



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2908

DATE FILMED 9/28/89 CAMERA NO. 3

CAMERAMAN AS

39040764703



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 15, 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 MONTHLY UNAUTHORIZED COMMITTEES FOR
FAILURE TO FILE THE 1988 12 DAY PRE-GENERAL REPORT
BY ELECTION DAY

Attached are referrals of thirteen (13) monthly unauthorized committees that failed to file the 1988 12 Day Pre-General Report by Election Day, November 8, 1988. In accordance with of the 1987-1988 RAD Review and Referral Procedures for Unauthorized Committees, this matter requires further examination by your office.

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

Attachment

C00091884: Employees Federal PAC - Carolina Power
& Light Co.

89NF-31

3 3 0 4 0 7 6 1 7 0 5

3 3 0 4 0 7 6 4 7 0 0

page 1

COMMITTEE ID, NAME AND ADDRESS

CONTACTS
WITH FILER ATCH

REPORTS FILED/
RESPONSES

.....

.....
C00091884
EMPLOYEES FEDERAL PAC - CAROLINA POWER & LIGHT CO
TREASURER'S NAME: JAMES W FULLER III
PO BOX 1510/411 FAYETTEVILLE ST
RALEIGH NC 27602

None

12 Day Pre-General
Report filed
11/21/88

3b

.....

Employees Federal PAC - Carolina Power & Light Co.

(Attachments 3a - 3b)

3 2 3 4 0 7 6 4 7 0 1

Attachment 1 (18) 36

3 9 1 2 3 7 6 7 0 5
FEDERAL ELECTION COMMISSION
1987-1988
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 8FEB89

PAGE 9

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
						TYPE OF FILER
EMPLOYEES FEDERAL PAC - CAROLINA POWER & LIGHT CO CONNECTED ORGANIZATION: CAROLINA POWER & LIGHT CO				ID #C00091884 NON-PARTY QUALIFIED		
1987	MISCELLANEOUS REPORT TO FEC			18FEB87	1	87FEC/461/2265
	FEBRUARY MONTHLY	2,811	4,500	1JAN87 -31JAN87	5	87FEC/461/2266
	MARCH MONTHLY	2,761	0	1FEB87 -28FEB87	6	87FEC/463/3529
	APRIL MONTHLY	2,727	6,549	1MAR87 -31MAR87	7	87FEC/465/3939
	MAY MONTHLY	2,725	0	1APR87 -30APR87	5	87FEC/468/0243
	JUNE MONTHLY	3,889	6,850	1MAY87 -31MAY87	7	87FEC/471/4172
	JULY MONTHLY	2,745	3,550	1JUN87 -30JUN87	7	87FEC/477/3785
	AUGUST MONTHLY	2,785	0	1JUL87 -31JUL87	6	87FEC/484/3467
	SEPTEMBER MONTHLY	2,850	0	1AUG87 -31AUG87	5	87FEC/485/3466
	OCTOBER MONTHLY	2,819	2,900	1SEP87 -30SEP87	7	87FEC/491/3305
	OCTOBER MONTHLY - AMENDMENT	2,819	2,900	1SEP87 -30SEP87	8	87FEC/493/0830
	1ST LETTER INFORMATIONAL NOTICE			1SEP87 -30SEP87	1	87FEC/492/3851
	NOVEMBER MONTHLY	2,668	0	1OCT87 -31OCT87	6	87FEC/494/0296
	DECEMBER MONTHLY	4,353	6	1NOV87 -30NOV87	8	87FEC/496/2834
	DECEMBER MONTHLY - AMENDMENT	4,353	6	1NOV87 -30NOV87	7	88FEC/500/4076
	YEAR-END	3,942	3,800	1DEC87 -31DEC87	8	88FEC/500/4068
1988	FEBRUARY MONTHLY	2,832	0	1JAN88 -31JAN88	5	88FEC/510/0424
	MARCH MONTHLY	2,802	500	1FEB88 -29FEB88	6	88FEC/513/4560
	APRIL MONTHLY	2,641	3,791	1MAR88 -31MAR88	7	88FEC/523/1844
	MAY MONTHLY	2,820	4,400	1APR88 -30APR88	7	88FEC/525/4168
	JUNE MONTHLY	4,304	3,900	1MAY88 -31MAY88	6	88FEC/530/1645
	JULY MONTHLY	3,016	0	1JUN88 -30JUN88	6	88FEC/536/0658
	AUGUST MONTHLY	3,068	0	1JUL88 -31JUL88	6	88FEC/542/3674
	SEPTEMBER MONTHLY	3,139	7,900	1AUG88 -31AUG88	7	88FEC/547/4687
	SEPTEMBER MONTHLY - AMENDMENT	3,139	7,900	1AUG88 -31AUG88	8	88FEC/568/0267
	REQUEST FOR ADDITIONAL INFORMATION			1AUG88 -31AUG88	1	88FEC/565/4172
	OCTOBER MONTHLY	3,100	10,000	1SEP88 -30SEP88	9	88FEC/559/4338
	OCTOBER MONTHLY - AMENDMENT	3,100	10,000	1SEP88 -30SEP88	9	88FEC/568/0275
	REQUEST FOR ADDITIONAL INFORMATION			1SEP88 -30SEP88	1	88FEC/565/4168
	PRE-GENERAL	3,124	0	1OCT88 -19OCT88	8	88FEC/565/4900
	NOTICE OF FAILURE TO FILE			1OCT88 -19OCT88	1	88FEC/565/2020
	POST-GENERAL	4,741	2,800	20OCT88 -28NOV88	7	88FEC/570/1790
	YEAR-END	5,717	0	29NOV88 -31DEC88	7	89FEC/579/3370
	TOTAL	78,379	0		195	TOTAL PAGES

