



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2484

DATE FILMED 3/25/88 CAMERA NO. 4

CAMERAMAN GPC

88040584019



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20542

May 22, 1987

MEMORANDUM

TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

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

SUBJECT: QUARTERLY FILERS (UNAUTHORIZED COMMITTEES) WHICH
FAILED TO FILE THE 1986 12 DAY PRE-GENERAL REPORT
BY ELECTION DAY

The attached list of unauthorized committees consists of forty-nine (49) quarterly filers which failed to file a 1986 12 Day Pre-General Report by Election Day, November 4, 1986. In accordance with Standard 3 of the RAD Review and Referral Procedures, further examination is required by your office.

Unlike the mandatory reporting requirement placed upon monthly filers, 2 U.S.C. §434(a)(4)(A)(ii) requires quarterly filers to submit 12 Day Pre-General Reports only if the committees make contributions to or expenditures on behalf of federal candidates involved in the general election. All unauthorized committees were sent prior notification regarding the pre- and post-general filing requirements on September 29, 1986 (Attachment 50).

The Party/Non-Party Branch conducted a thorough examination to identify quarterly filers disclosing contributions or expenditures between October 1 and October 15, 1986. The research revealed committees that submitted:

- a) 12 Day Pre-General Reports in an untimely manner;
- b) 30 Day Post-General Reports indicating that 12 Day Pre-General Reports should have been filed; and
- c) Year End Reports indicating that 12 Day Pre-General Reports should have been filed.

ATTACHMENT 1

89040584020

For your information, the pertinent supporting documentation on each committee has been arranged in alphabetical order. Statistics on all C indices only reflect activity through December 31, 1986. Any reports disclosing activity in 1987 have not been reviewed.

The following committees were previously referred either to your office or to the Audit Division for a possible 2. U.S.C. §438(b) audit.

(1)

(2)

(3)

(4)

(5)

(6)

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

Attachments

88040584021

88040684022

C00113621

Health Industry Manufacturers
Association Political Action Committee 87HF-103

8 8 0 4 0 5 8 4 0 2 3

**HEALTH INDUSTRY MANUFACTURERS ASSOCIATION
POLITICAL ACTION COMMITTEE**

(Attachments 18a - 18f)

8 8 0 4 0 6 8 4 0 2 4

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

DATE 27APR87
PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILE COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
HEALTH INDUSTRY MANUFACTURERS ASSOCIATION POLITICAL ACTION COMMITTEE				NON-PARTY QUALIFIED		ID 0C00113621
CONNECTED ORGANIZATION: HEALTH INDUSTRY MANUFACTURERS ASS'N						
1985 STATEMENT OF ORGANIZATION - AMENDMENT				7JAN85	1	85FEC/358/2740
APRIL QUARTERLY	7,625	7	1JAN85 -31MAR85	9	85FEC/370/2072	
JULY QUARTERLY	6,238	12,900	1APR85 -30JUN85	13	85FEC/380/0103	
YEAR-END	13,157	7,903	1JUL85 -31DEC85	13	86FEC/390/4993	
1986 APRIL QUARTERLY	11,620	9,300	1JAN86 -31MAR86	13	86FEC/409/2302	
JULY QUARTERLY	8,299	12,059	1APR86 -30JUN86	9	86FEC/421/1668	
OCTOBER QUARTERLY	6,334	9,667	1JUL86 -30SEP86	12	86FEC/435/1350	
OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL86 -30SEP86	2	86FEC/443/5809	
OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL86 -30SEP86	2	86FEC/448/4931	
REQUEST FOR ADDITIONAL INFORMATION			1JUL86 -30SEP86	1	86FEC/449/1679	
REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL86 -30SEP86	1	86FEC/444/4084	
POST-GENERAL	5,620	1,000	1OCT86 -24NOV86	11	87FEC/453/4673	
NOTICE OF FAILURE TO FILE			24NOV86	1	86FEC/452/1371	
YEAR-END	679	2,006	25NOV86 -31DEC86	8	87FEC/453/4685	
TOTAL	59,572	0 54,842	0	96	TOTAL PAGES	

All reports have been reviewed.

