



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2894

DATE FILMED 11/12/89 CAMERA NO. 2

CAMERAMAN AS

890407B2475



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

80 APR -3 AM 10:32

31 March 1989

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

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

SUBJECT: REFERRAL OF THE DEMOCRATIC STATE COMMITTEE OF
DELAWARE

This is a combination Non-Filer/Chronic Late Filer referral of the Democratic State Committee of Delaware ("the Committee"). During the 1987-1988 election cycle the Committee failed to timely file four (4) Reports of Receipts and Disbursements. In addition, the Committee failed to file one of these reports, the 1988 12 Day Pre-General Report, by Election Day, November 8, 1988. According to the RAD Review and Referral Procedures for Unauthorized Committees (Standards 3 & 4), further examination is required by your office.

If you have any questions regarding this matter, please contact David J. Blakeley at 376-2480.

Attachment

3 9 0 4 0 7 8 2 4 7 6

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 31 March 1989

ANALYST: David J. Blakeley

I. COMMITTEE: Democratic State Committee of Delaware
(C00211763)
Clifford B. Hearn, Jr., Treasurer
P.O. Box 2065
Wilmington, DE 19899

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

III. BACKGROUND:

Chronic Late Filing of Reports and Failure To File the 12 Day Pre-General Report by Election Day

The Democratic State Committee of Delaware ("the Committee") failed to file four (4) Reports of Receipts and Disbursements in a timely manner for the 1987-1988 election cycle (see Late Filing History Chart). The reports were filed between fifty-five (55) and one hundred sixty-four (164) calendar days late. In addition, one of the late filings, the 1988 12 Day Pre-General Report, was not filed by Election Day, November 8, 1988.

A Chronic Late Filer Notice was sent to the Committee on July 1, 1988 for failing to file the 1987 Mid-Year and 1988 April Quarterly Reports in a timely manner (Attachment 6). The Notice advised the Committee that any additional late filing of reports may result in legal enforcement action.

On October 3, 1988, the Committee was notified that all committees making contributions or expenditures in connection with the general election during the period ending October 19, 1988 must file a pre-election report by October 27, 1988 if such activity has not previously been disclosed (Attachment 8). Subsequent to the sending of the Chronic Late Filer Notice, the Committee failed to file the 1988 12 Day Pre-General and the 30 Day Post-General Reports in a timely manner.

89090772477

DEMOCRATIC STATE COMMITTEE OF DELAWARE
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

The Committee filed a 1988 Year End Report, on February 1, 1989, that covered the 12 Day Pre-General and 30 Day Post-General reporting periods (Attachment 9). The report disclosed one (1) \$255 contribution made to a federal candidate on October 11, 1988 indicating the Committee's failure to timely file the 12 Day Pre-General Report.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

3 2 0 4 0 7 2 2 4 7 8

LATE FILING HISTORY

REPORT TYPE	PRIOR NOTICE	DATE DUE	NON-FILER NOTICE	DATE FILED
1987 Mid-Year <u>1</u> / (1/1/87-6/30/87)	7/7/87 (Attachment 2)	7/31/87	Not Sent	1/11/88 (Attachment 3)
1988 April Quarterly 1/1/88-3/31/88)	3/22/88 (Attachment 4)	4/15/88	6/30/88 (Attachment 5)	7/15/88 (Attachment 7)
1988 12 Day Pre-General <u>2</u> / (10/1/88-10/19/88)	10/3/88 (Attachment 8)	10/27/88	N/A	2/1/89 (Attachment 9)
1988 30 Day Post-General (10/20/88-11/28/88)	10/3/88 (Attachment 8)	12/8/88	Not Sent	2/1/89 (Attachment 9)

1/ The Committee filed the 1987 Year End Report which included the Mid-Year period.

2/ The Committee filed the 1988 Year End Report which included the 12 Day Pre-General and 30 Day Post-General periods.

6 2 4 7 2 0 4 0 6 8

FEDERAL ELECTION COMMISSION
1987-1988
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 24MAR89
ATTACHMENT #1
PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
						TYPE OF FILER
DEMOCRATIC STATE COMMITTEE DELAWARE				ID #C00211763	PARTY NON-QUALIFIED	
CONNECTED ORGANIZATION: BLANK						
1987	STATEMENT OF ORGANIZATION - AMENDMENT			8JAN87	2	87FEC/453/1053
	YEAR-END	1,000	227	1JAN87 -31DEC87	4	88FEC/498/1269
	YEAR-END - AMENDMENT	-	-	1JAN87 -31DEC87	2	88FEC/540/5031
	REQUEST FOR ADDITIONAL INFORMATION			1JAN87 -31DEC87	3	88FEC/532/0843
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN87 -31DEC87	4	88FEC/538/3275
1988	MISCELLANEOUS NOTICE FROM FEC			1JUL88	1	88FEC/532/1465
	MISCELLANEOUS REPORT TO FEC			8DEC88	2	88FEC/570/3726
	APRIL QUARTERLY	0	4	1JAN88 -31MAR88	4	88FEC/534/3676
	NOTICE OF FAILURE TO FILE			1JAN88 -31MAR88	1	88FEC/532/1213
	JULY QUARTERLY	0	-	1APR88 -30JUN88	3	88FEC/534/3680
	OCTOBER QUARTERLY	19,826	7,934	1JUL88 -30SEP88	13	88FEC/554/3134
	OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL88 -30SEP88	4	88FEC/574/4681
	OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL88 -30SEP88	4	88FEC/575/4446
	REQUEST FOR ADDITIONAL INFORMATION			1JUL88 -30SEP88	2	88FEC/565/4163
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL88 -30SEP88	1	88FEC/574/5424
	YEAR-END	35,042	42,735	1OCT88 -31DEC88	19	89FEC/582/0128
	REQUEST FOR ADDITIONAL INFORMATION			1OCT88 -31DEC88	4	89FEC/588/2943
TOTAL		55,868	0 50,900 0	73 TOTAL PAGES		

ALL REPORTS REFERENCED ABOVE HAVE BEEN REVIEWED

CASH ON HAND AS OF 12/31/88: \$4,966.44

DEBTS OWED TO THE COMMITTEE: \$10,000.00

DEBTS OWED BY THE COMMITTEE: \$3,000.00

39040782430

SEMI-ANNUAL

ATTACHMENT #2

REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

July 7, 1987

WHO MUST FILE

ALL PARTY COMMITTEES AND PACS (NONCONNECTED COMMITTEES AND SEPARATE SEGREGATED FUNDS) must file a report in July.