All reports have been reviewed.
Ending cash-on-hand as of 12/31/88: \$28,880
Outstanding debts owed to/by the committee as of 12/31/88: \$0

Attachment 1 (19) 37

ATTACHMENT 3a

ON
TYPE ON PAINT

07000104 02007
JAMES D FULLER III
EMPLOYEE FEDERAL PAC - SENATE
44 COURT ST SUITE 20
PO BOX 10107-11 FAYETTEVILLE NC
28401
02007 02 27500

08 NOV 25 AM 11:30

REF. IDENTIFICATION NUMBER

CU0091884

3 This committee qualified as a multicandidate
committee DURING THIS Reporting Period
on 10/2/8

1a ☐ 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

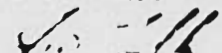
Monthly Report Due On

☐ Feb. July 20	☐ June 20	☐ October 20
☐ March 20	☐ July 20	☐ November 20
☐ April 20	☐ August 20	☐ December 20
☐ May 20	☐ September 20	☐ January 21

☒ Twelfth day report preceding General
(Type of Election)
election on November 8 in the State of N. C.

☐ Thirtieth day report following the General Election on _____
in the State of _____

10 Is this Report an Amendment? ☐ YES ☐ NO

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5	Covering Period <u>10/1/88</u> through <u>10/19/88</u>		
6	(a) Cash on hand January 1, 19 <u>88</u>		\$ 20,862.60
	(b) Cash on hand at Beginning of Reporting Period	\$ 18,096.67	
	(c) Total Receipts (from Line 18)	\$ 3,124.70	\$ 30,850.29
	(d) <u>Total</u> (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 21,221.37	\$ 51,712.89
7	Total Disbursements (from Line 28)	\$ -0-	\$ 30,491.52
8	Cash on hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 21,221.37	\$ 21,221.37
9	Debits and Obligations Owed TO the Committee (itemize all on Schedule C and or Schedule D)	\$ ---	For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-5530 Local 202-376-3120
10	Debits and Obligations Owed BY the Committee (itemize all on Schedule C and 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.			
Type or Print Name of Treasurer James M. Fuller, III			
Signature of Treasurer 			Date 11/1/88

1. If a person provides false or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g

FEC FORM 3X

Attachment 1 (20)

Dynex PACs
— Int'l Power & Light
Box 1510
Zg 27602-1510

CERTIFIED

P 706 311 997

MAIL

Federal Election Commission
999 E Street NW
Washington, DC 20463

BRN: 23 AM 11:36

RECEIVED
FEB 23 1997

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

Attachment 1 (21)

RECEIVED
FEDERAL ELECTION COMMISSION

FEDERAL ELECTION COMMISSION

999 E Street, N.W.
Washington, D.C. 20463

89 JUN -9 AM 10:16

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD Referral #89NF-29
thru 89NF-41
Staff Member Ivonne Cotto

SOURCE:

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

RESPONDENTS:

Employees Federal PAC - Carolina Power & Light
Co. and James W. Fuller III, as
treasurer (89NF-31)

87040765711

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

INTERNAL REPORTS

CHECKED: Referral Materials

FEDERAL AGENCIES

CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the above thirteen (13) committees to the Office of the General Counsel on February 16, 1989. (Attachment 1). The basis for the attached referral is the committees' failure to file the 1988 12 Day Pre-General Report in a timely manner.