Ending cash-on-hand as of 12/31/86: \$5,509

Outstanding debts owed by the committee as of 12/31/86: \$0

TELECON

ANALYST: Michael D. Butterfield
CONVERSATION WITH: Gordon D. Schatz
COMMITTEE: Health Industry Manufacturers Association
DATE: December 29, 1986
SUBJECT(S): Non-filer Notice

Spoke to Mr. Schatz concerning the non-filer notice that he received for the 30 Day Post General Report. Mr. Schatz explained that it was a clerical oversight which led to the delay in filing the report. Would be sending the report in as soon as possible.

88040684025

**Health Industry
Manufacturers
Association**



1030 14th Street, N.W. Washington, D.C. 20005-1500
(202) 452-8240

January 9, 1986

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

- RE: 1. HIMAPAC 30-day Post-General Election Report
(through 11/24/86)
2. HIMAPAC January 31, Year End Report - 1986

Dear Mr. Gibson:

Enclosed please find two reports from the Health Industry Manufacturers Association Political Action Committee (HIMAPAC). The first report is the 30-Day Post Election Report (through 11/24/86). We received your letter dated December 23, 1985, advising us of the need to file this report. I promptly contacted Mr. Michael Butterfield, by telephone, and explained to him the clerical oversight which led to the delay in filing this report. I indicated to Mr. Butterfield that we were proceeding expeditiously to file the report which he said would be taken into consideration. We request your acceptance of this report.

The second report is the HIMAPAC January 31, 1986, Year End Report which covers the period 11/25/85 to 12/31/86.

Should any questions arise with respect to either of these reports, please feel free to contact me by telephone at (202) 452-8240.

Very truly yours,

Gordon B. Schatz

Gordon B. Schatz
Assistant General Counsel

GBS
Enclosures

977313 673

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

Attachment 18d

(Summary Page)

1. Name of Committee (in Full)

**Health Industry Manufacturers Association
Political Action Committee**

Address (Number and Street)

**1030 15th Street, N.W.
Suite 1100**

City, State and ZIP Code

Washington, D.C. 20005-1598

☐ Check here if address is different than previously reported.

2. FEC Identification Number

C00113621

3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on NA

4. TYPE OF REPORT (Check appropriate boxes)

(a) ☐ April 15 Quarterly Report ☒ **2:54** Quarterly Report

☐ July 15 Quarterly Report ☐ January 31 Year End Report

☐ July 31 Mid Year Report (Non Election Year Only)

☐ Monthly Report for _____

☐ Tenth day report preceding _____ (Date of Election)

election on _____ in the State of _____

☒ Tenth day report following the General Election

on 11/24/86 in the State of _____

☐ 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 86

(b) Cash on Hand at Beginning of Reporting Period

(c) Total Receipts (from Line 10)

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

7 Total Disbursements (from Line 20)

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

9 Debts and Obligations Owed TO The Committee
(Itemize all on Schedule C or Schedule D)

10 Debts and Obligations Owed BY the Committee
(Itemize all on Schedule C or Schedule D)

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

Ted R. Hannen

Type or Print Name of Treasurer

SIGNATURE OF TREASURER

DATE

For further information contact:

Federal Election Commission
435 E Street, N.W.
Washington, D.C. 20543
Toll Free 800-426-6820
Local 202-276-3120

NOTE: Submit this report promptly after the reporting period. The person signing this report is subject to the penalties of 2 U.S.C. § 6311.

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

FDC FORM 3 (3-83)

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3775134671

**DETAILED SUMMARY PAGE
of Receipts and Disbursements
Page 2, FDC FORM 300**

Attachment 18e

**Health Industry Manufacturers Association
Political Action Committee**

From **10/1/84** To **11/1-84**
COLUMN A **COLUMN B**
Year This Period **Calendar Year To-Date**

I. RECEIPTS

11 CONTRIBUTIONS (other than loans) FROM:

- (a) Individuals/Persons Other Than Political Committees
- (b) Political Party Committees
- (c) Other Political Committees
- (d) TOTAL CONTRIBUTIONS (other than loans) (add 11(a), 11(b) and 11(c))

85,120.50	828,601.50
500.00	1,270.00
5,620.50	31,873.50

11(a)
11(b)
11(c)
11(d)

12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES

13. ALL LOANS RECEIVED

14. LOAN REPAYMENTS RECEIVED

15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)

