faye G. Miller
Faye G. Miller
Treasurer

85734001637

ATTACHMENT 6
Page 2 of 2

... 38

[illegible]

For further information contact:

Faye G. Miller
Clerk of the Court

A: previous versions of **FEC FORM 3** and **FEC FORM 3a** are obsolete and should no longer be used



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

MB-1

AW 6 1986

Page G. Miller, Treasurer
Populist Party of the United
States
6065 Mission Gorge Road, Box 211
San Diego, CA 92108

Identification Number: C00201343

Reference: 1985-1986 Election Cycle Reports

Dear Ms. Miller:

It has come to the attention of the Federal Election Commission ("the Commission") that your committee may have violated 2 U.S.C. §436(a), by failing to timely file Reports of Receipts and Disbursements. The following is a list of the reports in question.

<u>Report Type</u>	<u>Due Date</u>	<u>Date Filed</u>
Mid Year Report (1/1/85-6/30/85)	7/31/85	1/21/86
Year End Report (7/1/85-12/31/85)	1/31/86	4/14/86

Timely filing is a specific requirement of the Federal Election Campaign Act ("the Act") and is essential to fulfilling the public disclosure concept embodied in that law. The Commission views the untimely filing of reports as a serious violation of the Act. This communication is to advise you that, notwithstanding any matters which may be pending before the Commission, any additional report which is not submitted in a timely manner by your committee may result in the Commission initiating legal enforcement or audit action.

You may submit a letter of explanation in response to this notification. If, however, you have any questions, please feel free to contact Bill Baber on our toll-free number, (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

Lisa J. Stolaruk
Chief, Party/Non-Party Branch
Reports Analysis Division

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20543

HQ-7

May 7, 1986

Page G. Miller, Treasurer
Populist Party of the United States
6605 Mission Gorge Road Box 211
San Diego, CA 92108

Identification Number: C00201343

Reference: April Quarterly Report (1/1/86-3/31/86)

Dear Ms. Miller:

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

It is important that you file this report immediately with the Federal Election Commission, 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 Bill Baber on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

86734172949

TELECON

Analyst: Bill Baber
Contact: Faye Miller
Committee: The Populist Party of the United States
Date: May 21, 1986

Re: Ms. Miller, the treasurer of the Populist Party of the United States called to tell me she had received our letters for the 1985 Mid-Year Report (RQ-2) and the 1986 April Quarterly Report (RQ-7). She said that she would mail her replies today.

I explained to Ms. Miller that an "election year" is considered every even numbered year when regular scheduled House and Senate elections are held. She thought that since the Populist Party had no Federal candidates in 1986, this would not be considered an "election year" for her committee.

88040713952

THE POPULIST PARTY OF THE UNITED STATES

Administrative Office
444 Camino del Rio South
Suite 200
San Diego, CA 92108

Chairman
JOHN M. COUTURE
13421 W. Jacarilla Rd.
Rialto Corner, WI 93130
(414) 425-4181

Vice-Chairman
MAUREEN SALAMAN

Secretary
DON KIMBALL

Treasurer
FAYE MILLER

Parliamentarian
WILLIAM E. SHEARER

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

Dear Ms. Stolaruk:

I apologize for the delay in answering your letter of May 9. This letter was sent at our Administrative Office in San Diego and had to be forwarded to me. In answer to your questions regarding the late filing of reports:

MID-YEAR REPORT P/E 6-10-85

This report was completed on August 3 and mailed on August 6 to your office. Even though, at this time, the report was 6 days late, I was unable to file it until I had received the forms from your office - which was August 3.

I was unaware you had not received this report until I discussed other matters pertaining to Mr. Reich's call of January 1986. A copy was mailed to your office immediately upon my becoming aware of this.

YEAR END REPORT P/E 12-31-85

This report was not mailed timely due to our having to peruse the entire year's receipts to determine who had donated in excess of \$200.00. I was advised, however, at a later date to go ahead and mail the report and supply the additional information later, which I did.

I trust this will answer your questions regarding this matter and I assure you there was never any intent to willfully violate any section of the Election Campaign Act.

Very truly yours,

POPULIST PARTY OF THE UNITED STATES

Faye B. Miller
Faye B. Miller
Treasurer

Please note reply address above

Office of the Treasurer

P.O. Box 377

Douglas Island, Ala 36520

May 21, 1986

003407154453
803407154453
α 60

MEMORANDUM TO THE FILES:

COMMITTEE: Populist Party of the United States
I.D. NUMBER: C00201343
CONTACT: Faye Miller, Treasurer
DATE: 5/29/86
ANALYST: Bill Baber
SUBJECT: Non-Filing of 1986 April Quarterly

I spoke with Ms. Miller today regarding the tardy Q1. She told me that the report was late because she had not received the reporting forms until 5/27/86. Ms. Miller assured me that the report would be sent and postmarked no later than 6/2/86.

88040713954

THE POPULIST PARTY OF THE UNITED STATES

Administrative Office
3435 Camino del Rio South
Suite 318
San Diego, CA 92108

Mailing Address
6845 Mission Gorge Road
Box 311
San Diego, CA 92120

Chairman
JOHN M. COUTURE
13131 W. Janesville Rd.
Hales Corners, WI 53130
(414) 423-8181

(619) 262-2614

Vice-Chairman
MAUREEN SALAMAN

IN REPLY ADDRESS

Office of Treasurer
P.O. Box 377
Dauphin Island, Ala 36528

Secretary
DON KIMBALL

May 21, 1986

Treasurer
FAYE MILLER

Mr. Bill Baber
Reports Analyst
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

Re: Quarterly Report
P/E 3-31-86

Parliamentarian
WILLIAM K. SHEARER

Dear Mr. Baber:

This is to confirm our telephone conversation of this date regarding the above mentioned report. Again, I apologize for the delay in contacting you regarding this, but the letter from your office went to our Administrative office in San Diego and just reached me.

As I told you, I was under the impression that we were responsible for filing reports on a more than semi-annual and annual basis ONLY during election years and that the term "election years" referred to those years in which there was a presidential election. I appreciate your explanation that "election year" referred to those in which senators (U.S.), etc were on the ballot - or every two years.

Therefore, I will complete this report - ending 3-31-86 and return to you within a very few days.

Very truly yours,

Faye G. Miller

Faye G. Miller
Treasurer

88040713933
36034154739

RECEIVED AT THE FEC

15 JUL 86 AM: 58

THE POPULIST PARTY OF THE UNITED STATES

Administrative Office
3435 Camino del Rio South
Suite 318
San Diego, CA 92108

Mailing Address
6845 Mission Gorge Road
Box 211
San Diego, CA 92120

Chairman
JOHN M. COUTURE
13131 W. Jonesville Rd.
Hales Corners, WI 53130
(414) 425-8181

IN REPLY ADDRESS:

(619) 282-2614

Populist Party of United States
P.O. Box 377
Dauphin Island, Ala 36528

Vice-Chairman
MAUREEN SALAMAN

May 31, 1986

Secretary
DON KIMBALL

Treasurer
FAYE MILLER

Mr. Bill Baber
Federal Election Commission
999 "E" St NW
Washington, D.C. 20463

Parliamentarian
WILLIAM K. SHEARER

Dear Sir:

Attached is FEC Report for the period ending March 31, 1986. I apologize for this report being late; I was not aware that the report was due as of March 31, 1986. In reading the manual I interpreted the phrase "during election year" to mean every 4 years - during election of President, etc., not the election of Senators, etc. However, these reports will be filed timely - quarterly - for the balance of this year. Even after learning this was an "election year", I was still forced to await the arrival of the forms from your office, which only came May 29, 1986.

Also, in regard to matters requiring correspondence between the Treasurer and your office - or for that matter - any correspondence between your office and ours, please in the future address all mail to

Office of Treasurer
Populist Party
P.O. Box 377
Dauphin Island, Ala 36528

This will expedite correspondence. Having it go to the Administrative Office in San Diego results in a 10 day to 2 week delay. Therefore, it will, as in this case, save many days time.

Inasmuch as I do not have in my possession a "Statement of Organization" whereby I could request the addition of another depository (Line 9), will you please see that Central Bank of the South, P.O. Box 1288, Mobile, Ala 36601 is added in this space. AmSouth Bank remains, also, as a depository.

