



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2943

DATE FILMED 3/2/90 CAMERA NO. 4

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FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

June 16, 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: UNAUTHORIZED QUARTERLY FILERS WHICH FAILED TO FILE
THE 1988 12 DAY PRE-GENERAL REPORT BY ELECTION DAY

The attached list of unauthorized committees consists of thirty-seven (37) quarterly filers which failed to file a 1988 12 Day Pre-General Report by Election Day, November 8, 1988.

Unlike the mandatory reporting requirement placed upon monthly filers, 2 U.S.C. §434(a)(4)(A)(ii) requires quarterly filers to submit 12 Day Pre-General Reports only if the committees make contributions to or expenditures on behalf of federal candidates in the general election. All unauthorized committees were sent prior notification regarding the pre- and post-general filing requirements on October 3, 1988 (Attachment 38).

The Party/Non-Party Branch conducted a thorough examination to identify quarterly filers disclosing contributions or expenditures between October 1 and October 19, 1988. The research revealed committees that submitted:

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

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

A-000-1

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14:14 64M11/89

List of Committees and Prior Commission Actions

- 1.
- 2.
3. C00167694 American Sugarbeet Growers Association
Political Action Committee 89NF-71
- 4.
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A-00004

COMMITTEE ID, NAME AND ADDRESS

CONTACTS
WITH FILES ATCH

REPORTS FILED
RESPONSES

9
0
0
4
0
7
8
3
3
7
4

Attachments 3a-3g

C00167604
AMERICAN SUGARBEEY GROWERS ASSOCIATION POLITICAL ACTION COMMITTEE
TREASURER'S NAME: LUTHER ALLAN MARKWART
1156 15TH ST NW SUITE 1019
WASHINGTON DC 20005

None

1988 12 Day
Pre-General
Report and
Letter filed
2/1/89

A-000005

PAGES 6 THROUGH 12 DO NOT PERTAIN TO THESE RESPONDENTS.

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A-00000

**American Sugarbeet Growers Association Political
Action Committee**

(Attachments 3a - 3g)

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All reports have been reviewed.