**16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES
AND OTHER POLITICAL COMMITTEES**

17. OTHER RECEIPTS (Dividends, Interest, etc.)

18. TOTAL RECEIPTS (Add 11(d), 12, 13, 14, 15, 16 and 17)

5,620.50	31,873.50
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18

II. DISBURSEMENTS

19. OPERATING EXPENDITURES

20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES

**21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND
OTHER POLITICAL COMMITTEES**

22. INDEPENDENT EXPENDITURES (Use Schedule E)

**23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES
(2 U.S.C. § 641 (d)(1) (Use Schedule F))**

24. LOAN REPAYMENTS MADE

25. LOANS MADE

26. REFUNDS OF CONTRIBUTIONS TO

- (a) Individuals/Persons Other Than Political Committees
- (b) Political Party Committees
- (c) Other Political Committees
- (d) TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c))

1,000.00	32,026.84
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21)

27. OTHER DISBURSEMENTS

28. TOTAL DISBURSEMENTS (Add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)

1,000.00	32,026.84
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28

III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES

29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)

30. TOTAL CONTRIBUTION REFUNDS from Line 26(d)

31. NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29)

32. TOTAL OPERATING EXPENDITURES from Line 19

33. OFFSETS TO OPERATING EXPENDITURES from Line 15

34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32)

5,620.50	1,270.00
0	0
5,620.50	31,873.50
0	0
0	0

29
30
31
32
33
34

8
2
0
4
0
5
6
7
1
6
7
3
0
4
0
8
8

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

FIRST GENERAL COUNSEL'S REPORT

RAD REFERRALS: 87NF-56-134
STAFF MEMBER: George F. Rishel

SOURCE OF MUR:

INTERNALLY GENERATED

Health Industry Manufacturers Association
Political Action Committee and Ted R. Mannen,
as treasurer

88040584030

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

INTERNAL REPORTS
CHECKED: Referral Materials

FEDERAL AGENCIES
CHECKED: None

I. GENERATION OF MATTER

The Report Analysis Division ("RAD") referred the above-listed 49 committees to the Office of the General Counsel on May 22, 1987. The basis of the attached referrals is their failure to either file a 12-day Pre-Election Report or file such report in a timely fashion.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that for unauthorized committees filing quarterly, such committees shall file a Pre-Election Report before any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election. Such report shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) such election and shall be complete as of the 20th day before the election. 2 U.S.C. § 434(a)(4)(A)(ii).

The 1986 Pre-Election Report for the 1986 General Election was due on October 23, 1986, complete as of October 15, 1986. Quarterly

α 8 0 4 0 5 8 4 0 3 1

filers were notified on September 29, 1986, of the requirement for filing the Pre-Election Report.

The following committees filed a 12-Day Pre-Election Report, but did not file it in a timely fashion:

Committee

Date Filed

Pre-Election Activity

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disclosed activity indicating a 12-Day Pre-Election Report should have been filed:

Committee

Date Filed^{1/}

Pre-Election Activity

88040584033

^{1/} The date filed is that on which the Post-General Election Report was filed. The number of days late is that for the filing of the 12-Day Pre-Election Report. In some cases, the Post-General Election Report was filed after December 4, 1986. The late filings of such reports, however, were not included as a basis for these referrals. Therefore, no recommendations have been made with respect to the late filing of any Post-General Election Report.

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Health Industry
Manufacturers
Assn. PAC

1-9-87
(78 days late)

\$500 in contributions
to one candidate

8 9 0 4 0 5 8 4 0 3 5

The following committees filed a Year End Report disclosing activity indicating that 12-Day Pre-Election Report should have been filed:

COMMITTEE

Date Filed^{4/}

Pre-Election Activity

Accordingly, with regard to 48 of these 49 committees, the Office of the General Counsel recommends that the Commission open Matter Under Review and find reason to believe these committees

and their treasurers violated 2 U.S.C. § 434(a)(4)(A)(ii). This Office recommends that the Commission decline to open a Matter Under Review in 87HF-114 (Massachusetts Freeze Voter). See footnote 2.

III. RECOMMENDATIONS

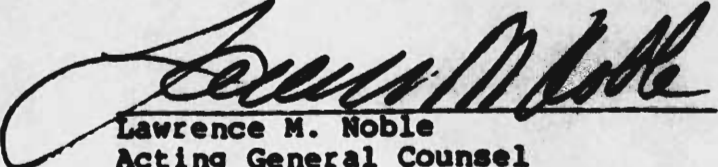
1. Open Matters Under Review with respect to the following committees and find reason to believe the following committees and their treasurers violated 2 U.S.C. § 434(a)(4)(A)(ii):

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Health Industry Manufacturers Association Political Action
Committee and Ted R. Mannen, as treasurer

2. Approve and send the attached letters and factual and legal analyses to the respective committees listed in recommendation 1.
- 3.