Thank you for your consideration.

Very truly yours,

POPULIST PARTY OF THE UNITED STATES
Faye D. Miller
Faye D. Miller

88 8 9 4 9 7 1 1 2 9 3 5 4 8



CERTIFIED

No. 551040

MAIL

CERTIFIED -- RETURN RECEIPT REQUESTED

Populist Party of the United States
P.O. Box 377
Dauphin Island, Ala 36528

ATTACHMENT 13
Page 3 of 3

09 JUN 5 AM: 58

Mr. Bill Bohrer
Federal Election Commission
999 "T" Street NW
Washington, D.C. 20543

P.O. BOX 91666 • MOBILE, ALABAMA 36681

GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

September 29, 1986

WHO MUST FILE THE PRE-GENERAL ELECTION REPORT

ALL COMMITTEES that file monthly reports must file the pre-general election report due October 23, 1986.

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

WHAT MUST BE REPORTED

Quarterly filers must disclose all financial activity from the close of books of the last report, or from the date of registration* (whichever is later), through October 15, 1986. (Monthly filers must disclose all financial activity from October 1 or from the date of registration* (whichever is later), through October 15, 1986.) For more detailed instructions, consult your campaign guide.

WHEN TO FILE

Pre-general election reports sent registered or certified mail must be postmarked no later than midnight October 20, 1986. Reports hand delivered or mailed first class must be received no later than close of business October 23, 1986.

WHO MUST FILE THE POST-GENERAL ELECTION REPORT

ALL COMMITTEES must file the post-general election report due December 4, 1986, regardless of election activity.

WHAT MUST BE REPORTED

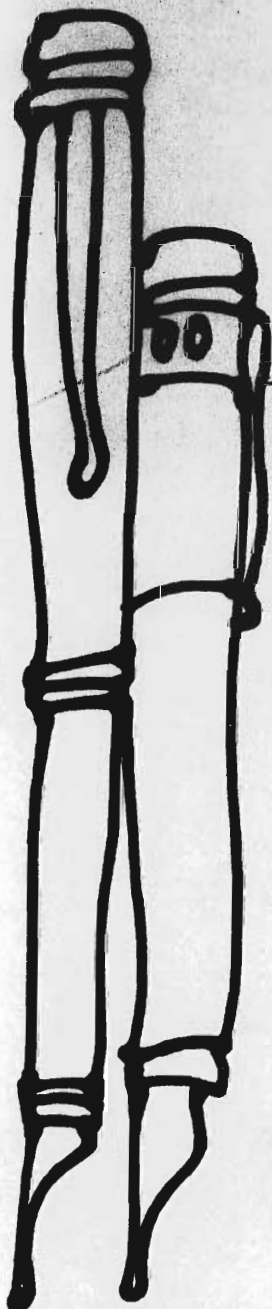
The report must disclose all financial activity from the close of books of the last report, or the date of registration* (whichever is later), through November 24, 1986.

WHEN TO FILE

Post-general election reports sent by registered or certified mail must be postmarked no later than midnight December 4, 1986. Reports hand delivered or mailed first class must be received no later than close of business December 4, 1986.

*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).

88040713959



QUARTERLY FILERS

<u>Name of Report</u>	<u>Period Covered</u>	<u>Reg./Cert. Mailing Date</u>	<u>Filing Date</u>
Oct. Quarterly	07/01 ¹ - 09/30	10/15/86	10/15/86
Pre-General	10/01 - 10/15	10/20/86	10/23/86
Post-General ²	10/16 - 11/24	12/04/86*	12/04/86*
Year-End	11/25 - 12/31	01/31/87	01/31/87

MONTHLY FILERS

<u>Name of Report</u>	<u>Period Covered</u>	<u>Reg./Cert. Mailing Date</u>	<u>Filing Date</u>
Oct. Monthly	09/01 ¹ - 09/30	10/20/86	10/20/86
Pre-General	10/01 - 10/15	10/20/86	10/23/86
Post-General	10/16 - 11/24	12/04/86*	12/04/86*
Year-End	11/25 - 12/31	01/31/87	01/31/87

*Follow these dates for mailing and filing the post-general report. Disregard dates shown on the October Quarterly Report Notice dated September 19, 1986.

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.

WHERE AND HOW TO FILE

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

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.

¹/Or from date of registration, or the close of books of the last report filed, whichever is later.

²/Reports filed by committees that did not file the pre-general election report should cover all financial activity from the closing date of the last report or from the date of registration (whichever is later), through November 24, 1986. See the footnote on the reverse side.

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

88040713960



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

HQ-7

December 23, 1986

Faye G. Miller, Treasurer
Populist Party of the United States
1921 Summer Place Drive, West
Mobile, AL 36618

Identification Number: C00201343

Reference: 30 Day Post-General Report (through 11/24/86)

Dear Ms. Miller:

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 Bill Baber on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

A handwritten signature in dark ink, appearing to read "John D. Gibson".

John D. Gibson
Assistant Staff Director
Reports Analysis Division

MEMORANDUM TO THE FILES:

COMMITTEE: Populist Party of the United States
I.D. NUMBER: C00201343
CONTACT: Faye Miller
DATE: 1/6/87
ANALYST: Bill Baber
SUBJECT: 30G Non-Filer

I called to ask Ms. Miller why the 1986 30G had not been filed. She stated that she was not notified that the 30G report was due. Ms. Miller stated that she would send us the delinquent report, and that she would mail it either 1/7 or 1/8.

88040713962

THE POPULIST PARTY OF THE UNITED STATES

Administrative Office
3015 Camino del Rio South
Suite 318
San Diego, CA 92108

Mailing Address
6865 Mission Gorge Road
Box 211
San Diego, CA 92120

Chairman
JOHN M. COLETTRE
13131 W. Jansville Rd.
Hales Corners, WI 53130
(414) 425-8181

Vice-Chairman
MARILEE SALAMAN

Secretary
IDIN KIMBALL

Treasurer
FAYE MILLER

Parliamentarian
WILLIAM K. SHEARER

IN REPLY ADDRESS:

Office of Treasurer
1921 Summer Place Dr W
Mobile, Ala 36618

(619) 282-5514

January 8, 1987

Mr. Bill Baber
Federal Election Commission
999 E. Street NW
Washington, D.C. 20463

Dear Sir:

Attached is Report of Receipts and Disbursements for the period ended November 24, 1986.

Inasmuch as we had filed quarterly for the year of 1986 and did not have any candidates in the General Election, I was not aware this additional report was due until receipt of your notice upon my return on January 6, 1987 from holiday vacation. The report for the period 11-25-86 thru 12-31-86 will be timely filed by January 31, 1987.

We would appreciate your consideration in this instance.

Very truly yours

POPULIST PARTY OF THE UNITED STATES

Faye G. Miller
Faye G. Miller
Treasurer

Encl.

REPORT OF RECEIPTS AND DISBURSEMENTS

For a Political Committee Other Than an Authorized Committee

(Summary Page)

87 JAN 13 12:48

1. Name of Committee (in Full)

POPULIST PARTY OF THE UNITED STATES

Address (Number and Street)

C/ Faye G. Miller - National Treasurer
1921 Summer Place Drive W

City, State and ZIP Code

Mobile, Alabama 36618

☐ Check here if address is different than previously reported.

2. FEC Identification Number

C00201343

3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on 3-10-85

4. TYPE OF REPORT (Check appropriate boxes)

- (a) ☐ April 15 Quarterly Report ☐ October 15 Quarterly Report
☐ July 15 Quarterly Report ☐ January 31 Year End Report
☐ July 31 Mid Year Report (Non-Election Year Only)
☐ Monthly Report for _____
☐ Twelfth day report preceding _____ (Type of Election)
election on _____ in the State of _____
☒ Thirtieth day report following the General Election
on 11-6-86 in the State of Alabama
☐ Termination Report

(b) Is this Report an Amendment?

☐ YES ☒ NO

SUMMARY

5. Covering Period 10-1-86 through 11-24-86

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

(b) Cash on Hand at Beginning of Reporting Period _____

(c) Total Receipts (from Line 18) _____

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

7. Total Disbursements (from Line 28) _____

8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d) - 34c adj. from prev.)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.