Ending cash-on-hand as of 12/31/88: \$72,411

Outstanding debts owed to and by the committee as of 12/31/88: \$0

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

DATE 17MAY89

PAGE 3

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
					TYPE OF FILER	
AMERICAN SUGARBEET GROWERS ASSOCIATION POLITICAL ACTION COMMITTEE CONNECTED ORGANIZATION: AMERICAN SUGARBEET GROWERS ASS'N				ID #C00167684	NON-PARTY QUALIFIED	
1987	MID-YEAR REPORT	28,999	61,503	1JAN87 -30JUN87	21	87FEC/473/1167
	MID-YEAR REPORT - AMENDMENT	28,999	61,503	1JAN87 -30JUN87	4	87FEC/494/3076
	REQUEST FOR ADDITIONAL INFORMATION			1JAN87 -30JUN87	1	87FEC/493/5354
	YEAR-END	113,066	31,216	1JUL87 -30DEC87	21	88FEC/498/0006
	YEAR-END - AMENDMENT	113,066	31,216	1JUL87 -30DEC87	3	88FEC/509/3057
	YEAR-END - AMENDMENT			1JUL87 -31DEC87	7	88FEC/509/3050
	REQUEST FOR ADDITIONAL INFORMATION			1JUL87 -31DEC87	3	88FEC/507/2320
1988	REQUEST FOR ADDITIONAL INFORMATION			21SEP88	1	88FEC/547/2640
	STATEMENT OF ORGANIZATION - AMENDMENT			6OCT88	4	88FEC/549/5454
	APRIL QUARTERLY	21,780	34,411	1JAN88 -31MAR88	16	88FEC/519/4817
	APRIL QUARTERLY - AMENDMENT			1JAN88 -31MAR88	3	88FEC/572/3030
	JULY QUARTERLY	20,893	35,888	1APR88 -30JUN88	17	88FEC/534/0267
	JULY QUARTERLY - AMENDMENT	20,893	35,888	1APR88 -30JUN88	7	88FEC/543/1526
	JULY QUARTERLY - AMENDMENT			1APR88 -30JUN88	1	88FEC/572/3034
	REQUEST FOR ADDITIONAL INFORMATION			1APR88 -30JUN88	2	88FEC/541/2339
	OCTOBER QUARTERLY	17,504	44,037	1JUL88 -30SEP88	14	88FEC/551/2935
	OCTOBER QUARTERLY - AMENDMENT			1JUL88 -30SEP88	7	88FEC/565/1837
	REQUEST FOR ADDITIONAL INFORMATION			1JUL88 -30SEP88	1	88FEC/565/0373
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL88 -30SEP88	1	88FEC/566/1698
	PRE-GENERAL	124	14,700	1OCT88 -19OCT88	8	89FEC/582/1620
	NOTICE OF FAILURE TO FILE			1OCT88 -19OCT88	1	89FEC/580/0551
	POST-GENERAL	1,768	3,338	20OCT88 -24NOV88	3	88FEC/572/5278
	YEAR-END	16,341	1,787	25NOV88 -31DEC88	6	89FEC/578/4702
	YEAR-END - AMENDMENT	16,341	2,212	25NOV88 -31DEC88	4	89FEC/588/3149
	YEAR-END - AMENDMENT			29NOV88 -31DEC88	3	89FEC/589/3023
	REQUEST FOR ADDITIONAL INFORMATION			25NOV88 -31DEC88	1	89FEC/588/3026
	COMP ADJUST AMEND			1JAN87 -31MAR88	1	88FEC/550/2153
TOTAL		320,475	0	227,305	0	161 TOTAL PAGES

ATTACHMENT 3a

American Sugarbeet Growers Association
Political Action Committee

RECEIVED
 ELECTION COMMISSION
 MAIL ROOM

09 FEB -1 PM 2:09

TREASURER
EDITH MARKWART
ASSISTANT TREASURER
RUTHANN GEIB

SUITE 1020
 1156 15TH STREET, N.W.
 WASHINGTON, DC 20005
 TEL: (202) 833-2308
 FAX: (202) 785-7812

COMMITTEE

January 31, 1989

CHAIRMAN

Dr. Stephen J. ...

VICE CHAIRMAN

...

Mr. Andrew Dodson
 Federal Election Commission
 Washington, DC 20463

Dear Mr. Dodson:

This letter and enclosure is in reference to your January 27, 1989 letter regarding our 12-Day Pre-General Report. We sent the report to the FEC on time, and received no notification that the report was late.

Enclosed is a copy of that report. If you have any further questions, please let me know.

Sincerely,



Ruthann Geib
 Assistant Treasurer

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

89FEB-1 PM 2:09

USE FEC MAILING SLIP
ON
TYPE OR PRINT

1 NAME OF COMMITTEE (in full) American Sugarbeet Growers Association		2 FEC IDENTIFICATION NUMBER C00167684
A: ADDRESS (number and street) Check if different than previously reported 1156 15th ST., N.W. Suite 1020		
CITY, STATE and ZIP CODE Washington DC 20005		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

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

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

☒ Twelfth day report preceding General

Type of Election

election on Nov. 8 in the State of National

Thirtieth day report following the General Election on

Termination Report

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>Oct. 1</u> through <u>Oct. 19, 1988</u>		
6 a Cash on hand January 1, 19 <u>88</u>		\$ 128,586.80
b Cash on hand at Beginning of Reporting Period	\$ 74,428.26	
c Total Receipts from Line 18	\$ 124.07	\$ 60,302.71
d Subtotal: add lines 6-b) and 6-c) for Column A and Lines 6-a) and 6-c) for Column B	\$ 74,552.33	\$ 188,889.51
e Total Disbursements from Line 28	\$ 14,700.00	\$ 129,037.18
f Cash on hand at Close of Reporting Period (subtract Line e from Line d)	\$ 59,852.33	\$ 59,852.33
g Debts and Obligations Owed TO the Committee (attach to Schedule C and/or Schedule D)	\$ 0.00	
h Debts and Obligations Owed BY the Committee (attach to Schedule C and/or Schedule D)	\$ 2.00	