REPORTING DATES

Semiannual. The Mid-Year Report is due July 31 and must disclose financial activity that occurred from January 1 through June 30, 1987. Committees which have previously filed 1987 reports should only report activity from the closing date of the last report filed.

Monthly. If the committee chooses to file on a monthly basis, the next monthly report is due July 20 and must disclose financial activity from June 1 through June 30, 1987. Monthly reports are due by the 20th of each month and cover all financial activity of the previous month.

WHAT MUST BE REPORTED

A report must disclose all receipts and disbursements (not previously reported) that occurred during the reporting period. A newly registered political committee filing its first report should also include all amounts received and expended before the committee registered. See 11 CFR 104.3. For more detailed information on reporting instructions, consult your Campaign Guide.

WHERE AND HOW TO FILE

Committees should consult the instructions on the enclosed FEC FORM 3X for details. Affix the peel-off label from the envelope to line 1 of the report. Any corrections should be made directly on the label.

CHANGE IN FILING FREQUENCY

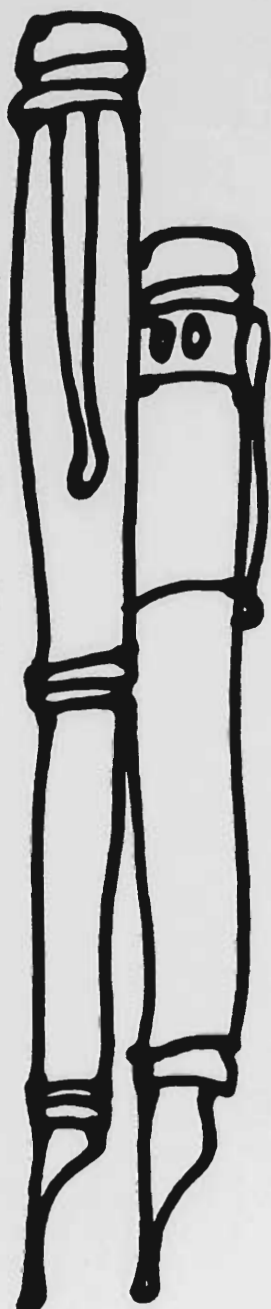
Committees that wish to change their reporting schedule (for example, from monthly to semiannual) must notify the Commission by sending a letter with the next report due under their current reporting schedule. Committees may change their filing frequency only once a year.

COMPLIANCE

Political committees are responsible for filing all reports required under the Act in a timely fashion. Committees and treasurers who file late reports, or fail to file reports, are subject to enforcement action. Illegible reports and reports submitted on non-FEC forms will not be accepted; committees filing such documents will be required to refile.

(over)

33040762431



**1987 UPCOMING FILING SCHEDULE
PARTIES AND PACS**

Retain this report notice for future reference. The next notice will be sent December 18, 1987. Also, see the January 1987 issue of the FEC Record, which lists 1987 reporting dates.

SEMIANNUAL FILERS

Report	Period Covered 1/	Reg./Cert.	Filing
		Mailing Date 2/	Date 2/
Mid-Year	01/01 - 06/30	07/31/87	07/31/87
Year-End	07/01 - 12/31	01/31/88	01/31/88

MONTHLY FILERS

Report	Period Covered 1/	Reg./Cert.	Filing
		Mailing Date 2/	Date 2/
July	06/01 - 06/30	07/20/87	07/20/87
August	07/01 - 07/31	08/20/87	08/20/87
September	08/01 - 08/31	09/20/87	09/20/87
October	09/01 - 09/30	10/20/87	10/20/87
November	10/01 - 10/31	11/20/87	11/20/87
December	11/01 - 11/30	12/20/87	12/20/87
Year-End	12/01 - 12/31	01/31/88	01/31/88

1/ A newly registered committee should refer to "WHAT MUST BE REPORTED," on the reverse side.

2/ Reports sent by certified or registered mail must be postmarked by the mailing date. Reports mailed first class or hand delivered must be received by the filing date.

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

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

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

(Summary Page)

00 JAN 11 AM 9:12

A. AREA

1. Name of Committee (in Full)

The Democratic State Committee
(Delaware)

Address (Number and Street)

P.O. Box 2065

City, State and ZIP Code

Wilmington, DE 19899

☐ Check here if address is different than previously reported

2. FEC Identification Number

51-0119764

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

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 _____

election on _____ in the State of _____

☐ Thirtieth day report following the General Election

on _____ in the State of _____

☐ Termination Report

(b) Is this Report an Amendment?

☐ YES☒ NO

SUMMARY

COLUMN A
This PeriodCOLUMN B
Calendar Year-to-Date5. Covering Period January 1, 1987 through December 31, 19876(a) Cash on hand January 1, 19 87

(b) Cash on Hand at Beginning of Reporting Period

(c) Total Receipts (from Line 1B)

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

(e) Total Disbursements (from Line 2B)

(f) 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.