6/10/57
Date


Lawrence M. Noble
Acting General Counsel

Attachments

1. Referral Materials
2. Letters and Factual and Legal Analyses (48)

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

**RAD Ref.'s
87NF-86
THROUGH
87NF-134**

88040384038

**Health Industry Manufacturers Association
Political Action Committee and Ted
R. Mannen, as treasurer**

(continued)

Federal Election Commission
Certification for RAD Ref.'s 87NF-86
through 87NF-134
June 15, 1987

Page 2

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(continued)

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CERTIFICATION

I. Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 15, 1987, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref.'s 87NF-86 through 87NF-134:

1. Open Matters Under Review with respect to the following committees and find reason to believe the following committees and their treasurers violated 2 U.S.C. § 434(a)(4)(A)(ii):

(continued)

Federal Election Commission
Certification for RAD Ref.'s 87NF-86
through 87NF-134
June 15, 1987

Page 4

98040584041

Health Industry Manufacturers Association Political Action
Committee and Ted R. Mannen, as treasurer

(continued)

Federal Election Commission
Certification for RAD Ref.'s 87NF-86
through 87NF-134
Jul

Page 5

88040584042

Federal Election Commission
Certification for RAD Ref.'s 87NF-86
through 87NF-134
June 15, 1987

Page 6

2. Approve and send the letters and factual and legal analyses to the respective committees listed in recommendation 1.

3

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

Attest:

6-16-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: Thurs., 6-11-87, 12:34
Circulated on 48 hour tally basis: Thurs., 6-11-87, 4:00
Deadline for vote: Mon., 6-15-87, 4:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 29, 1987

**Ted R. Mannen, Treasurer
Health Industry Manufacturers
Association Political Action Committee
1030 15th Street, N.W., Suite 1100
Washington, D.C. 20005**

**RE: MUR 2484
Health Industry Manufacturers
Association Political Action
Committee and Ted R. Mannen,
as treasurer**

Dear Mr. Mannen:

On June 15, 1987, the Federal Election Commission found that there is reason to believe Health Industry Manufacturers Association Political Action Committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against 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

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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.

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 will not ordinarily 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 Sandra Dunham, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,



Scott E. Thomas
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form

88040584043

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Health Industry Manufacturers
Association Political Action
Committee and Ted R. Mannen,
as treasurer

MUR: 2484

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The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that for unauthorized committees filing quarterly, such committees shall file a Pre-Election Report before any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election. Such report shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) such election and which shall be complete as of the 20th day before the election. 2 U.S.C. § 434(a)(4)(A)(ii).

The 1986 Pre-Election Report for the 1986 General Election was due on October 23, 1986, and complete as of October 15, 1986. Quarterly filers were notified on September 29, 1986, of the requirement for filing the Pre-Election Report. The committee filed a 1986 Post-General Election Report that disclosed a \$500 contribution to one candidate between October 1, 1986, and October 15, 1986. Thus, the committee was required to file a 12-Day Pre-Election Report by October 23, 1986, and complete as of October 15, 1986. The Committee did not file a report disclosing this activity until it filed its 1986 Post-General Election Report on January 9, 1987. Accordingly, the committee and its treasurer have violated 2 U.S.C. § 434(a)(4)(A)(ii).

—

QCC#3851

health industry
manufacturers
association

hima

1030 fifteenth street, nw • washington, dc 20005-1598
(202) 452-8240

BY MESSENGER

87 JUL 9 P 2: 28

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

July 9, 1987

Ms. Sandra Dunham
Office of General Counsel
Federal Election Commission
999 E Street, N.W. -- Room 657
Washington, D.C. 20463

RE: MUR 2484

Dear Ms. Dunham:

As we discussed by telephone on July 8, 1987, I am writing to request an extension of time within which to respond to the above referenced matter. I have recently become the acting treasurer for the Health Industry Manufacturers Association Political Action Committee, since Mr. Ted Mannen has left his position as Treasurer to enter the private practice of law. I am now outside the Washington area and will return on July 13, 1987, at which time I will be able to address Mr. Thomas' letter of June 29, 1987. There is currently no one at HIMAPAC who is sufficiently familiar with FEC matters to respond.