For further information
contact:Federal Election Commission
909 E Street, N.W.
Washington, D.C. 20542
Tel. (202) 453-3434
TDD (202) 453-3434**FEC FORM 3X**

10-88 (1-1)

DETAILED SUMMARY PAGE
OF THE REPORT OF THE INVESTIGATION
INVESTIGATION NO. 100-1000000000
PAGE 1. (PC 1000000000)

Name of Committee (in full)	Report Covering the Period From To	
	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
I. RECEIPTS		
11 CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	0.00	2,861.18
(ii) Unitemized	0.00	38,627.62
(iii) Total of contributions from individuals	0.00	41,488.80
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	12,500.00
(d) TOTAL CONTRIBUTIONS (add 11(a)(i), (b), and (c))	0.00	53,988.80
12 TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES	0.00	0.00
13 ALL LOANS RECEIVED	0.00	0.00
14 LOAN REPAYMENTS RECEIVED	0.00	0.00
15 OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	0.00	0.00
16 REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	0.00	0.00
17 OTHER RECEIPTS (Dividends, Interest, etc.)	124.07	6,313.91
18 TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)	124.07	60,302.71
II. DISBURSEMENTS		
19 OPERATING EXPENDITURES	0.00	187.18
20 TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES	0.00	0.00
21 CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	14,700.00	128,850.00
22 INDEPENDENT EXPENDITURES (use Schedule E)	0.00	0.00
23 COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 441a(d)) (use Schedule F)	0.00	0.00
24 LOAN REPAYMENTS MADE	0.00	0.00
25 LOANS MADE	0.00	0.00
26 REFUNDS OF CONTRIBUTIONS TO:		
a. Individuals/Persons Other Than Political Committees	0.00	0.00
b. Political Party Committees	0.00	0.00
c. Other Political Committees (such as PACs)	0.00	0.00
d. TOTAL CONTRIBUTION REFUNDS (add 26-a), (b), and (c))	0.00	0.00
27 OTHER DISBURSEMENTS	0.00	0.00
28 TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26-d, and 27)	14,700.00	129,037.18
(III) NET CONTRIBUTIONS OPERATING EXPENDITURES		
29 TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)	0.00	53,988.80
30 TOTAL CONTRIBUTION REFUNDS from Line 26-d	0.00	0.00
31 NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)	0.00	53,988.80
32 TOTAL OPERATING EXPENDITURES from Line 19	0.00	187.18
33 OFFSETS TO OPERATING EXPENDITURES from Line 15	0.00	0.00
34 NET OPERATING EXPENDITURES (subtract Line 33 from 32)	0.00	187.18

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedule(s)
for each category of the
Detailed Summary PagePAGE 1 OF 3
FOR LINE NUMBER 21Information 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)