Print Name of Treasurer

SIGNATURE OF TREASURER

Date

For further information contact

Federal Election Commission

Tel. Free 800-424-9530

Local 302-523-4066

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

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

FEC FORM 3X (3/80)

QUARTERLY

ATTACHMENT #4

REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

March 22, 1988

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
April Quarterly	01/01/88**-03/31/88	04/15/88	04/15/88

WHO MUST FILE

PARTY COMMITTEES AND PACs (NONCONNECTED COMMITTEES AND SEPARATE SEGREGATED FUNDS) filing on a quarterly basis must file their next report in April.

WHAT MUST BE REPORTED

All financial activity (not previously reported) that occurred during the reporting period..

REPORTING FORMS

Party committees and PACs use Form 3X (enclosed).

WHERE TO FILE

Consult the instructions on the back of the Form 3X Summary Page. Note state filing requirements also.

LABEL

Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

PRE-ELECTION REPORTING

Committees which make contributions or expenditures (including independent expenditures) in connection with a candidate's primary election, must also file a 12-day Pre-Election Report if the activity was not previously reported. See the January Record.

LAST-MINUTE INDEPENDENT EXPENDITURES

Committees which make an independent expenditure of \$1,000 or more, after the 20th day, but more than 24 hours before an election, must report it within 24 hours.

COMPLIANCE

TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

*Reports sent by registered or certified mail must be postmarked by the mailing date. Otherwise, they must be received by the filing date.

**From the date of registration, or the close of books of the last report filed, whichever is later.

FOR INFORMATION, Call: 202/376-3120 or 800/424-9530



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

20-7

JAN 30 1

Clifford B. Hearn Jr., Treasurer
Democratic State Committee Delaware
P.O. Box 2065
Wilmington, DE 19899

Identification Number: C00211763

Reference: April Quarterly Report (1/1/88-3/31/88)

Dear Mr. Hearn:

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 David Blakeley 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



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

MS-L

Clifford B. Hearn Jr., Treasurer
Democratic State Committee Delaware
P.O. Box 2065
Wilmington, DE 19899

JL 108

Identification Number: C00211763

Reference: 1987-1988 Election Cycle Reports

Dear Mr. Hearn:

It has come to the attention of the Federal Election Commission ("the Commission") that your committee may have violated 2 U.S.C. §434(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 (1/1/87-6/30/87)	7/31/87	1/11/88
April Quarterly Report (1/1/88-3/31/88)	4/15/88	not filed

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 David Blakeley 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

ATTACHMENT #7

REPORT OF RECEIPTS AND DISBURSEMENTSFor Other Than An Authorized Committee
(Summary Page)RECEIVED
FEBRUARY 1989

88 JUL 15 AM 11:21

USE FEC MAILING LABEL
OR
TYPE ON POST

1 NAME OF COMMITTEE (in full) THE DEMOCRATIC STATE COMMITTEE (DELAWARE)		2 FEC IDENTIFICATION NUMBER C00211763
ADDRESS (number and street) ☐ Check if different than previously reported P.O. BOX 2065		
CITY STATE and ZIP CODE WILMINGTON, DE 19899		

4. TYPE OF REPORT(a) ☒ April 15 Quarterly Report☐ July 15 Quarterly Report☐ October 15 Quarterly Report☐ January 31 Year End Report☐ July 31 Mid Year Report (Non-election Year Only)☐ Termination Report

Monthly Report Due On

☐ February 20	☐ June 20	☐ October 20
☐ March 20	☐ July 20	☐ November 20
☐ April 20	☐ August 20	☐ December 20
☐ May 20	☐ September 20	☐ January 31

☐ Twelfth day report preceding _____
(Type of Election)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election on _____
in the State of _____(b) Is this Report an Amendment? ☐ YES ☒ NO**SUMMARY**

		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5	Covering Period <u>JAN 1, 1988</u> through <u>MARCH 31, 1988</u>		
6	(a) Cash on Hand January 1, 19 <u>88</u>		\$ 772.12
	(b) Cash on Hand at Beginning of Reporting Period	\$ 772.12	
	(c) Total Receipts from Line 18	\$ -0-	\$
	(d) Subtotal: add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B	\$ 772.12	\$ 772.12
7	Total Disbursements from Line 28	\$ 4.06	\$ 4.06
8	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 768.06	\$ 768.06
9	Debts and Obligations Owed TO the Committee (itemize all on Schedule C and/or Schedule D)	\$ -0-	For further information contact:
10	Debts and Obligations Owed BY the Committee (itemize all on Schedule C and/or Schedule D)	\$ -0-	Federal Election Commission 999 E Street NW Washington DC 20463 Toll Free 800-424-9530 Local 202-376-3120

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

Type or Print Name of Treasurer

Signature of Treasurer

Date

7-1-88

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

FEC FORM 3X
(revised 4/87)82040762387
99035.45676

REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACs

October 3, 1988

I. ALL MONTHLY FILERS

Report	Reporting Period	Reg./Cert. Mailing Date*	Filing Date
Pre-General	10/01/88**-10/19/88	10/24/88	10/27/88
Post-General	10/20/88 -11/28/88	12/08/88	12/08/88

II. QUARTERLY FILERS THAT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 19***

Report	Reporting period	Reg./Cert. Mailing Date*	Filing Date
Pre-General	10/01/88**-10/19/88	10/24/88	10/27/88
Post-General	10/20/88 -11/28/88	12/08/88	12/08/88

III. QUARTERLY FILERS WHICH DO NOT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 19***

Report	Reporting Period	Reg./Cert. Mailing Date*	Filing Date
Post-General	10/01/88**-11/28/88	12/08/88	12/08/88

WHO MUST FILE

Party committees and PACs must follow the above charts in order to determine whether they must file the pre-general election report. All Party committees and PACs, regardless of financial activity, must file the post-general election report.