II. FACTUAL AND LEGAL ANALYSIS

A. Filing of Reports

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that unauthorized committees which file on a monthly basis shall file a pre-election report, which shall be filed no later than the 12th day before such election, and which should be complete as of the 20th day before the election.

2 U.S.C. § 434(a)(4)(B). The committees were notified on October 3, 1988, that the report was due on October 27, 1988.

The committees filed the information required to be in the
1988 12 Day Pre-General Report as follows:

A. 12 Day Report filed late

Name of Committee

Date Report Filed

Employees Federal PAC - Carolina
Power & Light Co.

November 21, 1988

3 9 0 4 0 7 6 5 7 1 5

3. Employees Federal PAC - Carolina Power & Light Co.

3 2 0 4 0 7 0 4 7 1 5

III. RECOMMENDATIONS

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

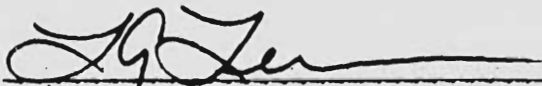
Employees Federal PAC - Carolina Power & Light
Co. and James W. Fuller III, as
treasurer

3. Approve the attached letters, Factual and Legal Analyses, and proposed conciliation agreements to be sent to the respective committees listed in recommendation 2.

Lawrence M. Noble
General Counsel

6-8-89
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Referral Materials
2. Proposed Conciliation Agreements (13)
3. Letters and Factual and Legal Analyses (13)

877-0718

[illegible]

Employees Federal PAC - Carolina Power
& Light Co. and James W. Fuller III,
as treasurer (89NF-31)

(continued)

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)

2304070717

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

inued)

Federal Election Commission
Certification for RAD Referrals #89NF 29-41
June 19, 1989

Page 3

33040765720

2. Enter into conciliation with the following committees and their treasurers prior to a finding of probable cause to believe:

Employees Federal PAC - Carolina Power &
Light Co. and James W. Fuller III, as
treasurer

(continued)

Federal Election Commission
Certification for RAD Referrals 89NF 29-41
June 19, 1989

Page 4

80040764721

(continued)

3. Approve the letters, Factual and Legal Analyses, and proposed conciliation agreements to be sent to the respective committees listed in action 2, as recommended in the First General Counsel's Report signed June 8, 1989.

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

Attest:

6-19-89

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

87040764722



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 28, 1989

James W. Fuller, III,
Treasurer
Employees Federal PAC -
Carolina Power & Light Co.
P.O. Box 1510
411 Fayetteville Street
Raleigh, NC 27602

RE: MUR 2908
Employees Federal PAC -
Carolina Power & Light Co.
and James W. Fuller, III,
as treasurer

Dear Mr. Fuller:

On June 19, 1989, the Federal Election Commission found that there is reason to believe Employees Federal PAC - Carolina Power & Light Co. ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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

89040764726

James W. Fuller, III
Page 2

of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

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.

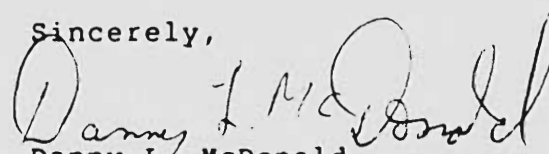
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 Sandra Robinson, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,


Danny L. McDonald
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

8 3 0 4 0 7 6 4 7 2 4

HAND DELIVERED *cc*
3447
RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

Carolina Power & Light Company 89 JUL 18 AM 10:31

411 Fayetteville Street Mall

Post Office Box 1551

Raleigh, North Carolina 27602

LEGAL DEPARTMENT
Writer's Direct Dial Number
(919) 546-7509
Telecopier
(919) 546-7678

July 17, 1989

VIA FEDERAL EXPRESS

General Counsel's Office
Attention: Ms. Sandra Robinson
Federal Election Commission
Washington, D. C. 20463

Re: MUR 2908
Employees Federal PAC - Carolina Power & Light Company
and James W. Fuller, III, as treasurer

Dear Ms. Robinson:

Enclosed are two "Statement of Designation of Counsel" forms, one executed by Thomas A. Warren on behalf of the Employees Federal PAC - Carolina Power & Light Company and one executed by James W. Fuller, III, designating me as their counsel in the above-referenced proceeding.