American Superbest Growers Association Political Action Committee

ADD

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Rep George Brown in Congress Box 1421 Riverside, CA 92502	CA-36 Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	10-14-88	\$ 500.00
B. Full Name, Mailing Address and ZIP Code Friends of Robert Butterfield P.O. Box 370283 San Diego, CA 92137	CA-44 Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	10-17-88	\$ 500.00
C. Full Name, Mailing Address and ZIP Code Craig for Congress P.O. Box 2754 Boise, ID 83701	ID-01 Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	10-07-88	\$ 500.00
D. Full Name, Mailing Address and ZIP Code Idahoans for Stallings P.O. Box 1766 Pocatello, ID 83204	ID-02 Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	10-03-88	\$ 500.00
E. Full Name, Mailing Address and ZIP Code Friedman for Congress 716 E. Elm Winnetka, IL 60093	IL-10 Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	10-05-88	\$ 300.00
F. Full Name, Mailing Address and ZIP Code Citizens for Madigan 1019 Papermill Court Washington, DC 20007	IL-15 Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	10-03-88	\$ 500.00
G. Full Name, Mailing Address and ZIP Code Ward for Congress 510 E. Colfax Ave. South Bend, IN 46634	IN-02 Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	10-03-88	\$1,000.00
H. Full Name, Mailing Address and ZIP Code Friends of Bob Carr P.O. Box 1552 East Lansing, MI 48823	MI-06 Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	10-14-88	\$ 750.00
I. Full Name, Mailing Address and ZIP Code Cong. Kildee Committee 1209 N. McClellan Flint, MI 48504	MI-07 Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	10-03-88	\$ 500.00

SUBTOTAL (Do not include this Page yet)

\$5,050.00

TOTAL (Do not include this Page yet)

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedules
for each category of the
Detailed Summary PagePAGE 2 OF 3
FOR LINE NUMBER 21

A 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)

American Sugarbeet Growers Association Political Action Committee

ADD

NO	A Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
MO	Wheat for Congress 8612 E. 63rd St. Kansas City, MO 64133	MO-05 Disbursement for ☐ Primary ☒ General Other (specify)	10-03-88	\$ 300.00
OH	Gillmor for Congress P.O. Box 910 Port Clinton, OH 43452	OH-05 Disbursement for ☐ Primary ☒ General Other (specify)	10-03-88	\$1,000.00
OR	Bob Smith for Congress P.O. Box 8161 Madford, OR 97504	OR-02 Disbursement for ☐ Primary ☒ General Other (specify)	10-07-88	\$ 300.00
SC	Spence for Congress 430 First St., SE Washington, DC 20003	SC-02 Disbursement for ☐ Primary ☒ General Other (specify)	10-03-88	\$ 500.00
VA	Derrick Finance Committee 5505 N. 10th St. Arlington, VA 22205	SC-03 Disbursement for ☐ Primary ☒ General Other (specify)	10-03-88	\$ 300.00
TX	John Bryant Campaign 8035 E.R.L. Thornton #516 Dallas, TX 75228	TX-05 Disbursement for ☐ Primary ☒ General Other (specify)	10-07-88	\$ 250.00
TX	Chapman for Congress P.O. Box 388 Sulphur Springs, TX 75482	TX-09 Disbursement for ☐ Primary ☒ General Other (specify)	10-03-88	\$ 500.00
TX	Combest Congressional Committee P.O. Box 10667 Lubbock, TX 79408	TX-19 Disbursement for ☐ Primary ☒ General Other (specify)	10-05-88	\$ 500.00
DC	Congressman Jim Jeffords 111 Second St., NE Washington, DC 20002	VT-RL Disbursement for ☐ Primary ☒ General Other (specify)	10-03-88	\$ 500.00

TOTAL

\$4,100.00

TOTAL

ITEMIZED DISBURSEMENTS

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

PAGE 3
FOR LINE NUMBER 21

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)

American Sugarbeet Growers Association Political Action Committee

AD

A. Full Name, Mailing Address and ZIP Code Molloy for Congress P.O. Box 1988 Ogden, UT 84402	Purpose of Disbursement UT-01 Disbursement for ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 10-03-88 10-07-88	Amount of Each Disbursement This Period \$ 500.00 \$1,000.00
B. Full Name, Mailing Address and ZIP Code Lindquist for Congress 10742 5th Avenue, NE Seattle, WA 98725	Purpose of Disbursement WA-07 Disbursement for ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 10-03-88	Amount of Each Disbursement This Period \$ 500.00
C. Full Name, Mailing Address and ZIP Code Gephardt Committee 7435 Watson Road St. Louis, MO 63119	Purpose of Disbursement MO-03 Disbursement for ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 10-13-88	Amount of Each Disbursement This Period \$ 500.00
D. Full Name, Mailing Address and ZIP Code Engelleiter for Senate 517 Second St., NE Washington, DC 20002	Purpose of Disbursement WI-Senate Disbursement for ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 10-03-88	Amount of Each Disbursement This Period \$1,000.00
E. Full Name, Mailing Address and ZIP Code Lowry for Senate P.O. Box 2460 Renton, WA 98056	Purpose of Disbursement WA-Senate Disbursement for ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 10-12-88	Amount of Each Disbursement This Period \$2,000.00
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