WHAT MUST BE REPORTED

All financial activity (not previously reported) that occurred during the reporting period.

*Reports sent by registered or certified mail must be postmarked by the mailing date. Otherwise, they must be received by the filing date.

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

***Committees that made general election contributions or expenditures prior to October 1 which have not been previously reported must also follow the Chart II reporting requirements.

FOR INFORMATION, Call: 202/376-3120 or 800/424-9530

(over)

3 2 9 4 0 7 6 2 4 3 8

REPORTING FORMS

Party committees and PACs use Form 3X (enclosed).

WHERE TO FILE

Consult the instructions on the back of the Form 3X Summary Page.
Note State filing requirements also.

LABEL

Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

LAST-MINUTE INDEPENDENT EXPENDITURES

Any PAC which makes any independent expenditures aggregating \$1,000 or more during the period beginning October 20 and ending November 6 must report them within 24 hours. Call the FEC for more information.

COMPLIANCE

TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

89040762489

ATTACHMENT #9

REPORT OF RECEIPTS AND DISBURSEMENTSFor Other Than An Authorized Committee
(Summary Page)RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

89FEB-1 AM 9:11

ON
TYPE OR PRINT

1 NAME OF COMMITTEE (in full) The Democratic State Committee (Delaware)		2 FEC IDENTIFICATION NUMBER C00211763
ADDRESS (number and street) ☐ Check if different than previously reported P.O. Box 2065		
CITY, STATE and ZIP CODE Wilmington, Delaware 19899		

3 ☐ This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date)**4. TYPE OF REPORT**

(a) April 15 Quarterly Report

July 15 Quarterly Report

October 15 Quarterly Report

☒ January 31 Year End Report

July 31 Mid Year Report (Non-election Year Only)

Termination Report

Monthly Report Due On:

☐ February 20☐ June 20☐ October 20☐ March 20☐ July 20☐ November 20☐ April 20☐ August 20☐ December 20☐ May 20☐ September 20☐ January 31☐ Twelfth day report preceding _____

(Type of Election)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election on _____

in the State of _____

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

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5 Covering Period <u>October 1, 1988</u> through <u>December 31, 1988</u>		
6 (a) Cash on Hand January 1, 19 <u>88</u>		\$ 772.12
b Cash on Hand at Beginning of Reporting Period	\$ 12 660.18	
c Total Receipts (from Line 18)	\$ 35 042.20	\$ 54 869.14
d Sumtotal: add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B	\$ 47 702.38	\$ 55 641.26
e Total Disbursements (from Line 28)	\$ 42 735.94	\$ 50 674.82
f Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 4 966.44	\$ 4 966.44
g Debits and Obligations Owed TO the Committee (itemize on Schedule C and/or Schedule D)	\$ 10 000.00	
h Debits and Obligations Owed BY the Committee (itemize on Schedule C and/or Schedule D)	\$ 3 000.00	

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

Type or Print Name of Treasurer

Signature of Treasurer

Date

For further information contact:
Federal Election Commission
999 E Street, N.W.
Washington, DC 20441
Toll Free 800-424-9541
Local 202-375-5000

If this report contains false or incomplete information, it is subject to the person signing this Report to the penalties of 18 U.S.C. 1001.

FEC FORM 3X

Revised 4-88

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedule for each category of the Detailed Summary Report

PAGE 01
FOR LINE NUMBER 26 b

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

The Democratic State Committee (Delaware)

A. Full Name, Mailing Address and ZIP Code S. B. Moo for Senate P.O. Box 880 Newark, DE 19715	Purpose of Disbursement Contribution Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 10/11/88	Amount of Each Disbursement This Period 255.00
B. Full Name, Mailing Address and ZIP Code Carper for Congress P.O. 2882 Wilmington, DE 19805	Purpose of Disbursement Contribution Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 12/14/88	Amount of Each Disbursement This Period 500.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL

755.

TOTAL

755.00

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

FIRST GENERAL COUNSEL'S REPORT

RAD Referral: 89 NF-58
Staff Member: Jeffrey Long

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

RESPONDENTS: Democratic State Committee of Delaware
and Clifford B. Hearn, Jr., as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(4)(A)(i)
2 U.S.C. § 434(a)(4)(A)(ii)
2 U.S.C. § 434(a)(4)(A)(iii)
2 U.S.C. § 434(a)(4)(A)(iv)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the Democratic State Committee of Delaware and Clifford B. Hearn, Jr. as treasurer ("the Committee"), to the Office of the General Counsel on April 3, 1989. The basis for the attached referral is the Committee's failure to file the 1987 Mid-Year, 1988 April Quarterly, 1988 Day Pre-General, and 1988 Post-General Reports in a timely manner.

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 Mid-Year Report in a year without a regularly scheduled general election, covering the period beginning January 1 and ending June 30, no later than July 31. 2 U.S.C. 434(a)(4)(A)(iv). Thus, the due date for the

1987 Mid-Year Report was July 31, 1987. The Committee did not file the 1987 Mid-Year Report until January 11, 1988, 164 days late.

Section 434(a)(4)(A)(ii) of Title 2 provides that unauthorized committees shall file a pre-election report, which shall be filed no later than the 12th day before any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election. Unauthorized committees are also required to file a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election. 2 U.S.C. § 434(a)(4)(A)(iii).

The Committee filed its 1988 Year-End Report on February 1, 1988, covering the period from October 1, 1988 through December 31, 1988. That report includes financial activity which indicates that a pre-general election report should have been filed. The Committee was notified of this filing requirement on October 3, 1988. The 1988 Year-End Report also includes activity that occurred in the post-general election reporting period. Thus, the committee filed information covering the 1988 pre-general reporting period 97 days late, and it filed information covering the 1988 post-general reporting period 55 days late.