I would therefore respectfully request a 20-day extension of time.

You will be receiving, under separate cover, a statement designating Jan Baran, Esq., as counsel for the Health Industry Manufacturers Association Political Action Committee in this matter.

Thank you for your consideration.

Very truly yours,

Rita Lynn

Rita Lynn, Secretary
for Gordon B. Schatz
Acting Treasurer
Health Industry Manufacturers Association
Political Action Committee

GBS/rl

cc: Jan Baran, Esq.
Ted R. Mannen, Esq.

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RECEIVED AT THE FEC

GC# 3919

87 JUL 15 AM: 05

WILEY, REIN & FIELDING

1775 K STREET, N.W.
WASHINGTON, D. C. 20006
(202) 429-7000

JAN W. BARAN
(202) 429-7330

July 10, 1987

87 JUL 15 P 3: 09

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Ms. Sandra Dunham
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Room 657
Washington, D.C. 20463

Re: MUR 2484, Health Industry Manufacturers
Association PAC. et al.

Dear Ms. Dunham:

This office represents the Health Industry Manufacturers Association Political Action Committee ("HIMAPAC") and Gordon B. Schatz, as acting treasurer, in the above-captioned matter. Enclosed please find an executed Statement of Designation of Counsel confirming our representation.

Sincerely,


Jan W. Baran

Enclosure

cc: Gordon B. Schatz, Esquire
Ted R. Mannen, Esquire

88040584048

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2484
NAME OF COUNSEL: Jan W. Baran
ADDRESS: Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006
TELEPHONE: 202/429-7330

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

July 8, 1987
Date

Gordon B. Schatz
Signature

RESPONDENT'S NAME: Health Industry Manufacturers Association
Political Action Committee and Gordon B. Schatz
as Treasurer
ADDRESS: _____

HOME PHONE: _____
BUSINESS PHONE: _____

88040584049



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 14, 1987

Gordon B. Schatz, Acting Treasurer
Health Industry Manufacturers
Association Political Action
Committee
1030 15th Street, N.W.
Suite 1100
Washington, D. C. 20005

RE: MUR 2484
Health Industry Manufacturers
Association Political Action
Committee and Gordon B.
Schatz, as acting treasurer

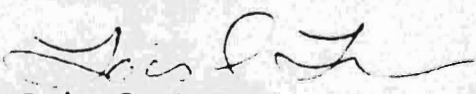
Dear Mr. Schatz:

This is in response to your letter dated July 9, 1987, which we received on July 10, requesting an extension of 20 days to respond to the reason to believe Health Industry Manufacturers Association Political Action Committee and you, as acting treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii). After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by close of business on August 3, 1987.

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

Sincerely,

Lawrence M. Noble
Acting General Counsel

By: 
Lois G. Lerner
Associate General Counsel

880040684050

GOC# 3943
RECEIVED AT THE FEC

WILEY, REIN & FIELDING

87 JUL 17 40:02

1776 K STREET, N.W.
WASHINGTON, D. C. 20006
(202) 459-7000

JAN W. BARAN
(202) 429-7330

July 15, 1987

87 JUL 17 2:46

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Ms. Sandra Dunham
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Room 657
Washington, D.C. 20463

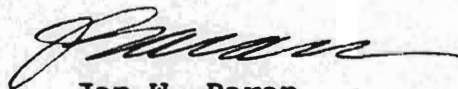
Re: MUR 2484, Health Industry Manufacturers
Association PAC, et al.

Dear Ms. Dunham:

This letter follows our telephone discussion today. I wish to confirm that Mr. Gordon Schatz and I will meet with you and Assistant General Counsel, Thomas Whitehead, on Monday, July 20, 1987 at 3:00 p.m. at your offices.

We appreciate the opportunity to meet with you and discuss the above-captioned matter.

Sincerely,



Jan W. Baran

cc: Gordon B. Schatz, Esquire

1506904088

GCC # 4138

WILEY, REIN & FIELDING

1778 K STREET, N.W.
WASHINGTON, D. C. 20008

JAN W. BARAN
(202) 428-7330

August 10, 1987

87 AUG 11 P 3:34

RECEIVED
GENERAL COUNSEL

Ms. Sandra Dunham
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Room 657
Washington, D.C. 20463

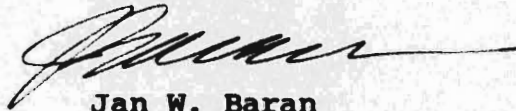
Re: MUR 2484, Health Industry Manufacturers
Association PAC ("HIMAPAC"), et al.