Yours very truly,

Robert S. Gillam

Robert S. Gillam
Associate General Counsel

RSG:ew

Enclosures

cc: Mr. James W. Fuller, III
Mr. Thomas A. Warren

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

89 JUL 18 PM 12:15

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2908

NAME OF COUNSEL: Robert S. Gillam

ADDRESS: Carolina Power & Light Company

P.O. Box 1551

Raleigh, North Carolina 27602

TELEPHONE: (919) 546-7509

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.

EMPLOYEES FEDERAL PAC - CAROLINA
POWER & LIGHT COMPANY

7-17-89
Date

By: Thomas A. Warren
Signature (Chairman)

RESPONDENT'S NAME: Employees Federal PAC - Carolina Power & Light Company

ADDRESS: P.O. Box 1510

411 Fayetteville Street Mall

Raleigh, North Carolina 27602

HOME PHONE: (Organization has no home phone)

BUSINESS PHONE: 919-864-2524

30040764720

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2908

NAME OF COUNSEL: Robert S. Gillam

ADDRESS: Carolina Power & Light Company

P. O. Box 1551

Raleigh, North Carolina 27602

TELEPHONE: (919) 546-7509

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.

7/12/89
Date

James W. Fuller III
Signature

RESPONDENT'S NAME: James W. Fuller, III

ADDRESS: Employees Federal PAC-Carolina Power & Light Company

P. O. Box 1510

Raleigh, North Carolina 27602

HOME PHONE: (919) 847-3180

BUSINESS PHONE: (919) 546-6462

29040704727

HAND DELIVERED 3503
RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

Carolina Power & Light Company 89 JUL 21 AM 10:14

411 Fayetteville Street Mall

Post Office Box 1551

Raleigh, North Carolina 27602

LEGAL DEPARTMENT
Writer's Direct Dial Number
(919) 546-7509
Telecopier
(919) 546-7678

July 19, 1989

VIA FEDERAL EXPRESS

General Counsel's Office
Attention: Ms. Sandra Robinson
Federal Election Commission
Washington, D. C. 20463

Re: MUR 2908
Employees Federal PAC - Carolina Power & Light Company
and James W. Fuller, III, as treasurer

Dear Ms. Robinson:

I am writing in response to Chairman McDonald's letter of June 28, 1989, to Employees Federal PAC - Carolina Power & Light Company (the Committee) and James W. Fuller, III, as treasurer. In this letter Chairman McDonald notified the Committee and Mr. Fuller that the Federal Election Commission (the Commission) has reason to believe that they violated 2 U.S.C. § 434(a)(4)(B) by failing to file the 12 Day Pre-General Report for 1988 in a timely manner,

In his letter Chairman McDonald invited the Committee and Mr. Fuller to submit relevant factual or legal materials to your office for the purpose of demonstrating that no action should be taken against them. He stated that such materials should be submitted within 15 days of receipt of his letter. Chairman McDonald's letter was received by the Committee and Mr. Fuller on July 6, 1989.

I represent the Committee and Mr. Fuller in this matter. I respectfully request that the Commission take no action against them, and that this Matter Under Review be terminated without the imposition of any civil penalty. In the event the Commission determines that the matter cannot be terminated and some action must be taken, I request negotiations with the Commission concerning the proposed Conciliation Agreement attached to Chairman McDonald's letter.