Unauthorized committees filing quarterly shall file quarterly reports, in a calendar year in which a regularly scheduled election is held, no later than the 15th day after the last day

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of each calendar quarter. 2 U.S.C. § 434(a)(4)(A)(i). The 1988 April Quarterly Report was due April 15, 1988. The Committee did not file the 1988 April Quarterly Report until July 15, 1988, 91 days late.

Accordingly, the Office of the General Counsel recommends that the Commission open a Matter Under Review and find reason to believe the Democratic State Committee of Delaware and Clifford B. Hearn, Jr., as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), 434(a)(4)(A)(ii), 434(a)(4)(A)(iii), and 434(a)(4)(A)(iv).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

This Office also recommends that the Commission offer to enter into conciliation with the respondents prior to a finding of probable cause to believe.

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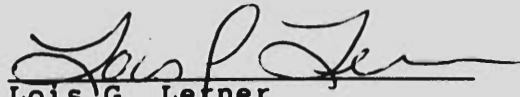
IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe Democratic State Committee of Delaware and Clifford B. Hearn, Jr., as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), 434(a)(4)(A)(ii), 434(a)(4)(A)(iii) and 434(a)(4)(A)(iv), and enter into conciliation prior to a finding of probable cause to believe.

3. Approve the attached letter, Factual and Legal Analysis, and proposed conciliation agreement.

Lawrence M. Noble
General Counsel

Date 5/25/89

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Referral Materials
2. Proposed agreement
3. Letter and Factual and Legal Analysis

89040762496

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Democratic State Committee of)
Delaware and Clifford B.)

Hearn, Jr., as treasurer)

RAD Referral 89NF-58

(MUR
2894)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 1, 1989, the Commission decided by a vote of 5-0 to take the following actions in RAD Referral 89NF-58:

1. Open a MUR.
2. Find reason to believe Democratic State Committee of Delaware and Clifford B. Hearn, Jr., as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), 434(a)(4)(A)(ii), 434(a)(4)(A)(iii) and 434(a)(4)(A)(iv), and enter into conciliation prior to a find of probable cause to believe.
3. Approve the letter, Factual and Legal Analysis, and proposed conciliation agreement as recommended in the First General Counsel's Report dated May 25, 1989.

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

Attest:

June 1, 1989

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary:	Fri. 5-26-89	11:18
Circulated on 48 hour tally basis:	Tues. 5-30-89	11:00
Deadline for vote:	Thurs. 6-1-89	11:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Clifford B. Hearn, Jr.
Treasurer
Democratic State Committee
of Delaware
P.O. Box 2065
Wilmington, DE 19899

RE: MUR 2894
Democratic State Committee
of Delaware and Clifford
B. Hearn, Jr., as
treasurer

Dear Mr. Hearn:

On June 1, 1989, the Federal Election Commission found that there is reason to believe Democratic State Committee of Delaware ("Committee") and you, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), 434(a)(4)(A)(ii), 434(a)(4)(A)(iii), and 434(a)(4)(A)(iv), 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.

In order to expedite the resolution of this matter, the Commission has also decided to offer 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.

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Clifford B. Hearn, Jr., Treasurer
Page 2

If you are interested in expediting the resolution of this matter by pursuing pre-probable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, 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.

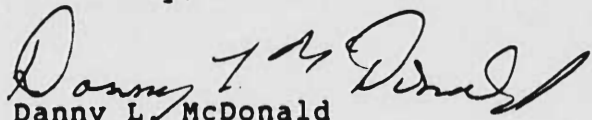
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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.

This matter will remain 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 Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,


Danny L. McDonald
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
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89 JUL 18 PM 12:19

CLIFFORD B. HEARN, JR., P.A.

ATTORNEYS AT LAW

CLIFFORD B. HEARN, JR.
MICHAEL W. MODICA606 MARKET STREET MALL
P.O. BOX 1208
WILMINGTON, DELAWARE 19899
(302) 575-0220 FAX (302) 575-0230

July 18, 1989

Mr. Jeffrey Long
Federal Election Commission
Washington, D.C. 20463RE: MUR 2894
Delaware Democratic State Committee

Dear Mr. Long:

This is to respond to Chairman McDonald's letter of June 6, 1989. We have reviewed the factual and legal analysis which was enclosed. It would appear to be quite correct. The Committee filed late as set forth in the analysis.

The Commission should be entitled to our apology as well as our explanation. For myself and for the Committee, please accept our apology.

The explanation follows: The Delaware State Democratic Committee is basically an amateur operation. It has no full-time staff on a regular basis. Occasionally during an election year, a director is employed. Normally, part-time people, who either volunteer or are drawn from the Chairman's own employees, are utilized to undertake the mundane clerical and administrative work needed to have the Committee function.

Both Federal and State election reporting have been handled by a local Certified Public Accountant for the last 10 years or so. Although it is no excuse, this Treasurer and the Chairman of the Committee assumed that the accountants were filing timely. Obviously that was not the case. The current mid-year report is now being prepared to be filed on time. For some reason, it would appear that our accountants confused the end of the year filings with our State Election filings. Although the pattern was not apparent for the year 1988.

The Delaware Democratic Committee files a report with the State Election Commissioner on January 7th of each year. There is a dispute as to whether a party committee must make such a filing. Only two committees in Delaware file. This State Committee and the City of Wilmington Democratic Committee, of which I am secretary. A 1979 Attorney General's opinion given to the Republican party

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Mr. Jeffrey Long
Federal Election Commission

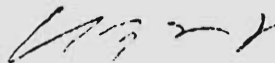
July 18, 1989
Page 2.

concluded that a party committee does not have to file. Its reasonings were so illogical and transparent that we have ignored it and have followed the clear dictates of our statute and have filed.