FAYE G. MILLER

Type or Print Name of Treasurer

Faye G. Miller
SIGNATURE OF TREASURERDate 1-8-87

For further information contact:

Federal Election Commission
999 E Street, N.W.
Washington, DC 20543
Tel: 202-426-6100
Long 202-576-3120

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

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

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FEC FORM 3X (3-80)



3 JAN 1973

MAIL

SENSITIVE

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

FIRST GENERAL COUNSEL'S REPORT

REFERRAL # 87NF-82
STAFF MEMBER R. Raich

87 JUN 3 4:13 PM
RECEIVED
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

SOURCE OF MUR: INTERNALLY GENERATED
RESPONDENTS: Populist Party of the United States
and Faye Miller, as treasurer
RELEVANT STATUTES: 2 U.S.C. § 434(a)(4)(A)(i)
2 U.S.C. § 434(a)(4)(A)(iii)
INTERNAL REPORTS CHECKED: Committee's
FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was referred to the General Counsel's Office by the Reports Analysis Division of the Federal Election Commission in the normal course of carrying out its supervisory responsibilities.

II. FACTUAL AND LEGAL ANALYSIS

During the 1985-86 election cycle, Populist Party of the United States ("PPUS") failed to file four reports in a timely manner. The violations for the late filings of two reports (the 1985 Mid-Year and Year-End Reports) were resolved through conciliation in MUR 2187. The late filings of two other reports (the 1986 April Quarterly and Post-General Election Reports) are the subject of this MUR.

In a calendar year in which there is a regularly scheduled general election, all political committees, other than authorized committees of candidates, must file either monthly reports or a series of reports including Quarterly Reports and a Post-General

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Election Report. 2 U.S.C. § 434(a)(4)(A)(i) and (iii).

Quarterly Reports must be filed no later than the 15th day after the last day of each calendar quarter; the Post-General Election Report must be filed no later than the 30th day after the general election. Id.

On March 21, 1986, the Commission sent all unauthorized political committees, including PPUS, a Report Notice advising that the 1986 April Quarterly Report was due April 15, 1986. PPUS filed that report on June 2, 1986, 48 days late.

Accordingly, the General Counsel's Office recommends that the Commission find reason to believe PPUS violated 2 U.S.C. § 434(a)(4)(A)(i). PPUS's treasurer has stated that she filed the report late because she thought quarterly reports were required only in presidential election years.

On September 29, 1986, the Commission sent all unauthorized political committees, including PPUS, a Report Notice advising that the Post-General Election Report was due December 4, 1986. PPUS filed that report on January 9, 1987, 36 days late.

Accordingly, the General Counsel's Office recommends that the Commission find reason to believe PPUS violated 2 U.S.C.

§ 434(a)(4)(A)(iii). PPUS's treasurer has indicated that she filed the report late because she thought it was not required, since PPUS ran no candidates in the 1986 general election.

III. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe Populist Party of the United States and Faye Miller, as treasurer, violated 2 U.S.C.

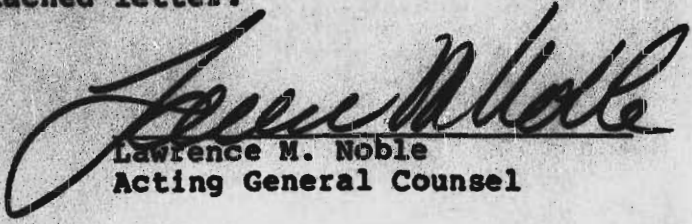
88040713967

SS 434(a)(4)(A)(i) and 434(a)(4)(A)(iii).

3. Approve the attached Factual and Legal Analysis.
4. Approve and send the attached letter.

Date

6/3/87


Lawrence M. Noble
Acting General Counsel

Attachments

- I. Referral
- II. Factual and Legal Analysis
- III. Letter

88040713968

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Populist Party of the United States)
and Faye Miller, as treasurer)

(MUR 2463)
RAD Ref. 87NF-82

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 8, 1987, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 87NF-82:

1. Open a MUR.
2. Find reason to believe Populist Party of the United States and Faye Miller, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and 434(a)(4)(A)(iii).
3. Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report signed June 3, 1987.
4. Approve and send the letter, as recommended in the First General Counsel's Report signed June 3, 1987.

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

Attest:

6-9-87

Date

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

Received in Office of Commission Secretary: Wed., 6-3-87, 4:13
Circulated on 48 hour tally basis: Thurs., 6-4-87, 11:00
Deadline for vote: Mon., 6-8-87, 11:00

88040713969



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 12, 1987

Faye Millor, Treasurer
Populist Party of the United States
1921 Summer Place Drive West
Mobile, Alabama 36618

RE: MUR 2463
Populist Party of the United
States and Faye Miller,
as treasurer

Dear Ms. Miller:

On June 8, 1987, the Federal Election Commission found that there is reason to believe Populist Party of the United States ("Committee") and you, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and 434(a)(4)(A)(iii), provisions 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 the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the 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 the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the 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, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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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 the 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 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 Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,



Scott E. Thomas
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form

88040713971

THE POPULIST PARTY OF THE UNITED STATES: 44

June 27, 1987

IN REPLY ADDRESS:

Office of the Treasurer
1921 Summer Place Dr West
Mobile, Al 36618

(205) 344-7956

TO: Members of the Executive Committee
California American Independent Party

FROM: Faye Miller - National Treasurer
Populist Party of the United States

SUBJECT: Collection of Funds and Payment of Debts for the Populist Party of the
United States by California American Independent Party

I am informed that the California American Independent Party is collecting funds for and intends to pay debts for the Populist Party of the U.S. thru its division, Operation Outreach.

The purpose of this letter is to bring to your attention the impropriety of the California AIP substituting itself for the duly elected Treasurer of the Populist Party by blatantly collecting funds, depositing these funds in its bank account and paying debts for the Party; all of which totally circumvents the office of the Treasurer.

Attached hereto is copy of excerpts from the "Federal Election Campaign Laws" which is self explanatory insofar as to who is responsible for the operation of the finances of the national committee of a political party. Additionally, I have NOT, as National Treasurer, delegated the authority to act as my designated agent to anyone or any group. Therefore, your usurpation of authority would certainly appear to be in violation of FEC regulations as well as being very improper.

Inasmuch as there has been many instances whereby Bill Shearer and I have disagreed about the handling of finances as between the San Diego establishment and the Treasurer's office, I can reasonably assume that you have been convinced of the merit of the California AIP assuming responsibility for the handling of funds for the Party. Likewise, I can reasonably assume he has informed you that the National Chairman, John Couture, agrees with him. However, I can find no regulation in the FEC Manual whereby either a Parliamentarian or a National Chairman is so authorized to delegate any authority pertaining to the finances of a political committee. I would appreciate knowing if any of you have such information available.

There are very good reasons why recent debts of the Populist Party have not been paid. None of these reasons involve any idiosyncrasy, hatefulness, mental incapacity, malfeasance or misfeasance on my part. The capriciousness on the part of those who demand blind allegiance and total control has been discussed many times recently, by phone and by correspondence; therefore, it is not unknown to anyone concerned that such will no longer be tolerated.

I, as well as others, have in the past unknowingly permitted blind allegiance and confidence to prevail, making it easy for those to manipulate the demise of the Populist Party in order that California could emerge as the leader of the new national or a rejuvenated national American Independent Party. While I may have unwittingly been involved in these maneuvers in the past, I certainly have no intention of further being a part of such a diabolical scheme. I trust the California AIP will not permit themselves to be used to drive yet another nail in the coffin of the Populist Party.

Faye Miller
Faye Miller
National Treasurer

(B) in the case of any other person, the full name and address of such person.

(14) The term "national committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission.

(15) The term "State committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level, as determined by the Commission.

(16) The term "political party" means an association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization.

(17) The term "independent expenditure" means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

(18) The term "clearly identified" means that—

(A) the name of the candidate involved appears;

(B) a photograph or drawing of the candidate appears; or

(C) the identity of the candidate is apparent by unambiguous reference.

(19) The term "Act" means the Federal Election Campaign Act of 1971 as amended.

§ 432. Organization of political committees

(a) Treasurer; vacancy; official authorizations. Every political committee shall have a treasurer. No contribution or expenditure shall be accepted or made by or on behalf of a political committee during any period in which the office of treasurer is vacant. No expenditure shall be made for or on behalf of a politi-

cal committee without the authorization of the treasurer or his or her designated agent.