Enclosed is a sworn affidavit of Mr. Fuller in which he sets forth the circumstances surrounding the delay in filing the 12 Day Pre-General Report for 1988. As is clear from the affidavit, we do not dispute the fact that the Committee was late in filing the 12 Day Pre-General Report. However, the following mitigating factors are established by the affidavit:

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
89 JUL 21 PM 1:08

- 8204076-727
- (1) The Committee has a long record of faithful compliance with the Commission's regulations.
 - (2) The Committee did not receive any notice from the Commission that the report at issue was due on October 27, 1988. We recognize that the October 27 deadline was established by statute and was binding on the Committee whether or not any notice was received from the Commission; however, it is evidently the Commission's practice to remind political committees of upcoming filing deadlines, and in this instance no reminder was received. It further appears that the Commission's action may be premised on the belief that such a notice was received by the Committee. (See the "Factual and Legal Analysis" attached to Chairman McDonald's letter of June 28, 1989.)
 - (3) When the Commission staff notified the Committee in November that the report had not been received, Mr. Fuller immediately asked an employee under his supervision to contact the Commission by telephone. He then proceeded promptly to have the report prepared and to file it with the Commission.
 - (4) Mr. Fuller has testified in his affidavit that the delay in filing the report was simply an administrative mistake and was not motivated by any improper purpose.
 - (5) Mr. Fuller's testimony to this effect is borne out by the routine and noncontroversial nature of the report itself. If the report had contained unusual or controversial information, one might perhaps have reason to suspect that the delay in filing it was motivated by a desire to keep its contents hidden. However, there is nothing at all unusual in the report.
 - (6) Mr. Fuller has apologized to the Commission for failing to file the report on time and has promised to comply with the Commission's filing deadlines very strictly in the future.

In light of all these mitigating factors, I think it is clear that the Committee's failure to file the 12 Day Pre-General Report on time was an innocent administrative error, of the type that will inevitably occur on rare occasions even in the best-run organizations. It certainly was not an abuse of the type that the campaign financing laws and the Commission's regulations are designed to guard against.

Accordingly, I respectfully contend that it would be just, equitable and appropriate for the Commission to take no action against the Committee and Mr. Fuller.

General Counsel's Office
Federal Election Commission
Page 3
July 19, 1989

Please do not hesitate to contact me if you would like to discuss this matter or if you have any questions. I would like for all future correspondence relating to the matter to be sent to me at the address shown above.

Yours very truly,

Robert S. Gillam

Robert S. Gillam
Associate General Counsel

RSG:ew
Enclosure

cc: Mr. James W. Fuller, III
Mr. Thomas A. Warren

3004076-710

STATE OF NORTH CAROLINA)
)
COUNTY OF WAKE)

AFFIDAVIT

The undersigned, JAMES W. FULLER, III, first being duly sworn, deposes and says:

1. I am Treasurer of Employees Federal PAC-Carolina Power & Light Company and have served in that capacity since January 1985.

2. Employees Federal PAC-Carolina Power & Light Company (the Committee) is a "separate segregated fund" sponsored by Carolina Power & Light Company pursuant to 2 U.S.C. § 441b(b) and 11 C.F.R. § 114.5. It has been in existence since 1978 and has always sought to operate in strict compliance with the letter and spirit of the federal election laws. The Committee has never before been charged with any violation of the election laws or any other illegality.

3. The Committee files financial reports with the Federal Election Commission (the Commission) on a monthly basis in accordance with 2 U.S.C. § 434(a)(4)(B) and 11 C.F.R. § 104.5(c)(3).

4. On November 18, 1988 I received a letter from John D. Gibson of the Commission staff, stating that the Committee had not filed its 12 Day Pre-General Report in a timely manner and might be in violation of 2 U.S.C. § 434(a). A copy of Mr. Gibson's letter is attached as Exhibit 1. The letter stated: "If you have any questions, please contact David Blakeley on our toll-free number (800) 424-9530."

5. Upon receiving Mr. Gibson's letter, I asked William F. Lewis, a Carolina Power & Light Company employee who works under my supervision, to call Mr. Blakeley at his toll-free number. Mr. Blakeley stated that the Committee should file the report as soon as possible. I immediately proceeded with having the report prepared, and on the next workday, Monday, November 21, I filed it on behalf of the Committee. A copy of the report is attached as Exhibit 2.

6. After filing the report, I did not hear anything further from the Commission or its staff until July 6, 1989, when I received a letter from Danny L. McDonald, Chairman of the Commission, advising me that the Commission had found that there was reason to believe that there had been a violation of 2 U.S.C. § 434(a)(4)(B) had occurred.