Except during a presidential election, our federal activity is almost non-existent. As you know, one period only involved \$4.06 in disbursements with no receipts. Although it has no relevance to this MUR, I feel compelled to add that if I had my wish, I would have ignored the Democratic National Committee and the Dukakis campaign's mechanism for the 1988 election. Local committees lost substantial control over receipts and transfers, and to some degree, disbursements during the past election.

We are prepared to enter into an conciliatory agreement.

Respectfully,



Clifford B. Hearn, Jr.

CBH,Jr/rsc

cc: Samuel Shipley

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FEDERAL ELECTION COMMISSION
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STATE OF DELAWARE
STATE ELECTION COMMISSIONER
DOVER, DELAWARE 19901

July 31, 1989

Mr. Jeff Long
Federal Election Commission
999 E. Street, NW
Washington, DC 20463

Dear Mr. Long:

In your recent inquiry you requested certain information and/or statistics concerning the registration and/or election activities in Delaware. I am attaching the information and/or statistics that should answer your inquiry. I hope that we have been helpful to you.

Sincerely,

A handwritten signature in cursive script, reading "John G. Davis, Jr.".

John G. Davis, Jr.
Commissioner of Elections

JGD:fea

Enclosures - Front pages of Democrat State Committee's
Campaign Finance Reports for 1988

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF SPECIAL COUNSEL
89 AUG -4 PM 1:01

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**SUMMARY REPORT
CONTRIBUTIONS AND EXPENDITURES
BY CANDIDATES, POLITICAL COMMITTEES AND PACS**

RECEIVED
OCT 21 9 56 AM '88

CANDIDATE'S NAME: _____	PRIMARY ELECTION _____
OFFICE: _____	GENERAL ELECTION <u>X</u>
OR	YEAR-END REPORT _____
COMMITTEE'S NAME: <u>The Democratic State Committee</u>	SPECIAL ELECTION _____
(Must be same as on Statement of Organization)	CITY ELECTION _____
TREASURER: <u>Mr. Clifford B. Hearn, Jr.</u>	FINAL REPORT _____
REPORTING PERIOD: FROM: <u>January 1, 1988</u> TO: <u>October 13, 1988</u> inclusive	

STATEMENT OF CASH ON HAND

CASH ON HAND at the beginning of the reporting period. (This is the total of money and bank accounts held by the committee. This amount **MUST** be the same as the cash on hand at the end of the last reporting period, or **MUST** be zero if this is the first report filed).

\$ 3,236.67

ADD TOTAL MONEY TAKEN IN THIS PERIOD

Schedule A: Cash Contributions Total (Attach Schedule A)

95,757.03

Schedule C: Fundraising Events Total (Attach Schedule C)

41,034.00

Schedule F: Loans Received Total (Attach Schedule F)

10,000.00

SUB-TOTAL \$ 150,027.70

SUBTRACT TOTAL MONEY SPENT THIS PERIOD

Schedule B: Expenditures Total (Attach Schedule B)

142,904.80

Schedule F: Loan Repayments Total (Attach Schedule F)

5,000.00

SUB-TOTAL \$ 147,904.80

CASH ON HAND at the end of this reporting period (if final report, balance must be zero)

\$ 2,122.90

UNPAID BILLS (From Schedule D - Attach Schedule D)

\$ _____

IN-KIND CONTRIBUTIONS (From Schedule E - Attach Schedule E)

\$ _____

OUTSTANDING LOANS (From Schedule F - Attach Schedule F)

\$ 5,000.00

"I do solemnly swear that the foregoing statement is in all things true and correct and discloses all contributions received and expenditures required by me under the Campaign Financing and Disclosure Act of 1974."

10/17/88

Date

Clifford B. Hearn, Jr.
Signature of Candidate OR Committee Treasurer

**SUMMARY REPORT
CONTRIBUTIONS AND EXPENDITURES
BY CANDIDATES, POLITICAL COMMITTEES AND PACS**

RECEIVED
COMMISSIONER OF ELECTIONS
JAN 10 11 03 AM '89

(20)

		PRIMARY ELECTION	_____
		GENERAL ELECTION	_____
		YEAR-END REPORT	<u>X</u>
COMMITTEE'S NAME:	<u>The Democratic State Committee</u> (Must be same as on Statement of Organization)	SPECIAL ELECTION	_____
TREASURER:	<u>Clifford B. Hearn, Jr.</u>	CITY ELECTION	_____
REPORTING PERIOD:	FROM: <u>October 14, 1988</u> TO: <u>December 31, 1988</u> inclusive	FINAL REPORT	_____

STATEMENT OF CASH ON HAND

CASH ON HAND at the beginning of the reporting period. (This is the total of money and bank accounts held by the committee. This amount **MUST** be the same as the cash on hand at the end of the last reporting period, or **MUST** be zero if this is the first report filed).

\$ 2 122.90

ADD TOTAL MONEY TAKEN IN THIS PERIOD

Schedule A: Cash Contributions Total (Attach Schedule A) 48 518.68

Schedule E: Loans Received Total (Attach Schedule E) 5 000.00

SUB-TOTAL \$ 55 641.58

SUBTRACT TOTAL MONEY SPENT THIS PERIOD

Schedule B: Expenditures Total (Attach Schedule B) 52 651.96

Schedule E: Loan Repayments Total (Attach Schedule E) -0-

SUB-TOTAL \$ 52 651.96

CASH ON HAND at the end of this reporting period (if final report, balance must be zero). \$ 2 989.62

UNPAID BILLS (From Schedule ^D~~C~~ - Attach Schedule C) \$ -0-

IN-KIND CONTRIBUTIONS (From Schedule ^E~~D~~ - Attach Schedule D) \$ 70.40

OUTSTANDING LOANS (From Schedule ^F~~E~~ - Attach Schedule E) \$ 10 000.00

"I do solemnly swear that the foregoing statement is in all things true and correct and discloses all contributions received and expenditures required by me under the Campaign Financing and Disclosure Act of 1974."