(b) Account of contributions; segregated funds.

(1) Every person who receives a contribution for an authorized political committee shall, no later than 10 days after receiving such contribution, forward to the treasurer such contribution, and if the amount of the contribution is in excess of \$50 the name and address of the person making the contribution and the date of receipt.

(2) Every person who receives a contribution for a political committee which is not an authorized committee shall—

(A) if the amount of the contribution is \$50 or less, forward to the treasurer such contribution no later than 30 days after receiving the contribution; and

(B) if the amount of the contribution is in excess of \$50, forward to the treasurer such contribution, the name and address of the person making the contribution, and the date of receipt of the contribution, no later than 10 days after receiving the contribution.

(3) all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.

(c) Recordkeeping. The treasurer of a political committee shall keep an account of—

(1) all contributions received by or on behalf of such political committee;

(2) the name and address of any person who makes any contribution in excess of \$50, together with the date and amount of such contribution by any person;

(3) the identification of any person who makes a contribution or contributions aggregating more than \$200 during a calendar year, together with the date and amount of any such contribution;

(4) the identification of any political committee which makes a contribution, together with the date and amount of any such contribution; and

(5) the name and address of every person to whom any disbursement is made, the date, amount, and purpose of the disbursement, and the name of the candidate and the office sought by the candidate, if any, for whom the disbursement was made, including a receipt, invoice, or cancelled check for each disbursement in excess of \$200.

WILLIAM K. SHEARER
8158 PALM STREET
LEMON GROVE, CA 92045

Rec'd
6-10-87
fym

June 8, 1987

Mr. John M. Couture, Chairman
Populist Party of the United States
13131 West Janesville Road
Hales Corners, WI 53130

Dear John:

I have not heard from you since our telephone conversation of last Tuesday morning. Therefore, I presume that the situation with Mrs. Miller is at an impasse, and that neither of my suggested resolutions of the problem are satisfactory.

That being the case, I have no assurance that the contributions which I have solicited from others for placement in her hands will be used to retire the obligations to creditors for which the funds were contributed.

Under the circumstances, I have no recourse save to resign the office of Parliamentarian, and my membership on the National Committee and Executive Committee of the Populist Party. You may consider this letter my resignation from each of these positions effective immediately. I will take no further part in the making of any decisions for or on behalf of the Populist Party, nor will I assume any responsibility for such decisions.

As I mentioned to you on the telephone, Mr. Bedsole, the Alabama lawyer, has attempted to reach me by telephone, and I presume that he wishes to discuss the Liberty Lobby suit against the party. I have written Mr. Bedsole and advised him to contact you for direction. A copy of my letter to him is enclosed.

I realize that the party has a number of unresolved financial problems, but I believe I have done more than my fair share in attempting to solve these problems. When I talk to you I will be prepared to propose a reasonable resolution of this and other problems. I am currently preparing a list of the remaining problems known to me, and will be contacting you this week to discuss these matters including the substantial loan which I made to the party on or about March 7, 1987, and which has not been repaid.

Meanwhile, I have returned to the contributors all of the contributions which I solicited for the party, since I cannot be sure that they will be used for their intended purpose.

88040713974

Page 2

I regret the necessity of this letter, because I appreciate you, and have enjoyed working with you, and my other friends on the National Committee and the Executive Committee, in the effort to build the Populist Party. Life is too short, however, to put up with abuse and duplicity from Mrs. Miller.

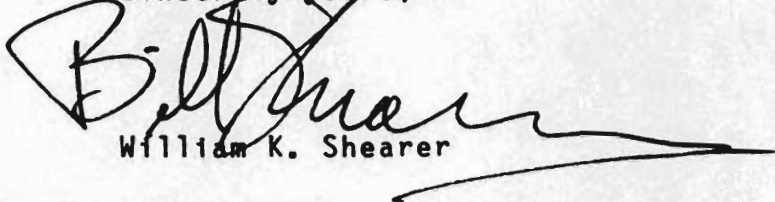
While writing, I should make two additional points.

First, this letter is not intended to affect the membership status of the American Independent Party of California in the National Committee of the Populist Party. Membership in the National Committee is a decision made by the American Independent Party's State Central Committee under the election laws of the State. My resignation is personal to me, alone, and is not intended to reflect or influence any past or future action of the State Central Committee with regard to national committee membership.

Second, this letter is not submitted for purposes of pressure. My decision to resign was not easily reached, but having been made, it is not revocable. I shall be going into the hospital, this week, for further surgery on my foot, and, because there is more infection, I cannot be sure of the length of the hospitalization, or the recuperation period. Eileen is still incapacitated from her injuries, and, from a personal standpoint, I am not in a position to take on any more responsibilities, particularly those involving threats and attempts to annoy, harass, and embarrass me by a person who has a duty equal to my own to seek constructive resolution of the party's problems, but who refuses to honor that duty.

I wish you and the Populist Party success, and genuinely regret that I am no longer able to serve.

Sincerely yours,


William K. Shearer

CC: All members of the national Executive Committee, Populist Party of the United States

Nicholas W. Kudrovzeff, State Chairman,
American Independent Party

88040713975

WILLIAM K. SHEARER

8158 PALM STREET
LEMON GROVE, CA 92045

June 8, 1987

Billy C. Bedsole, Esq.
Stockman & Bedsole
3280 Dauphin Street, Bldg. C
Mobile, AL 36608

Dear Mr. Bedsole:

This letter will inform you that I have resigned as an officer, and member of the National Committee and Executive Committee of the Populist Party of the United States.

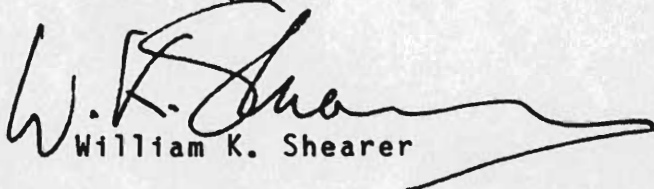
I am aware that you attempted to reach me by telephone, last week, but I am preparing to go back into the hospital for further surgery, and have been extremely busy in taking care of matters concerning my practice which must go forward during my hospitalization.

John M. Couture is the National Chairman of the Populist Party, and an attorney. He may be reached at 13131 West Janesville Road, Hales Corners, Wisconsin 53130, (414) 425-8181. Please contact him for further guidance from the Populist Party as to the Liberty Lobby law suit in which you represent the party.

If, at any time, there is information available to me which will assist you in the party's defense, be assured of my cooperation in providing it. However, I will not be making or participating in any further decisions of the party with regard to the law suit, or any other matter, and will assume no responsibility for any such decisions of their consequences.

With kindest personal regards, I remain

Sincerely yours,


William K. Shearer

CC: John M. Couture

88040713976

1921 Summer Place Drive West
Mobile, Al 36618

May 20, 1987

Dear Bill:

I am shocked that you would assume the position and attitude regarding the finances that you expressed in your telephone conversation. So, in another of my many endeavors to "keep the train on the track" I will reiterate the thoughts surrounding my, as you call it, "conduct". True, I have in the past followed your instructions. However, in this instance I feel my interpretation of the FEC regulations, audit procedures and intent of the motion of the Executive Committee is more correct than yours. I do not feel it prudent to follow your instructions for reasons outlined below:

1. You must remember that during the Executive Committee meeting in Dallas a motion was made and passed - and made by you, I believe - whereby only certain bills were to be paid. These "certain" bills were itemized by you and you spoke at length on the importance of adhering strictly to this list. I did not make notes on this, relying on the Minutes for guidance. I do not yet have a copy of these Minutes, even though some 6 weeks has elapsed since the March 7 meeting in Dallas. In addition to not having the Minutes to ascertain which of the \$1,244.98 bills mailed to me were on the list approved for payment, as I mentioned to you on the phone, certain of these are not properly documented for payment. By properly documented I mean there is no invoice, only statements. Perhaps in California an invoice is not required; however, down here in the South an accountant would certainly take exceptions to this. Likewise, I suspect the FEC auditors would comment unfavorably on this type of record keeping. INasmuch as the responsibility in both these instances rests on the person signing the check, suffice it to say that I do not wish to be placed in this untenable position. You must know that I have made every endeavor possible to elicit cooperation from the San Diego office in securing the records necessary to complete the financial files - records, I might add, that I was promised by Nancy each and every time I asked for them. The fact that I sent the checks before I secured the records is a weakness of mine in the past - not something that I have any intention of repeating from henceforth on. Why can't these records be brought up to date? These requests were made many months ago - and during a period of time when 80 man hours a week were being paid for, and during which time there is no doubt but that there was ample idle time in which either Nancy or Donna or both could have properly discharged this requirement. The excuse that Nancy is busy taking care of her mother just simply does not wash - we're not talking about a job that would require more than a total of less than 8 hours even if it had to have been done since Donna left the latter part of March. I have made every reasonable offer a person could be expected to make - including that I would make the copies at my expense if Nancy wold send me the loose leaf notebook in which she keeps a copy of everything - the same notebook she had in Los Angeles. I would be happy to make the copies and return the notebook and contents to her. Is there really some good reason why you all have chosen to be so obstinate?