7. The "Factual and Legal Analysis" attached to Chairman McDonald's letter states: "The Committee was notified on October 3, 1988, that the report [at issue] was due on October 27, 1988." If any such notification had been sent to the Committee, it should have been addressed to me as Treasurer of the Committee; however, I did not receive any notification to his effect. After receiving Mr. McDonald's letter, I telephoned Sandra Robinson, the Commission staff attorney assigned to this matter, and she acknowledged that no such notification was sent to the Committee.

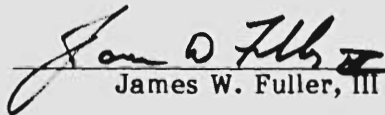
8. The Committee's failure to file the 12 Day Pre-General Report on time was not motivated by any desire to evade the requirements of the campaign reporting laws, any intent to keep any contributions or disbursements secret, or any other improper purpose. As one can see by reviewing the report, during the time period covered by the 12 Day Pre-General Report the Committee did not

8 1 0 4 0 7 6 3 2

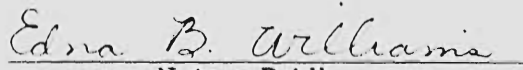
make any disbursements, and it did not receive any contributions large enough to be itemized except for one payroll-deduction contribution of \$12.50. The delay in filing the report was simply an inadvertent administrative mistake.

9. On behalf of the Committee and on my own behalf, I sincerely apologize for failing to file this report on time. I would like to assure the Commission that in the future we will be very careful to familiarize ourselves with, and adhere to, all applicable filing deadlines.

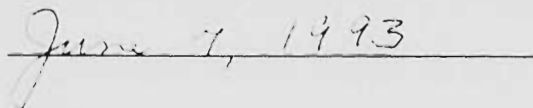
This the 19th day of July, 1989.

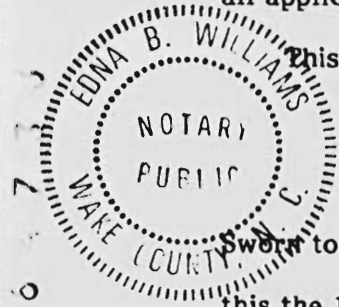

James W. Fuller, III

Sworn to and subscribed before me,
this the 19th day of July, 1989.


Notary Public

My Commission Expires:


June 7, 1993



20040707



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

November 15, 1988

James W. Fuller III, Treasurer
Employees Federal PAC - Carolina
Power & Light Co.
P.O. Box 1510
411 Fayetteville Street
Raleigh, NC 27602

Identification Number: C00091884

Reference: 12 Day Pre-General Report (10/1/88-10/19/88)

Dear Mr. Fuller:

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", with a long horizontal flourish extending to the right.

John D. Gibson
Assistant Staff Director
Reports Analysis Division

Other Than An Authorized Committee
(Summary Page)

USE FEC MAILING LABEL

OR
TYPE OR PRINT

1. NAME C00091884 JAMES W. FULLER III EMPLOYEES FEDERAL PAC - CAROLY NA POWER & LIGHT CO PO BOX 10107411 FAYETTEVILLE 3 PALEIGH NC 27502	2. FEC IDENTIFICATION NUMBER C00091884
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 General

(Type of Election)

election on November 8 in the State of N. C.☐ Thirtieth day report following the General Election on

_____ in the State of _____

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

SUMMARY

5. Covering Period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
10/1/88 through 10/19/88		
6. (a) Cash on Hand January 1, 19 <u>88</u>		\$ 20,862.60
(b) Cash on Hand at Beginning of Reporting Period	\$ 18,096.67	
(c) Total Receipts (from Line 18)	\$ 3,124.70	\$ 30,850.29
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 21,221.37	\$ 51,712.89
7. Total Disbursements (from Line 28)	\$ -0-	\$ 30,491.52
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 21,221.37	\$ 21,221.37
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	\$ ---	For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-376-3120
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/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.		
Type or Print Name of Treasurer James W. Fuller, III		
Signature of Treasurer <i>Jim Fuller</i>		Date 11/21/88

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)

DETAILED SUMMARY PAGE

of Receipts and Disbursements

(Page 2, FEC FORM 3X)