1/6/89

Date

[Signature]

Signature of Treasurer

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RECEIVED
FEDERAL ELECTION COMMISSION
BEFORE THE FEDERAL ELECTION COMMISSION

89 OCT -4 PM 4:24

In the Matter of

Democratic State Committee of
Delaware and Clifford B. Hearn, Jr.,
as treasurer

)
) MUR 2894
)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Clifford B. Hearn, Jr., the treasurer of the Democratic State Committee of Delaware.

The agreement contains no other changes from that approved by the Commission.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the Democratic State Committee of Delaware and Clifford B. Hearn, Jr., as treasurer.
2. Close the file.
3. Approve the attached letter.

Lawrence M. Noble
General Counsel

89 OCT 4 - 39
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement
2. Letter to Respondent

Staff Assigned: Jeffrey Long

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Democratic State Committee of
Delaware and Clifford B. Hearn, Jr.,
as treasurer

MUR 2894

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 10, 1989, the Commission decided by a vote of 5-0 to take the following actions in MUR 2894:

1. Accept the conciliation agreement with the Democratic State Committee of Delaware and Clifford B. Hearn, Jr., as treasurer, as recommended in the General Counsel's Report dated October 4, 1989.
2. Close the file.
3. Approve the letter as recommended in the General Counsel's Report dated October 4, 1989.

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

Attest:

Oct. 10, 1989
Date

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

Received in the Secretariat:	Wednesday, October 4, 1989	4:23
Circulated to the Commission:	Thursday, October 5, 1989	11:00
Deadline for vote:	Tuesday, October 10, 1989	11:00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 20, 1989

Clifford B. Hearn, Jr., Treasurer
Democratic State Committee of Delaware
606 Market Street Mall
P.O. Box 1205
Wilmington, DE 19899

CLOSED

RE: MUR 2894
Democratic State
Committee of Delaware
and Clifford B. Hearn,
Jr., as treasurer

Dear Mr. Hearn:

On October 10, 1989, the Federal Election Commission accepted the signed conciliation agreement submitted on your behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(A), a provision of the Federal Election Campaign Act, 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 Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

33040762507

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Democratic State Committee of) MUR 2894
Delaware and Clifford B. Hearn, Jr.,)
as treasurer)

CONCILIATION AGREEMENT

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This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that ("Respondents") violated 2 U.S.C. §§ 434(a)(4)(A)(i), 434(a)(4)(A)(ii), 434(a)(4)(A)(iii), and 434(a)(A)(iv).

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. Democratic State Committee of Delaware is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Clifford B. Hearn, Jr., is the treasurer of Democratic State Committee of Delaware.

3. Section 434(a)(4)(A)(i) provides that unauthorized committees filing quarterly shall file quarterly reports in a calendar year in which a regularly scheduled election is held, no later than the 15th day after the last day of each calendar quarter.

4. Respondents were required to file the 1988 April Quarterly Report on April 15, 1988. Respondents did not file the 1988 April Quarterly Report until July 15, 1988, which was 91 days late, disclosing no receipts and \$4.06 in disbursements.

5. Section 434(a)(4)(A)(ii) provides that unauthorized committees shall file a pre-election report, which shall be filed no later than the 12th day before any election in which the committee makes a contribution to or an expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election. Section 434(a)(4)(A)(iii) provides that unauthorized committees shall file a post-general election report, which shall be filed no later than the 30th day after the general election and shall be complete as of the 20th day after such election.

6. Respondents were required to file the 1988 Pre-General Report on October 27, 1988, and to file the 1988 Post-General Report on December 8, 1988. Respondents filed a 1988 Year-End Report on February 1, 1989, that included financial activity which occurred during the pre-election and post-general reporting periods. The 1988 Year-End Report disclosed \$23,455.94 in receipts and \$4,103.65 in disbursements that transpired during the 1988 Pre-Election reporting period, thus, such disclosure was

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filed 97 days late. The 1988 Year-End Report disclosed \$8,495 in receipts and \$14,635.20 in disbursements that transpired during the 1988 Post-General reporting period, thus, such disclosure was filed 55 days late.

7. Section 434(a)(4)(A)(iv) of Title 2 provides that unauthorized committees filing quarterly shall file a mid-year report in a year without a regularly scheduled general election, covering the period beginning January 1 and ending June 30, no later than July 31.

8. Respondents were required to file the 1987 Mid-Year Report on July 31, 1987. Respondents did not file the 1987 Mid-Year Report until January 11, 1988, which was 164 days late, disclosing \$1,000 in receipts and \$227.88 in disbursements.

V. Respondents failed to file in a timely manner the 1987 Mid-Year Report and the 1988 April Quarterly, Pre-Election and Post-General Reports, in violation of 2 U.S.C. §§ 434(a)(4)(A)(i), 434(a)(4)(A)(ii), 434(a)(4)(A)(iii) and 434(a)(4)(A)(iv).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Thousand Five Hundred Dollars (\$1,500.00), pursuant to 2 U.S.C. § 437g(a)(5)(A), such penalty to be paid as follows:

1. One initial payment of \$500 due on the month after the Respondents receive an executed copy of this agreement.

2. Thereafter, four consecutive monthly installment payments of \$250 each.

3. Each such installment shall be paid on the first

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day of the month in which it becomes due;

4. In the event that any installment payment is not received by the Commission by the fifth day of the month in which it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the respondents. Failure by the Commission to accelerate the payments with regard to any overdue installment shall not be construed as a waiver of its right to do so with regard to future overdue installments.