2. Another matter that should be discussed and decided - again a need for the Minutes arises. Acknowledgement of debts and priority of payments is an absolute essential need - and I do not mean that priority is to be established by the San

88040713972

Bill Shearer - continued

Page -2-

Diego office - a practice that seems to be in vogue insofar as the Populist Party is concerned. This, even to the point of sidestepping the Executive Committee members in the process of making the decision as to what expenses were due and payable and in what order payment should be effected. It has not been my experience in some 40 years in the business world, 35 of which has been spent closely connected with the accounting profession, that the officers of the Board, most particularly the Treasurer, is by-passed in the decision making process, in favor of an employee making the decision as what expenses have accrued, and in what order payment will be effected. (See my letter of March 2 to Nancy).

Which brings us to another matter deserving of comment. I mailed my personal check in the amount of \$1,000. - as I agreed in Dallas I would do - to Nancy somewhere around April 11. If you remember, she specified that I send this check to her and that she would return it to me for deposit. She did return it to me - some weeks later - at the same time she enclosed an additional \$456.18, a total of \$1,456.18 for deposit. And enclosed along with this deposit was bills totaling \$1,244.98 - all for expenses incurred in San Diego, for the San Diego office. If my math serves me correctly, after making this deposit, paying these bills, there would have been \$211.20 remaining. That is, assuming I was stupid enough to deposit my personal check into an account solely for the purpose of paying bills claimed to be "payable" for the operation of the S.D. office, bearing in mind that (1) these bills were not properly documented, (2) I had no Minutes to support any payment (3) last, but not least no mention or acknowledgement of the fact that there is outstanding payroll taxes (a priority item above everything except a first mortgage) possible - no, probably - additional attorney fees for the \$289,000 lawsuit here in Federal Court, and other items of obligations. Of course, it does not require a genius to understand that the only concern is the payment of bills for the S.D. office. Likewise, it would require less than the intelligence of an imbecile to have permitted personal money to be used thusly, even if all other factors were correct. Accordingly, I did not deposit my check; therefore, there was only \$456.18 deposited.

Insofar as your refusal to send the money contributed by others for the Populist Party because you don't appreciate my attitude, I believe the above clearly defines my position on the operational procedures of the Treasurer's office and further clearly explains the reason for the recent submittal of bills referred to by you in the telephone conversation not being paid. If, to secure from you the contributions made by others for the use of the Populist Party, entails my having to abide by your personal rules rather than those of the governing body, the FEC and professional propriety, then as I told you, you will have to assume the responsibility for your own actions.

Also, Bill, you speak eloquently of "fiscal responsibility" as if you have a monopoly on it. Further, that you are embarrassed by the bills of the Party not being paid promptly...let me remind you that, to my knowledge, none of this has ever cost you one penny. This does not negate the fact that you have spent time on party business, but I speak of your having lost money on Party affairs. That I could say the same...just this year it has cost me an additional \$1640.00 just to take care of my personal business - to clear titles

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Bill Shearer - continued

Page -3-

on property which were clouded by the \$289,000 lawsuit with my name on it.. Perhaps you've forgotten that when this suit is heard, we will be faced with the fact that at the Executive Committee Meeting in Washing in November 1984 you yourself proposed a Resolution, which passed, accepting \$264,888.80 due Liberty Lobby and Cordite Fidelity Corporation...(I am reading from a set of the Minutes of this meeting, Page 8).

As I have told you when things have become "sticky" lately between you and I --- I hope we can keep this between the two of us and iron these matters out without any widespread knowledge of any differences.

Faye

88040713979

THE POPULIST PARTY OF THE UNITED STATES

Administrative Office
3435 Camino del Rio South
Suite 318
San Diego, CA 92108

Mailing Address
6065 Mission Gorge Road
Box 211
San Diego, CA 92120

Chairman
JOHN M. COUTURE
13131 W. Janesville Rd.
Hales Corners, WI 53130
(414) 425-8181

Vice-Chairman
MAUREEN SALAMAN

Secretary
DON KIMBALL

Treasurer
FAYE MILLER

Parliamentarian
WILLIAM K. SHEARER

(619) 282-5614

June 4, 1987

Mrs. Faye Miller, Treas.
Populist Party Of The United States
1921 Summer Place Drive, W.
Mobile, Alabama 36618

Dear Faye,

I talked with Bill today following my conversation with you. He confirmed that his foot is in bad shape and he goes into the hospital for surgery next week. He advises me that he does not wish to transmit the funds he has collected from California AIP members for the purpose of paying off the obligations of the national Populist Party.

I do not wish to misstate his reasons but I think it is fair to say that he believes there have been unnecessary delays, hassles and squabbles between your office and the San Diego office over claimed insufficiencies in billings and invoices, and, as a result, inappropriate delays in the transmission of checks to creditors. He has requested that I seek your permission to name an assistant treasurer from the southern California area, and to open a second bank account there, in order to expedite accounting and payment procedures. You would receive a full and detailed accounting of every transaction, would retain total authority as Treasurer and would not, of course, be expected to file any required reports that were not fully supported in accordance with recognized accounting standards.

In the absence of such procedure, under the circumstances which obviously govern this affair, Party obligations simply will not be paid and Bill has stated that he will submit his resignation. Clearly, these are eventualities which just cannot be permitted to occur. Failure to meet our obligations would, as a practical matter, spell the end of this organization. It would leave the mercenaries and their sycophants (Carter et al) enthroned and unchallenged. Notwithstanding your differences with Nancy's conduct of her office, it is generally beyond argument that Bill's strengths, insights, experience, guidance, and legal work on behalf of the Party have been its mainstay, keel and anchor. This observation is not intended to diminish in any measure whatsoever the invaluable services you have performed-- and performed, moreover, in the center of an arena which none of us dreamed would exist.

However, if we are to continue, not under the luxury of the ideal circumstances that we all might hope existed, but under the harsh realities

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which actually confront us here and now, we have little alternative other than to proceed as suggested. Any resignations at this time would only benefit those who are determined to keep us divided. As I indicated to you in strictest confidence, I am going to quietly move for a merger of all patriotic, constitutionally directed, like minded "third party" units-- Libertarian, Populists of U.S., Populists of America, American, Constitutional, etc.-- by soliciting the cooperation of the putative presidential candidates of these groups, and using those candidates' joined, agreed upon, unified, single party strategy to solicit/persuade/force the unification of the leadership of these parties and the members whom they claim to represent, We must present the Populist Party of the United States as a strong, cohesive organization at the directorship level, otherwise this proposal will not be given serious consideration; and I believe it is our one last realistic hope of succeeding politically against the Establishment's one world, socialistic juggernaut.

Please advise me of your decision with respect to this request at your earliest convenience. I will call a Board meeting to take up this matter, and any other business that ought to properly come before us, for either June 14th or 15th, '87.

My very best regards,



John M. Couture

JMC:jc

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RECEIVED COPY

CCC# 3802

RECEIVED AT THE FEC

THE POPULIST PARTY OF THE UNITED STATES

87 JUL 6 10:44

IN REPLY ADDRESS:

Office of the Treasurer
1921 Summer Place Drive West
Mobile, Al 36618

(205) 344-7956

June 30, 1987

Mr. Robert Raich
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2463

Dear Sir:

In answer to your letter of June 12, received June 20, regarding the above mentioned MUR 2463 which involves the late filing of April 1986 Quarterly Report and the Post General Election Report. I do not have Counsel available for this matter and ask that you consider the following an official answer to this MUR.