Name of Committee (in full) Employees Federal PAC - Carolina Power & Light Co.		Report Covering the Period From: 10/01/88 To: 10/19/88	
I. RECEIPTS	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date	
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees			11(a)(i)
(i) Itemized (use Schedule A)	12.50	237.50	11(a)(ii)
(ii) Unitemized	3,079.73	29,636.01	11(a)(iii)
(iii) Total of contributions from individuals			11(b)
(b) Political Party Committees			11(c)
(c) Other Political Committees (such as PACs)			11(d)
(d) TOTAL CONTRIBUTIONS (add 11(a)(iii), (b), and (c))	3,092.23	29,873.51	
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES			12
13. ALL LOANS RECEIVED			13
14. LOAN REPAYMENTS RECEIVED			14
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) IRS Tax Refund	32.47	32.47	15
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES			16
17. OTHER RECEIPTS (Dividends, Interest, etc.) Interest Earned From Checking Acct.	0	944.31	17
18. TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)	3,124.70	30,850.29	18
II. DISBURSEMENTS			
19. OPERATING EXPENDITURES		291.52	19
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES			20
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	0	30,200.00	21
22. INDEPENDENT EXPENDITURES (use Schedule E)			22
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 441a(d)) (use Schedule F)			23
24. LOAN REPAYMENTS MADE			24
25. LOANS MADE			25
26. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees			26(a)
(b) Political Party Committees			26(b)
(c) Other Political Committees (such as PACs)			26(c)
(d) TOTAL CONTRIBUTION REFUNDS (add 26(a), (b), and (c))			26(d)
27. OTHER DISBURSEMENTS			27
28. TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	0	30,491.52	28
III. NET CONTRIBUTIONS OPERATING EXPENDITURES			
29. TOTAL CONTRIBUTIONS (other than loans) (from Line 11(d))	3,092.23	29,873.51	29
30. TOTAL CONTRIBUTION REFUNDS (from Line 26(d))	.00	.00	30
31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)	3,092.23	29,873.51	31
32. TOTAL OPERATING EXPENDITURES (from Line 19)	.00	291.52	32
33. OFFSETS TO OPERATING EXPENDITURES (from Line 15)	.00	.00	33
34. NET OPERATING EXPENDITURES (subtract Line 33 from 32)	.00	291.52	34

830040730

SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1
FOR LINE NUMBER 11(a)

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)

Employees Federal PAC - Carolina Power & Light Company

C00091884

00040731

A. Full Name, Mailing Address and ZIP Code Sherwood H. Smith, Jr. 408 Drummond Drive Raleigh, NC 27609 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Carolina Power & Light Company Occupation Aggregate Year-to-Date > \$237.50	Date (month, day, year) Semi-monthly Payroll deduction	Amount of Each Receipt this Period \$12.50 (\$12.50 per pay period)
B. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period

UBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

\$12.50

SCHEDULE A

ITEMIZED RECEIPTS

Complete schedule A
for each category of the
Detailed Summary Page

1 1
FOR LINE NUMBER
15

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)

Employees Federal PAC - Carolina Power & Light Company

C00091884

A. Full Name, Mailing Address and ZIP Code Internal Revenue Service Memphis, TN 37501 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Tax Refund Occupation Aggregate Year-to-Date > \$32.47	Date (month, day, year) 10/01/88	Amount of Each Receipt this Period \$32.47
B. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period

BTOTAL of Receipts This Page (optional)

TAL This Period (last page this line number only)

\$32.47

3 2 0 4 0 7 6 1 7 3 8

SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedules for each category of the Detailed Summary Page

PAGE 1 OF 1

FOR LINE NUMBER 17

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)

Employees Federal PAC - Carolina Power & Light Company

C00091884

A. Full Name, Mailing Address and ZIP Code First Union National Bank 234 Fayetteville Street Raleigh, NC 27602 Receipt For: ☐ Primary ☐ General ☒ Other (specify): Acct. # 7308914756	Name of Employer Interest Earned on Checking Account Occupation Aggregate Year-to-Date > \$ 944.31	Date (month, day, year) N/A	Amount of Each Receipt this Period -0-
B. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period

TOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

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ny 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)

Employees Federal PAC - Carolina Power & Light Company

C00091884

A. 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
B. 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
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

TOTAL of Disbursements This Page (optional)

TOTAL This Period (list page this line number only)

89 SEP 12 AM 10:16

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)

Employees Federal PAC - Carolina Power &)
Light Co. and James W. Fuller III,)
as treasurer)

MUR 2908

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by James W. Fuller, the treasurer of Employees Federal PAC - Carolina Power & Light Co. Attachment I.