\$5,500.00

TOTAL 10-01 2000-01 2000-01 2000-01

\$14,700.00

RECEIVED
FEDERAL ELECTION COMMISSION

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

89 AUG -9 AM 10:03

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD REFERRAL: 89NF-69 thru
89NF-105

STAFF MEMBER: Gregory Baker

SOURCE: Internally Generated

RESPONDENTS: a.

b.

c. American Sugarbeet Growers Association Political
Action Committee and Luther Allan Markwart, as
treasurer (89NF-71)

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

INTERNAL REPORTS CHECKED: Disclosure Reports and
Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the above (37) committees to the Office of the General Counsel on June 16, 1989. (Attachment 1). The basis for the attached referral is

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the committees' failure to file the 12 Day Pre-General Report by October 27, 1988.

II. FACTUAL AND LEGAL ANALYSIS

A. Filing of Reports

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that for unauthorized committees filing quarterly, such committees shall submit 12 Day Pre-General Reports if the Committees make any contributions to or expenditures on behalf of federal candidates in the general election. 2 U.S.C. § 434(a)(4)(A)(ii). The 12 Day Pre-General Report is due as of the 12th day before the election (October 27, 1988) and should be complete as of the 20th day before the election (October 19, 1988). The Committees were notified on October 3, 1988, that the report was due on October 27, 1988.

The (37) committees fall into three categories; (1) committees that filed 12 Day Pre-General Reports in an untimely manner, (2) committees that filed 30 Day Post-General Reports indicating that 12 Day Pre-General Reports should have been filed, and (3) committees that filed Year End Reports indicating that 12 Day Pre-General Reports should have been filed. The following Committees did not file the 1988 12 Day Pre-General Report by October 27, 1988:

- (1) 12 Day Pre-General Reports Filed in an Untimely Manner.

90040783388

- (2) 30 Day Post-General Reports Indicating that 12 Day Pre-General Reports should have been filed.

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- (3) Year End Reports Indicating that 12 day Pre-General Reports should have been filed.

Name of Committee

Date Report Filed

90040783300

Accordingly, the Office of the General Counsel recommends that the Commission open Matters Under Review and find reason to believe that the above committees and their treasurers violated 2 U.S.C. § 434(a)(4)(A)(ii).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

This Office also recommends that the Commission offer to enter into conciliation prior to a finding of probable cause to believe with respect to the (37) referred committees. Attached for the Commission's approval are proposed conciliation agreements (Attachment 2). The proposed agreements provide for an admission of the violation and civil penalties computed as follows:

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PAGES 9 THROUGH 44 DO NOT PERTAIN TO THESE RESPONDENTS.

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IV. 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)(A)(ii).