1. APRIL 1986 QUARTERLY REPORT

In October 1986 at the time of the settlement of MUR 2187 involving other late filings, I especially requested that the then Counsel, William K. Shearer, discuss this April late filing with the Commission. I was later told by Mr. Shearer that this April late filing had been taken care at the time of the settlement of MUR 2187. Mr. Shearer has resigned from the Populist Party and matters are such that I am unable to further discuss this with him

The reason for the late filing of this report is as stated in your letter - I was not aware this should be filed.

2. POST GENERAL REPORT

Again, the reason for the late filing of this report is as stated in your findings; I was not aware that with no candidates we were subject to the filing of this report.

3. CONCILIATION

Insofar as requesting that conciliation be pursued in this matter, I do not feel that I am in a position to take the Commission's time in this respect as I no longer am the recipient of funds, nor do I disburse funds on behalf of the Party. Therefore, I cannot speak in matters of finances with any authority nor could I obligate the Party for the payment of any assessment which might be arrived at as the result of conciliation. You can see from the attached correspondence that the administering of collections and payments has been delegated to the California AIP thru its organization Operation Outreach. I have received no funds from the Populist Party San Diego office since early April. The balance in the bank is presently approximately \$200.00.

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

87 JUL 6 10:41

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Federal Election Commission
continued - Page 2.

Attached correspondence is that involved in the placing of the duties of the Treasurer outside my reach, thereby causing my inability to properly attend to this or any other matter involving the finances of the Party. I will file the June 30 semi-annual report - based on the information available to me - within the next two weeks.

Please advise if I can be of further assistance.

Very truly yours

Faye Miller
Faye Miller

Encl

88040713983



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO:

**LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL**

FROM:

MARJORIE W. EMMONS/JOSHUA MCFADDEN *JM*

DATE:

SEPTEMBER 10, 1987

SUBJECT:

**COMMENTS TO MUR 2463 - General Counsel's Report
Signed September 1, 1987**

Attached is a copy of Commissioner Thomas's vote sheet with comments regarding the above-captioned matter.

Attachment:
copy of vote sheet

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BALLOT

SENSITIVE



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DATE & TIME TRANSMITTED: Wednesday, Sept. 2, 1987, 11:00

COMMISSIONER: AIKENS, ELLIOTT, JOSEPIAK, McDONALD, McGARRY, [REDACTED]

RETURN TO COMMISSION SECRETARY BY Wednesday, September 9, 1987, 4:00

SUBJECT: MUR 2463 - General Counsel's Report
Signed September 1, 1987

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FEDERAL ELECTION COMMISSION
SECRETARIAT
87 SEP -9 PM 5:07

- (✓) I approve the recommendation
() I object to the recommendation

COMMENTS: Several corrections in agreement required See J. Bowman

DATE: 9/9/87

SIGNATURE [Signature]

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.
PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.
PLEASE RETURN BALLOT NO LATER THAN DATE AND TIME SHOWN ABOVE.

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Populist Party of the United)
States and Faye Miller, as)
treasurer)

MUR 2463

87 SEP -1 PM 1:26

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FEDERAL ELECTION COMMISSION
SECRETARIAT

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 12, 1987, the Commission notified the respondents of the Commission's reason to believe finding that they violated 2 U.S.C. §§ 434(a)(4)(A)(i) and 434(a)(4)(A)(iii) by filing their 1986 April Quarterly and Post-General Election Reports late. On July 6, 1987, the Office of the General Counsel received a reply (Attachment I) in which respondents indicate that they filed the quarterly report late because they thought quarterly reports were required only in presidential election years. The respondents also indicate that they filed the Post-General Election Report late because they believed filing a Post-General Election Report was unnecessary when no Populist Party candidates ran in the 1986 general election.

The respondents request conciliation prior to a finding of probable cause to believe. (Attachment II) This Office recommends that the Commission enter into conciliation with the respondents at this time.

II. DISCUSSION OF CONCILIATION PROVISIONS

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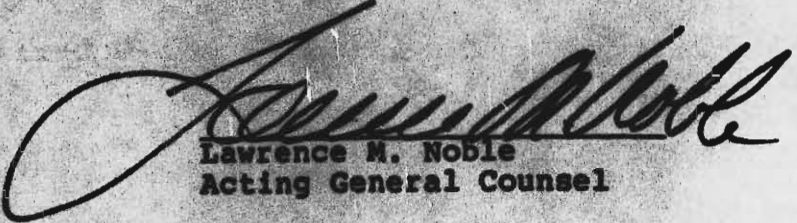
III. RECOMMENDATIONS

1. Enter into conciliation with Populist Party of the United States and Faye Miller, as treasurer, prior to a finding of probable cause.

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

Date

9/1/87


Lawrence M. Noble
Acting General Counsel

Attachments

- I. Reply to reason to believe notification
- II. Conciliation request
- III. Proposed conciliation agreement
- IV. Letter

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Populist Party of the United) MUR 2463
States and Faye Miller, as)
treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 9, 1987, the Commission decided by a vote of 5-0 to take the following actions in MUR 2463:

1. Enter into conciliation with Populist Party of the United States and Faye Miller, as treasurer, prior to a finding of probable cause.
2. Approve the conciliation agreement, as recommended in the General Counsel's report signed September 1, 1987.
3. Approve and send the letter, as recommended in the General Counsel's report signed September 1, 1987.

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

Attest:

9-10-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Tues., 9-1-87, 1:26
Circulated on 48 hour tally basis: Wed., 9-2-87, 11:00
Extended Deadline for vote: Wed., 9-9-87, 4:00

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 16, 1987

Faye Miller, Treasurer
Populist Party of the United States
1921 Summer Place Drive West
Mobile, Alabama 36618

RE: MUR 2463
Populist Party of
the United States
and Faye Miller,
as treasurer

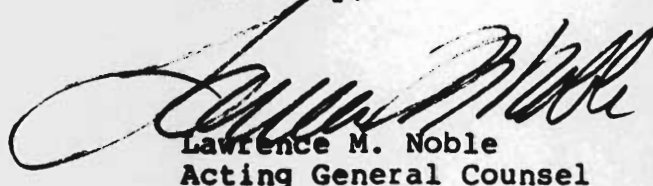
Dear Ms. Miller:

On June 8, 1987, the Federal Election Commission found reason to believe that Populist Party of the United States and you, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and 434(a)(4)(A)(iii). At your request, on September 9, 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 Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

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004626

THE POPULIST PARTY OF THE UNITED STATES

IN REPLY ADDRESS:

Office of the Treasurer
1921 Summer Place Drive West
Mobile, Al 36618

(205) 344-7956

October 15, 1987

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
87 OCT 26 AM 10:46

Mr. Robert Raich
Federal Election Commission
999 "E" Street
Washington, D.C. 20463

Re: MUR 2463

Dear Mr. Raich:

In answer to the letter regarding penalties assessed in the above mentioned case. I have done my very best to get John Couture, the Party Chairman, to call an Executive Committee (telephonic) for the purpose of straightening out all the financial problems existing, not the least of which is the ones pertaining to the above. The last Board meeting was held on March 7 and I have been unable to elicit any cooperation from the Chairman in these endeavors in spite of the fact that I have made requests even by Federal Express and am sure, beyond a doubt, that the correspondence was received by him.

Apparently whatever debts that have been paid have been paid by the San Diego people and at their discretion as to priority. I am aware that some of the Party debts have been paid by the group known as "Operation Outreach", an affiliate of the California American Independent Party. I have no record of these acts on behalf of this group but am told by vendors (California) that they have received checks from this group for payment of Populist Party bills.

Of Bill Shearer's own admission ^{was} there at one time some \$4,000 plus dollars that had come into the San Diego office. He stated in one of his letters that he would not send this money to me as he did not feel I would handle the payments of debts as they should be handled.

At the present time I have received, since March less than \$300.00 for deposit. It is therefore, necessary that I go ahead with the maximum offer to you that is represented by the bank balance of \$264.00. Obviously whatever monies which may be coming in is is not being forwarded to me.