The attached agreement contains no changes from the agreement approved by the Commission on August 22, 1989. A check for the civil penalty has also been received. Attachment II.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Employees Federal PAC - Carolina Power & Light Co. and James W. Fuller, III, as treasurer.
2. Close the file.
3. Approve the attached letter.

Lawrence M. Noble
General Counsel

Date

9/11/89

BY:


Lois G. Lerner
Associate General Counsel

Attachments

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

Staff Assigned: Sandra H. Robinson

92090709741

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Employees Federal PAC - Carolina Power &
Light Co. and James W. Fuller III,
as treasurer

)
) MUR 2908
)
)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal
Election Commission, do hereby certify that on September 14,
1989, the Commission decided by a vote of 4-0 to take
the following actions in MUR 2908:

1. Accept the conciliation agreement with
Employees Federal PAC - Carolina Power &
Light Co. and James W. Fuller, III, as
treasurer, as recommended in the General
Counsel's Report dated September 11, 1989.
2. Close the file.
3. Approve the letter, as recommended in the
General Counsel's Report dated September 11,
1989.

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

Attest:

9-15-89

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Tuesday, September 12, 1989 10:16 a.m.
Circulated to the Commission: Tuesday, September 12, 1989 4:00 p.m.
Deadline for vote: Thursday, September 14, 1989 4:00 p.m.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 19, 1989

CLOSED

Robert S. Gillam, Esq.
Carolina Power & Light Company
P.O. Box 1551
Raleigh, North Carolina 27602

RE: MUR 2908
Employees Federal PAC -
Carolina Power & Light
Co. and James W. Fuller,
III, as treasurer

Dear Mr. Gillam:

On September 14, 1989, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on behalf of your clients, Employees Federal PAC - Carolina Power & Light Co. and James W. Fuller, III, as treasurer, in settlement of a violation of 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

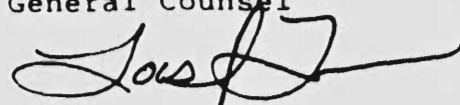
Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Robert S. Gillam, Esq.
Page 2

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

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

33040709744

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Employees Federal PAC -) MUR 2908
Carolina Power & Light Co.)
and James W. Fuller III,)
as treasurer)

CONCILIATION AGREEMENT

3 0 0 4 0 7 0 5 4 5
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 Employees Federal PAC - Carolina Power & Light Co. and James W. Fuller III, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(4)(B).

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

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

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

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

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

1. Employees Federal PAC - Carolina Power & Light Co. is a political committee within the meaning of 2 U.S.C. § 431(4).

2. James W. Fuller III, is the treasurer of Employees Federal PAC - Carolina Power & Light Co.

3. Section 434(a)(4)(B) of Title 2 provides that unauthorized committees which file on a monthly basis shall file a pre-election report, which shall be filed no later than the 12th day before such election, and which shall be complete as of the 20th day before the election.

4. Respondents filed a 1988 12 Day Pre-General Report on November 21, 1988, twenty five days after the October 27 deadline. The total amount of financial activity disclosed was \$3,124.70.

5. Respondents contend that they promptly prepared and filed the 1988 Pre-General Report upon receipt of notification from the Commission that the report had not been received. Respondents further contend that the delay in filing the 1988 Pre-General Report was an inadvertent administrative mistake and was not motivated by any improper purpose.

V. Respondents failed to file its 1988 12 Day Pre-General Report in a timely manner, in violation of 2 U.S.C. § 434(a)(4)(B).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Two Hundred Fifty Dollars (\$250.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

00407049

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 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.

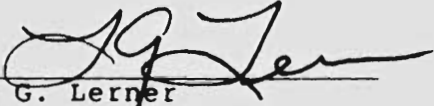
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X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not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

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

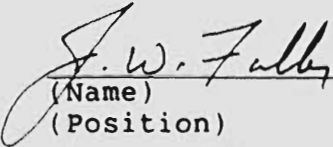
BY:


Lois G. Lerner
Associate General Counsel

Date

9-18-89

FOR THE RESPONDENT(S):


(Name)

(Position)

Secretary/Treasurer
Employees Federal PAC

Date

8/30/89

9 2 0 9 0 7 6 9 7 4 8



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2908

DATE FILMED 9/28/89 CAMERA NO. 3

CAMERAMAN AS

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