American Sugarbeet Growers Association Political Action Committee and Luther Allen Markwart, as treasurer (89NF-71)

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

American Sugarbeet Growers Association Political Action Committee and Luther Allen Markwart, as treasurer (89NF-71)

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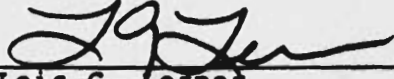
90040783396

90040783397

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

Lawrence M. Noble
General Counsel

Date 8/7/89

BY: 
Lois G. Lerner
Associate General Counsel

Attachments:

- A. Referral materials
- B. Proposed Conciliation Agreements (37),
Letters and Factual and Legal Analyses (37)

90040783398

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

American Sugarbeet Growers Association
Political Action Committee and Luther
Allan Markwart, as treasurer (89NF-71)

RAD REFERRALS
#89NF-69 through
#89NF-105

(continued)

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(continued)

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[illegible]

(continued)

Federal Election Commission
Certification for RAD Referrals
89NF-69 through 89NF-105
August 22, 1989

Page 4

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(continued)

Federal Election Commission
Certification for RAD Referrals
89NF-69 through 89 NF-105
August 22, 1989

Page 5

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of August 22, 1989, do hereby certify that the Commission decided by a vote of 4-0 to take the following actions with respect to RAD Referrals 89NF-69 through 89NF-105:

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)(A)(ii):

American Sugarbeet Growers Association
Political Action Committee and Luther Allen
Markwart, as treasurer (89NF-71)

(continued)

90040783403

Federal Election Commission
Certification for RAD Referrals
89NF-69 through 89NF-105
August 22, 1989

Page 6

90040783404

(continued)

Federal Election Commission
Certification for RAD Referrals
89NF-69 through 89NF-105
August 22, 1989

Page 7

90040783405

(continued)

Federal Election Commission
Certification for RAD Referrals
89NF-69 through 89NF-105
August 22, 1989

Page 8

90040783406

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

(continued)

Federal Election Commission
Certification for RAD Referrals
89NF-69 through 89NF-105
August 22, 1989

Page 9

American Sugarbeet Growers Association Political
Action Committee and Luther Allen Markwart, as
treasurer (89NF-71)

90040783407

(continued)

Federal Election Commission
Certification for RAD Referrals
89NF-69 through 89NF-105
August 22, 1989

Page 10

90040783408

(continued)

Federal Election Commission
Certification for RAD Referrals
89NF-69 through 89NF-105
August 22, 1989

Page 11

90040783409

(continued)

Federal Election Commission
Certification for RAD Referrals
89NF-69 through 89NF-105
August 22, 1989

Page 12

3. Approve the letters, Factual and Legal Analyses, and proposed conciliation agreements to be sent to the respective respondents listed in Action 2 above, as recommended in the General Counsel's report dated August 7, 1989, subject to amendment of two of the agreements as agreed in the meeting of August 22, 1989.

Commissioners Aikens, Elliott, Josefiak, and McDonald voted affirmatively for the decision; Commissioners McGarry and Thomas were not present.

Attest:

8-25-89

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

00040783410



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 6, 1989

Luther Allan Markwart, Treasurer
American Sugarbeet Growers
Association Political Action
Committee
1156 15th Street, N.W.
Suite 1019
Washington, D.C. 20005

RE: MUR 2943
American Sugarbeet Growers
Association Political Action
Committee and Luther Allan
Markwart, as treasurer

Dear Mr. Markwart:

On August 22, 1989, the Federal Election Commission found that there is reason to believe American Sugarbeet Growers Association Political Action Committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the Committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

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.

Luther Allan Markwart, 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.

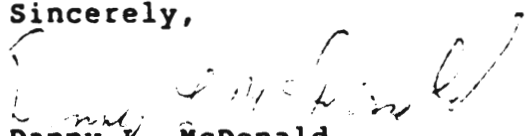
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 Phillip Wise, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,


Danny L. McDonald
Chairman

Enclosures

- A. Factual and Legal Analysis
- B. Procedures
- C. Designation of Counsel Form
- D. Conciliation Agreement

00040783412

060 4006

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

89 SEP 14 AM 10:14

**American Sugarbeet Growers Association
Political Action Committee**

TREASURER
LUTHER MARKWART
ASSISTANT TREASURER
RUTHANN GEIB

SUITE 1020
1156 15TH STREET, N.W.
WASHINGTON, DC 20005
TELE: (202) 833-2398
FAX: (202) 785-7312

September 12, 1989

COMMITTEE:

CHAIRMAN
Don Steinbeisser
Montana

VICE-CHAIRMAN
Lawrence Deal
Minnesota

California
Jack Fleming
Colorado
Richard Foose

Idaho
Myron Huettig
Jack Post
Chris Yamamoto

Michigan
Garnet Hoard
Gary Reif

Minnesota
Arlo Gordon

Montana
Richard Dorn
Ed Kuntz

Nebraska
John Maser

North Dakota
Robert Vivatson

Ohio
Chet Mauch

Wyoming
Larry Earhart
Carl Rupp
Leo Scheuerman

Mr. Philip Wise
Office of the General Counsel
Federal Election Commission
Washington, DC 20463

MUR 2943

Dear Mr. Wise:

On September 7, 1989, I received notification that the American Sugarbeet Growers Association Political Action Committee ("ASGAPAC") and I, as Treasurer, had been found in violation regarding the late filing of the 12-Day Pre-General Election Report, due on October 27, 1988. The notification states that this Report was not received by the Federal Election Commission ("Commission") until February 1, 1989. The Commission offers "to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter."

I believe that there are three possible reasons for the alleged non-receipt of the Report by the Commission.

1. ASGAPAC failed to file the report, as the Commission is alleging.
2. The Report was lost in the U.S. mail, as ASGAPAC alleges.
3. The Report was lost after being received at the Commission. While this is a possibility, ASGAPAC is unaware of the Commission's internal procedure for handling reports, and we neither suspect nor infer that any error may be on the part of the Commission.

It is the ASGAPAC position that the Report in question was mailed via first-class postage from our office on October 25, 1988. It is our strict office procedure to mail the report on the date it is signed. Since January, 1984, forty reports and amendments have been sent in this manner, with the occasional delivery by messenger if

Contributions are not tax deductible

The Federal Election Campaign Act prohibits any individual from contributing over \$25,000 with respect to federal elections in any calendar year. It is not necessary to report to the Federal Election Commission the names of those making political contributions totaling \$200 or less. However, the Committee must maintain records with the name, address, occupation and principal place of business of every person who does contribute.

A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 SEP 14 PM 3:51

Mr. Philip Wise
September 12, 1989
Page 2

The U.S. mail could not deliver by the due date. We have not had problems in the past with late or non-delivery. Due to the fact that we use the postal service in good faith of prompt and complete delivery, we have not at any time sent the reports by certified mail, nor have any copies of hand-delivered reports been stamped with date and time of receipt. At no time in the numerous communications, both written and verbal, with the Commission has the Commission recommended, suggested or warned that we should take such additional and precautionary steps. Section 104.5(e) of 11 CFR specified that reports may be sent by certified, registered, or first class mail.

There are several points that we wish to submit for the Commission's consideration.

1. ASGAPAC takes very seriously its reporting of receipts and expenditures to the Commission. We are fully aware of the special pre- and post-election reporting requirements. The Report in question was not "overlooked" by ASGAPAC.
2. Based on our past history of on-time filings, as previously mentioned, there is no reason to assume that there was any intent on the part of ASGAPAC to omit or delay the Report. There is no complexity in the Report that would delay filing.
3. The entries on the 12-Day Report on Line 8, Column A of the Summary Page (\$59,852.33) was reported on Line 6(b), Column A of the Thirtieth Day Report. If we had not filed the 12-Day Pre-General Report, Line 6(b) would have reflected the total from the October Quarterly Report (\$74,428.26). Copies of these Summary Pages are attached for your reference.
4. There is also the obvious omission of time between the October Quarterly Report (7/01/88-9/30/88) and the Thirtieth Day Report (10/20/88-11/24/88). This discrepancy would have been difficult to overlook when preparing the Thirtieth Day Report, and the entries on the Summary pages and Schedule B would have been different, because they would have included the numbers and disbursements since 10/01/88, rather than 10/20/88.
5. No notification of non-receipt was received regarding the 12-Day Report until January 27, 1989--exactly three

90040783414

Mr. Philip Wise
September 12, 1989
Page 3

months after the due date--thus we prepared and filed the Thirtieth Day Report and the Year-End Report under the assumption that we were in full compliance with filing deadlines. If the Report was not received by the Commission by the required deadline, why was there not immediate notification of non-receipt?