In view of this will you please consider the \$264. as payment of the assessment in this case.

If further information is needed, please advise.

Very truly yours,

Faye D. Miller
Faye D. Miller

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October 22, 1987

Mr. Raich:

Prior to the mailing of the attached letter last week, I learned it might be possible to get an Executive Committee meeting arranged for this week. However, as of this date, I do not see any positive action in this endeavor, therefore I am going ahead with the mailing of this letter.

Should any further developments occur, I will notify you immediately.

Faye Miller
Faye Miller

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87 OCT 26 AM 9:23

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FEDERAL ELECTION COMMISSION
MAIL ROOM

88 JAN 20 PM 4:59

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Populist Party of the United)
States and Faye Miller, as)
treasurer)

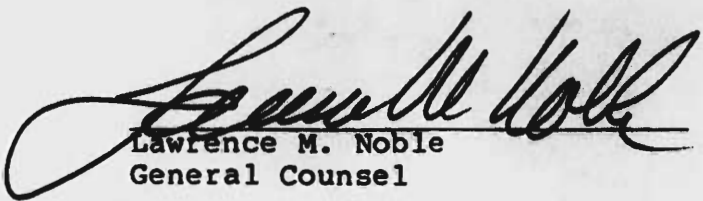
MUR 2463

GENERAL COUNSEL'S REPORT

The Office of the General Counsel is prepared to close the investigation in this matter as to Populist Party of the United States and Faye Miller, as treasurer, based on the assessment of the information presently available.

Date

1/20/88


Lawrence M. Noble
General Counsel

Staff Person: Robert Raich

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

88 JAN 25 PM 1:00

January 25, 1988

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble *LMN*
General Counsel

SUBJECT: MUR 2463

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 were mailed on January 25 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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 25, 1988

Ms. Faye Miller, Treasurer
Populist Party of the United States
1921 Summer Place Drive West
Mobile, Alabama 36618

RE: MUR 2463
Populist Party of the
United States and
Faye Miller, as
treasurer

Dear Ms. Miller:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by you, the Federal Election Commission on June 8, 1987, found reason to believe that Populist Party of the United States and you, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and 434(a)(4)(A)(iii), 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 a violation 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 (ten 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 occurred.

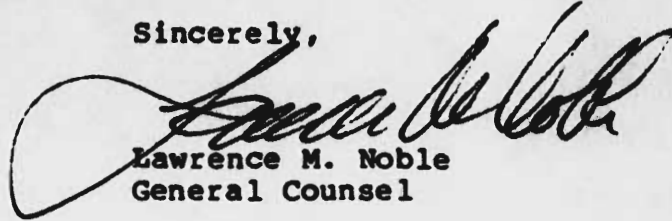
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If you are unable to file a response brief within 15 days, you may submit a written request to the Commission for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause 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 conciliation.

Should you have any questions, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Brief

88040713996

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Populist Party of the United)
States and Faye Miller, as)
treasurer)

MUR 2463

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter was referred to the General Counsel's Office by the Reports Analysis Division of the Federal Election Commission in the normal course of carrying out its supervisory responsibilities. During the 1985-86 election cycle, Populist Party of the United States ("PPUS"), among other things, failed to file its 1986 April Quarterly Report and its 1986 Post-General Election Report in a timely manner.

II. ANALYSIS

In a calendar year in which there is a regularly scheduled general election, all political committees, other than authorized committees of candidates, must file either monthly reports or a series of reports including Quarterly Reports and a Post-General Election Report. 2 U.S.C. § 434(a)(4)(A)(i) and (iii). Quarterly Reports must be filed no later than the 15th day after the last day of each calendar quarter; the Post-General Election Report must be filed no later than the 30th day after the general election. Id.

On March 21, 1986, the Commission sent all unauthorized political committees, including PPUS, a Report Notice advising that the 1986 April Quarterly Report was due April 15, 1986.

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PPUS filed that report on June 2, 1986, 48 days late.

Accordingly, the General Counsel's Office recommends that the Commission find probable cause to believe PPUS violated 2 U.S.C. § 434(a)(4)(A)(i).

On September 29, 1986, the Commission sent all unauthorized political committees, including PPUS, a Report Notice advising that the 1986 Post-General Election Report was due December 4, 1986. PPUS filed that report on January 9, 1987, 36 days late. Accordingly, the General Counsel's Office recommends that the Commission find probable cause to believe PPUS violated 2 U.S.C. § 434(a)(4)(A)(iii).

PPUS's treasurer has stated that she filed the 1986 April Quarterly Report late because she thought quarterly reports were required only in presidential election years. PPUS's treasurer has further indicated that she filed the 1986 Post-General Election Report late because she thought it was not required since PPUS ran no candidates in the 1986 general election. The mistaken assumptions of PPUS's treasurer do not negate the violations in this matter, and, at best, may be considered in mitigation during the conciliation process.

III. GENERAL COUNSEL'S RECOMMENDATION

Find probable cause to believe Populist Party of the United States and Faye Miller, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and 434(a)(4)(A)(iii).

Date

1/22/88

Lawrence M. Noble
General Counsel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 10, 1988

CERTIFIED MAIL--
RETURN RECEIPT REQUESTED

Ms. Faye Miller, Treasurer
Populist Party of the United States
1921 Summer Place Drive West
Mobile, Alabama 36618

Re: MUR 2463
Populist Party of the
United States and
Faye Miller, as
treasurer

Dear Ms. Miller:

This letter is sent pursuant to your February 8, 1988, telephone conversation with Robert Raich. Because you report that you did not receive the General Counsel's Brief with the Commission's letter dated January 25, 1988, enclosed herewith is a copy of that letter and the Brief which should have accompanied it.

If you have any questions, please contact Mr. Raich.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosure

Letter dated 1/25/88, with General Counsel's Brief

88040713999

88 APR 15 PM 12:01

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Populist Party of the United
States and Faye Miller, as
treasurer

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)
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)

MUR 2463

SENSITIVE
EXECUTIVE SESSION
APR 28 1988

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On February 22, 1988, the respondents received the General Counsel's Brief recommending findings of probable cause to believe they violated 2 U.S.C. §§ 434(a)(4)(A)(i) and 434(a)(4)(A)(iii). Though the respondents repeatedly stated that they would submit a reply brief, no brief has been received.

For the reasons stated in the General Counsel's Brief, this Office recommends that the Commission find probable cause to believe Populist Party of the United States and its treasurer violated 2 U.S.C. §§ 434(a)(4)(A)(i) and 434(a)(4)(A)(iii).

II. DISCUSSION OF CONCILIATION PROVISIONS

88040714000

88040714001

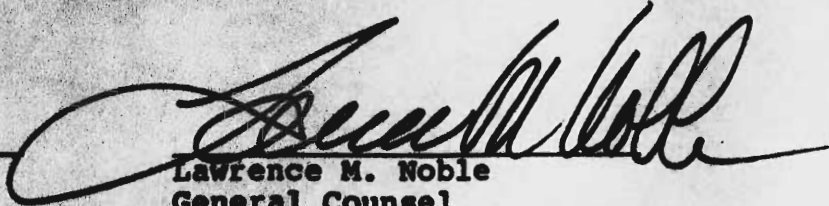
The General Counsel's Office recommends that the Commission approve the attached conciliation agreement.

III. RECOMMENDATIONS

1. Find probable cause to believe Populist Party of the United States and Faye Miller, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and 434(a)(4)(A)(iii).
2. Approve the attached conciliation agreement.
3. Approve and send the attached letter.

Date

4/14/88


Lawrence M. Noble
General Counsel

Attachments

- I. Conciliation Agreement
- II. Letter

Staff Member: Robert Raich

88040714002

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Populist Party of the United) MUR 2463
States and Faye Miller, as)
treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session of April 28, 1988,
do hereby certify that the Commission decided by a vote of 6-0
to take the following actions in MUR 2463:

1. Find probable cause to believe Populist Party
of the United States and Faye Miller, as
treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)
(i) and 434(a)(4)(A)(iii).
2. Approve the conciliation agreement attached
to the General Counsel's report dated
April 14, 1988
3. Approve and send the letter attached to the
General Counsel's report dated April 14, 1988.