Dear Ms. Dunham:

This letter follows our recent telephone discussion and our meeting of July 20, 1987. On behalf of our clients, HIMAPAC and Gordon B. Schatz, treasurer, and pursuant to 11 C.F.R. § 111.18(d) I hereby request negotiations directed towards reaching a conciliation agreement in the above-captioned matter.

I also wish to confirm that Gordon B. Schatz, Esquire has replaced Ted R. Mannen, Esquire, as treasurer of HIMAPAC.

Sincerely,



Jan W. Baran

cc: Gordon B. Schatz, Esquire

254052

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION
SEP 15 1987

In the Matter of)

Health Industry Manufacturers)
Association Political Action)
Committee and Gordon B. Schatz,)
its treasurer)

MUR 2484

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 15, 1987, the Commission found reason to believe that Health Industry Manufacturers Association Political Action Committee and Ted R. Mannen, as treasurer,^{1/} violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to file its 1986 Pre-Election Report in a timely manner. When the Health Industry Manufacturers Association Political Action Committee filed its 1986 Post-Election Report it disclosed a \$500.00 contribution to one candidate between October 1, 1986 and October 15, 1986. This contribution necessitated the filing of a Pre-Election Report. All of the information which should have been included in the Pre-Election Report was contained in the Post-Election Report filed on January 9, 1987. By letter dated August 10, 1987, respondents requested to settle this matter prior to a finding of probable cause to believe (Attachment 1).

II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

^{1/} On July 16, 1987, HIMAPAC filed an amended Statement of Organization indicating Gordon B. Schatz had assumed the position of treasurer.

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2/ The Health Industry Manufacturers Association Political Action Committee filed a Post-Election Report which covered all receipts and disbursements from 10/1/86 through 11/24/86. The following is a breakdown for the activity from 10/1/86 through 10/15/86:

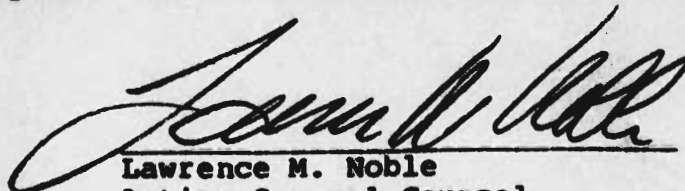
<u>Receipts</u>	<u>Disbursements</u>
Itemized receipts - \$1,920.00	Federal contribution <u>-\$500.00</u>
Unitemized receipts (prorated) - <u>\$ 559.09</u>	Total \$500.00
Total \$2,479.09	

III. RECOMMENDATIONS

1. Enter into conciliation with Health Industry Manufacturers Association Political Action Committee and Gordon B. Schatz, its treasurer, prior to a finding of probable cause to believe.
2. Approve the attached proposed conciliation agreement and letter.

Date

9/15/87


Lawrence M. Noble
Acting General Counsel

Attachments

1. Request for conciliation
2. Proposed agreement and letter

88040534055



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO:

**LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL**

FROM:

MARJORIE W. EMMONS/JOSHUA MCFADDEN *JM*

DATE:

SEPTEMBER 17, 1987

SUBJECT:

**COMMENTS TO MUR 2484 - General Counsel's Report
Signed September 15, 1987**

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

Attachment:
copy of vote sheet

88040584056

BALLOT



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

DATE & TIME TRANSMITTED: WEDNESDAY, SEPTEMBER 16, 1987 11:00

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

RETURN TO COMMISSION SECRETARY ^{Fridax} ~~BY TELETYPE~~, SEPTEMBER 18, 1987 11:00

SUBJECT: MUR 2484 - General Counsel's Report
Signed September 15, 1987

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT
87 SEP 17 AM 11:52

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

COMMENTS: Several corrections needed in agreement and letter. See J. Bowman.

DATE: 9/17/87

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.