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

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

IX. Respondents shall have no more than 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 October 20, 1989
Lois G. Lerner Date
Associate General Counsel

FOR THE RESPONDENTS:

CM 3727 September 19, 1989
(Name) Date
(Position) Trainee

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2894

DATE FILMED 11/12/89 CAMERA NO. 2

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO
THE PUBLIC RECORD IN CLOSED MUR 2894.

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RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

CLIFFORD B. HEARN, JR., P.A.

90 FEB 26 AM 9:47

CLIFFORD B. HEARN, JR.
MICHAEL W. MODICA

ATTORNEYS AT LAW

CLOSED

606 MARKET STREET MALL
P.O. BOX 1208
WILMINGTON, DELAWARE 19899

February 27, 1990

(302) 575-0220 FAX (302) 575-0236

Mr. Jeffrey Long
Federal Election Commission
Washington, DC 20463

RE: Delaware State Committee

Dear Jeff:

Enclosed herewith please find the Committee's check in the amount of \$750.00. I believe that this closes out this matter.

Very truly yours,


Clifford B. Hearn, Jr.

CBH,Jr./dlh

Enclosure

90 MAR -1 PM 12:48

MUR 2894

900040703739

DEMOCRATIC STATE COMMITTEE

672

PAY
TO THE
ORDER OF

Federal Election Commission

Feb 13 19 90

02-0/311

\$ 750.00

DOLLARS

Seven hundred fifty dollars only



WILMINGTON TRUST
Wilmington Trust Company
Wilmington, Delaware

FOR

⑈000672⑈-⑈03⑈00092⑈ 2447 4593⑈

[Handwritten signature]

MEMORANDUM

TO: DEBRA A. TRIMIER

TO: CHERYL T WILLIAMS

FROM: CHERYL T WILLIAMS

FROM: DEBRA A. TRIMIER

(2894) CHECK NO. 672 (A COPY OF WHICH IS ATTACHED) RELATING TO
~~2895~~ 2894 AND NAME Democratic State Committee
 WAS RECEIVED ON 3/1/90. PLEASE INDICATE THE ACCOUNT INTO
 WHICH IT SHOULD BE DEPOSITED:

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

SIGNATURE

[Handwritten signature: Margaret Brunson]

DATE

3/1/90

DEMOCRATIC STATE COMMITTEE

672

PAY
TO THE
ORDER OF

Federal Election Commission

Feb 13 19 90

\$ 750.00

Seven hundred fifty dollars only

DOLLARS



WILMINGTON TRUST
Wilmington Trust Company
Wilmington, Delaware

FOR

⑈000672⑈-⑈03⑈100092⑈ 2447 4593⑈

[Handwritten signature]

MEMORANDUM

TO: DEBRA A. TRIMIEW

TO: CHERYL T WILLIAMS

FROM: CHERYL T WILLIAMS

FROM: DEBRA A. TRIMIEW

2894

CHECK NO. 1672

{ A COPY OF WHICH IS ATTACHED } RELATING TO

~~2895~~ 2894 AND NAME Democratic State Committee

WAS RECEIVED ON 3/1/90. PLEASE INDICATE THE ACCOUNT INTO

WHICH IT SHOULD BE DEPOSITED:

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

SIGNATURE

[Handwritten signature: Margaret B. Burson]

DATE

3/1/90

DEMOCRATIC STATE COMMITTEE

672

PAY
TO THE
ORDER OF

Federal Election Commission

\$ 750.00

02-0/311

Seven hundred fifty dollars only

DOLLARS



WILMINGTON TRUST
Wilmington Trust Company
Wilmington, Delaware

FOR

⑆000672⑆ - ⑆031100092⑆ 2447 4593⑆

[Handwritten signature]

703792
MEMORANDUM

TO: DEBRA A. TRIMIEW

TO: CHERYL T WILLIAMS

FROM: CHERYL T WILLIAMS

FROM: DEBRA A. TRIMIEW

②894 CHECK NO. 1672 (A COPY OF WHICH IS ATTACHED) RELATING TO
FOR 2894 AND NAME Democratic State Committee
(Long)
WAS RECEIVED ON 3/1/90. PLEASE INDICATE THE ACCOUNT INTO
WHICH IT SHOULD BE DEPOSITED:

/ / BUDGET CLEARING ACCOUNT { 95F3875.16 }
/ ✓ / CIVIL PENALTIES ACCOUNT { 95-1099.120 }
/ / OTHER _____

SIGNATURE

[Handwritten signature: Margaret Brunson]

DATE

3/1/90



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 2894.

90040790587

CLOSED

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 15, 1990

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Clifford B. Hearn, Jr., Esquire
606 Market Street Mall
P.O. Box 1205
Wilmington, Delaware 19899

RE: MUR 2894

Dear Mr. Hearn:

On October 10, 1989, the Federal Election Commission and the Democratic State Committee of Delaware ("Committee") and you, as treasurer, entered into a conciliation agreement in settlement of violations of 2 U.S.C. § 434(a)(4)(A). According to the agreement, you were required to pay a civil penalty of \$1500. The conciliation agreement provided for installment payments, with your first payment due on the month after you received an executed copy of the agreement, and additional payments due on the first day of each successive month, until March 1, 1990.

According to Commission records, we received your initial payment on October 25, 1989 and your second payment on December 11, 1989. Your payments for the months of January and February have not been received. Please be advised that, pursuant to 2 U.S.C. § 437g(a)(5)(D), violation of any provision of the conciliation agreement may result in the institution of a civil suit for relief in the United States District Court. Unless we receive the payments from you in five days, this Office will recommend that the Commission file suit to remedy this violation.

If you believe the Commission's records are in error, or if you have any questions, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

00040790593