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

Attest:

4-28-88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

88040714003



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 3, 1988

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Faye Miller, Treasurer
Populist Party of the United States
1921 Summer Place Drive West
Mobile, Alabama 36618

RE: MUR 2463
Populist Party of the
United States and
Faye Miller, as
treasurer

Dear Ms. Miller:

On April 28, 1988, the Federal Election Commission found that there is probable cause to believe Populist Party of the United States and you, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and 434(a)(4)(A)(iii), provisions of the Federal Election Campaign Act of 1971, as amended, in connection with reports not filed 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.

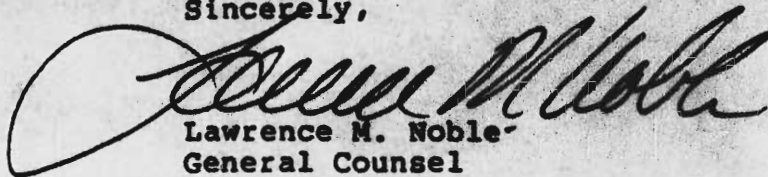
Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission accept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

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Ms. Faye Miller
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 Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

88040714005

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Populist Party of the United)
States and Faye Miller, as)
treasurer)

MUR 2463

GENERAL COUNSEL'S REPORT

SENSITIVE

88 AUG 11 13:11:21

FEDERAL ELECTION COMMISSION

I. BACKGROUND

On April 25, 1988, the Commission found probable cause to believe the respondents violated the Act by filing two reports late, and approved a conciliation agreement in settlement of this matter.

II. DISCUSSION OF CONCILIATION PROVISIONS

88040714006

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Populist Party of the United)
States and Faye Miller, as)
treasurer)

MUR 2463

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 16, 1988, the Commission decided by a vote of 5-0 to take the following actions in MUR 2463:

1. Accept the respondents' counteroffer, as recommended in the General Counsel's report signed August 10, 1988.
2. Close the file.
3. Approve and send the letter, as recommended in the General Counsel's report signed August 10, 1988.

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

Attest:

8/16/88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary:	Thurs.,	8-11-88,	11:20
Circulated on 48 hour tally basis:	Thurs.,	8-11-88,	4:00
Deadline for vote:	Mon.,	8-16-88,	4:00

88040714007



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 22, 1988

Faye Miller, Treasurer
Populist Party of the United States
1921 Summer Place Drive West
Mobile, Alabama 36618

RE: MUR 2463
Populist Party of the
United States and Faye
Miller, as treasurer

Dear Mrs. Miller:

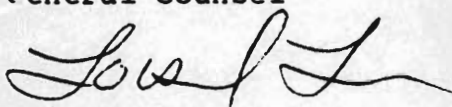
On August 16, 1988, the Federal Election Commission accepted the signed conciliation agreement submitted on your behalf in settlement of violations of 2 U.S.C. §§ 434(a)(4)(A)(i) and 434(a)(4)(A)(iii), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been 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 Robert Raich, 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

88040714008

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Populist Party of the United)
States and Faye Miller, as)
treasurer)

MUR 2463

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 Populist Party of the United States and Faye Miller, as treasurer, ("Respondents") violated 2 U.S.C. §§ 434(a)(4)(A)(i) and 434(a)(4)(A)(iii).

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. Populist Party of the United States is a political committee within the meaning of 2 U.S.C. § 431(4).

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2. Faye Miller is the treasurer of Populist Party of the United States.

3. Respondents were required to file a 1986 April Quarterly Report by April 15, 1986; that report was filed on June 2, 1986, 48 days late.

4. Respondents were required to file a 1986 Post-General Election Report by December 4, 1986; that report was filed on January 9, 1987, 36 days late.

V. 1. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), political committees not authorized by candidates must file quarterly reports in a calendar year in which a regularly scheduled general election is held no later than the 15th day after the last day of each calendar quarter, except that reports for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iii), political committees not authorized by candidates must file post-general election reports no later than the 30th day after the general election.

2. Respondents failed to file a timely 1986 April Quarterly Report, in violation of 2 U.S.C. § 434(a)(4)(A)(i). Respondents failed to file a timely 1986 Post-General Election Report, in violation of 2 U.S.C. § 434(a)(4)(A)(iii).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Five Hundred and No/100 (\$500.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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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 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 enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

By:

Lois G. Lerner
Associate General Counsel

Date

8/19/88

FOR THE RESPONDENTS:

Jay G. Miller

Date

7-13-88

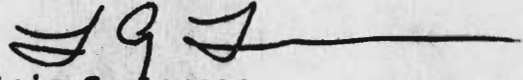
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III. RECOMMENDATIONS

1. Accept the respondents' counteroffer
2. Close the file
3. Approve and send the attached letter.

Lawrence M. Noble
General Counsel

8/10/88


By: Lois G. Lerner
Associate General Counsel

Attachments

- I. Counteroffer
- II. Letter

88040714012



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2463

DATE FILMED 9/9/00 CAMERA NO. 2

CAMERAMAN B.A.U.

88040714013



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE FILE IN

MUR 2463

89040725241

0 GC-796

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

88 OCT 28 AM 8: 34

1921 Summer Pl Dr W

Mobile, Al 36618

October 25, 1988

CLOSED

Mr. Robert Raich
Federal Election Commission
999 "E" Street NW
Washington, D.C. 20463

Dear Mr. Raich:

Attached is letter directed to your Records Department which is self explanatory.

I would appreciate your help in having this information forwarded as soon as possible in order that I can have access to any information contained on any of these reports which might be pertinent to the latest MUR regarding reports I have filed.

I will forward to you the remianing \$234 necessary to close MUR 2463. on this Friday.

Very truly yours,

Faye G. Miller

Faye G. Miller
National Treasurer
Populist Party of the United States

RECEIVED
FEDERAL ELECTION COMMISSION
88 OCT 28 AM 11:12

8 9 0 4 0 7 2 5 2 4 2

OGC#943

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

88 NOV -7 AM 10: 00

CLOSED

1921 Summer Place Dr West
Mobile, Al 36616

November 1, 1988

Mr. Robert Raich
Federal Election Commission
999 "E" St NW
Washington, D.C. 2006

Re: MUR 2463

Dear Sir:

Attached is money order in the amount of \$235.00. This is final payment of the \$500.00 penalty assessed on the above mentioned MUR: late filing penalty for two reports.

My paying this \$500.00 from my personal funds should not be construed that I agree the Federal Election Commission should, under any conditions, be permitted to hold a Treasurer of a political committee personally responsible for payment of penalties assessed against the political committee, and most particularly against the Treasurer of a defunct political committee.

Very truly yours, .

Faye G. Miller

Faye G. Miller

Encl. 1

88 NOV -7 PM 3:43

RECEIVED
FEDERAL ELECTION COMMISSION

8 9 0 4 0 7 2 5 2 4 3

UNITED STATES OF AMERICA POSTAL MONEY ORDER

39757535572 881101 366180 235*00

PAY TO		SERIAL NUMBER		YEAR MONTH DAY		POST OFFICE		U.S. DOLLARS AND CENTS	
FEDERAL ELECTION COM						FAYE MILLER PPUS			
STREET 999 "E" ST NW						1921 SUMMER PL DR W			
CITY WASHINGTON D.C.		STATE D.C.		ZIP 200063		CITY MOBILE AL		STATE AL ZIP 36618	
MONEY ORDER					FINAL PMT IN FULL - INV.				

00000080020

39757535572

OGC# 943

03 NOV -7 PM 3:43

MEMORANDUM

TO: DEBRA A. TRIMIEW

TO: CECILIA LIEBER

FROM: CECILIA LIEBER

FROM: DEBRA A. TRIMIEW

M.O.
CHECK NO.

{ A COPY OF WHICH IS ATTACHED } RELATING TO

MUR 2463 AND NAME Faye Miller

WAS RECEIVED ON 11-7-88. PLEASE INDICATE THE ACCOUNT INTO

WHICH IT SHOULD BE DEPOSITED:

/ / BUDGET CLEARING ACCOUNT { 95F3875.16 }

/ ✓ / CIVIL PENALTIES ACCOUNT { 95-1099.160 }

/ / OTHER

SIGNATURE Retha L. Dixon DATE 11-9-88