89040534057

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Health Industry Manufacturers)

Association Political Action)

Committee and Gordon B. Schatz,)

its treasurer)

MUR 2484

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 18, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2484:

1. Enter into conciliation with Health Industry Manufacturers Association Political Action Committee and Gordon B. Schatz, its treasurer, prior to a finding of probable cause to believe.
2. Approve the proposed conciliation agreement and letter, as recommended in the General Counsel's report signed September 15, 1987.

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

Attest:

9-18-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Tues., 9-15-87, 4:49
Circulated on 48 hour tally basis: Wed., 9-16-87, 11:00
Deadline for vote: Fri., 9-18-87, 11:00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 23, 1987

Jan W. Baran, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

RE: MUR 2484
Health Industry
Manufacturers
Association Political
Action Committee and
Gordon B. Schatz, its
treasurer

Dear Mr. Baran:

On June 15, 1987, the Federal Election Commission found reason to believe that Health Industry Manufacturers Association Political Action Committee and Gordon B. Schatz, its treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii). At your request, on September 18, 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.

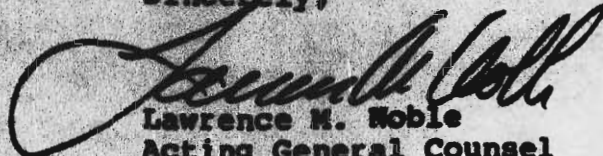
Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior 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

8304059

Sandra Dunham, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

88040384060

QCC#4606

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

87 OCT 19 AM 11:07

WILEY, REIN & FIELDING

1776 K STREET, N.W.
WASHINGTON, D. C. 20008

JAN W. BARAN
(202) 429-7330

October 16, 1987

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
87 OCT 21 PM 3:05

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

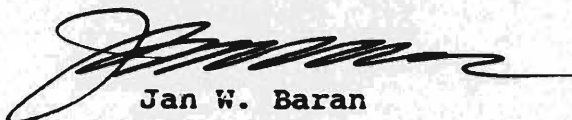
Re: MUR 2484 (HIMAPAC)

Dear Mr. Noble:

This is in response to your letter of September 23, 1987. Enclosed please find a check in the amount of \$500 and the Conciliation Agreement which I have executed on behalf of the respondents in the above-captioned matter.

I trust that this concludes this proceeding.

Sincerely,



Jan W. Baran

Enclosures
cc: Gordon B. Schatz, Esquire

1904061

CHECK NO.

021783
VENDOR NO.

health industry
manufacturers
association

hima

1030 15th Street, NW • Washington, DC 20005
202/452-8240

CHECK DATE 21783

10/16/87

PAY EXACTLY

Five hundred dollars and no/100-----\$500.00*****

Federal Election Commission

AMERICAN SECURITY BANK
WASHINGTON, D.C.

15-55
540

Gidon B. Schatz

Kristen M. Boganrief

⑈021783⑈ ⑆054000551⑆43⑈863 66 838⑈

MEMORANDUM

TO: DEBRA A. TRIMIEW

TO: CECILIA LIEBER

FROM: CECILIA LIEBER

FROM: *Michele Braussard*
~~DEBRA A. TRIMIEW~~

RECEIVED
COMMISSION
OF GENERAL COUNSEL
1 OCT 21 PM 3:05

CCC#4606

CHECK NO. 21783 { A COPY OF WHICH IS ATTACHED } RELATING TO

MUR 2484 AND NAME HIMAPAC

(Dunham)

WAS RECEIVED ON 10/21/87 . PLEASE INDICATE THE ACCOUNT INTO

WHICH IT SHOULD BE DEPOSITED:

/ X / BUDGET CLEARING ACCOUNT { 95F3875.16 }
/ / CIVIL PENALTIES ACCOUNT { 95-1099.160 }
/ / OTHER _____

SIGNATURE *Michele Braussard*

DATE 10/21/87



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

21 October 1987

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Jan W. Baran, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

RE: MUR 2484
Health Industry Manufacturers
Association Political Action
Committee and Gordon B.
Schatz, its treasurer

Dear Mr. Baran:

On September 23, 1987, you were notified that at your request the Federal Election Commission determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On that same date, you were sent a conciliation agreement offered by the Commission in settlement of this matter.

Please note that conciliation negotiations entered into prior to a finding of probable cause to believe are limited to a maximum of 30 days. To date, you have not responded to the proposed agreement. The 30-day period for negotiations will soon expire. Unless we receive a response from you within 5 days, this Office will consider these negotiations terminated and will proceed to the next stage of the enforcement process.

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

Sincerely,

Lawrence M. Noble
General Counsel

By: 
Lois G. Lerner
Associate General Counsel

88040534063

BEFORE THE FEDERAL ELECTION COMMISSION

87 NOV -5 PM 3:54

In the Matter of)

Health Industry Manufacturers)
Association Political Action)
Committee and Gordon B. Schatz,)
as treasurer)

MUR 2484

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Health Industry Manufacturers Association Political Action Committee and Gordon B. Schatz, as treasurer.

The attached agreement contains no changes from the agreement approved by the Commission on September 18, 1987. A \$500 check for the civil penalty has also been received.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Health Industry Manufacturers Association Political Action Committee.
2. Close the file.
3. Approve the attached letter.

Date

11/5/87

Lawrence M. Noble
General Counsel

Attachments

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

88040604064

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Health Industry Manufacturers)
Association Political Action)
Committee and Gordon B. Schatz,)
as treasurer)

MUR 2484

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 10, 1987, the Commission decided by a vote of 5-0 to take the following actions in MUR 2484:

1. Accept the conciliation agreement with Health Industry Manufacturers Association Political Action Committee, as recommended in the General Counsel's report signed November 5, 1987.
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's report signed November 5, 1987.

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

Attest:

11-10-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary:	Thurs.,	11-05-87,	3:54
Circulated on 48 hour tally basis:	Fri.,	11-06-87,	12:00
Deadline for vote:	Tues.,	11-10-87,	4:00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

17 November 1987

Jan W. Baran, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

RE: MUR 2484
Health Industry
Manufacturers Association
Political Action
Committee and Gordon B.
Schatz, as treasurer

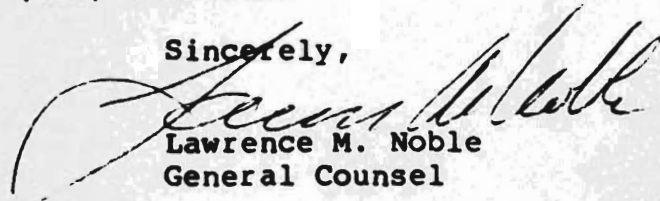
Dear Mr. Baran:

On November 10, 1987, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(A)(ii), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

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

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Sandra Dunham, the staff member assigned to this matter at (202) 376-8200.

Sincerely,


Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

83040584066

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Health Industry Manufacturers) MUR 2484
Association Political Action)
Committee and Gordon B. Schatz,)
its treasurer)

CONCILIATION AGREEMENT

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

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

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

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

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

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

1. Respondent, Health Industry Manufacturers Association Political Action Committee, is a political committee within the meaning of 2 U.S.C. § 431(4).

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2. Respondent, Gordon B. Schatz, is the current treasurer of Health Industry Manufacturers Association Political Action Committee. He was not the treasurer when the report was filed.

3. Respondents filed a 1986 Post-Election Report that disclosed a \$500.00 contribution to a federal candidate between October 1, 1986 and October 15, 1986. Respondents were required to file a Pre-Election Report pursuant to 2 U.S.C. § 434(a)(4)(A)(ii).

4. Respondents did not file a report disclosing this contribution until they filed their 1986 Post-Election Report on January 9, 1987.

V. Respondents failed to file their 1986 Pre-Election Report in violation of 2 U.S.C. § 434(a)(4)(A)(ii).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Five Hundred dollars (\$500.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

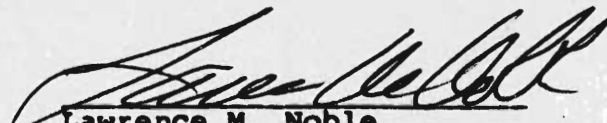
VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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

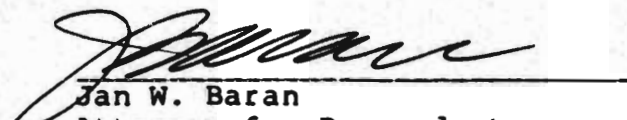
X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:


Lawrence M. Noble
General Counsel

11/16/87
Date

FOR THE RESPONDENTS:


Jan W. Baran
Attorney for Respondents

10/16/87
Date

88040584069



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2484
DATE FILMED 3/25/88 CAMERA NO. 4
CAMERAMAN GRC

88040584070