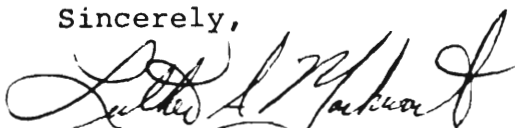
6. When we received the January 27 notification that the 12-Day Report had not been received, with the allegation that we had failed to file, we immediately sent a copy of our Report, which was received by the Commission on February 1, 1989. Our prompt response to the January 27 request should be an indication of our intent to fully cooperate and comply with the Commission's demands.

7. And finally, on September 11, 1989, we phoned the state elections offices which received copies of the 12-Day Pre-General Election Report to ascertain their receipt date of the Report. With the exception of California, Idaho, Texas and Washington, which do not log in or retain the receipt dates, and Utah, which did not reply, the remaining state offices received the Report by October 27: Indiana, Michigan, Missouri, Ohio, Oregon, South Carolina and Vermont. We recommend that you contact these states to verify the receipt of our Report. It would seem quite unusual for a political action committee to file copies of a report with a state office when the original had not been filed at the same time with the Commission.

It is our conclusion that the Report in question was simply lost in the mail. I do not believe that ASGAPAC should be monetarily penalized for errors made by the U.S. Postal Service. This is our first, and hopefully last, experience with such a problem. I believe that we have provided a thorough explanation and verification of our best efforts to fulfill the reporting requirements. If the Commission wishes ASGAPAC to hand-deliver and maintain a record of stamped receipt of our reports, we can and will take such future action.

I do not believe that any future action should be taken by the Commission on this matter.

Sincerely,



Luther Markwart
Treasurer

Enclosures: as noted

00040783415

REPORT OF RECEIPTS AND DISBURSEMENTS

Other Than An Authorized Committee
(Summary Page)

USE FEC MAILING LABEL OR TYPE OR PRINT

1. NAME OF COMMITTEE (in full) American Sugarbeet Growers Association Political Action Committee		2. FEC IDENTIFICATION NUMBER C00167684
ADDRESS (number and street) ☐ Check if different than previously reported 1156 15th St., N.W. #1020		3. ☐ This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date).
CITY, STATE and ZIP CODE Washington, DC 20005		

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>7-01-88</u> through <u>9-30-88</u>		
6 (a) Cash on Hand January 1, 19 <u>88</u>		\$ 128,586.80
(b) Cash on Hand at Beginning of Reporting Period	\$ 100,960.95	
(c) Total Receipts (from Line 18)	\$ 17,504.64	\$ 60,178.64
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 118,465.59	\$ 188,765.44
7 Total Disbursements (from Line 28)	\$ 44,037.33	\$ 114,337.18
8 Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 74,428.26	\$ 74,428.26
9 Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	\$ 0.00	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)	\$ 0.00	

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

Luther Markwart

Signature of Treasurer

Date

October 11,
1988

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)

REPORT OF RECEIPTS AND DISBURSEMENTS

Other Than An Authorized Committee

(Summary Page)

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) American Sugarbeet Growers Association		2. FEC IDENTIFICATION NUMBER C00167684
ADDRESS (number and street) ☐ Check if different than previously reported 1156 15th ST., N.W. Suite 1020		
CITY, STATE and ZIP CODE Washington DC 20005		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 **Nov. 8** in the State of **National**

☐ Thirtieth day report following the General Election on _____

in the State of _____

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

SUMMARY

	5. Covering Period <u>Oct. 1</u> through <u>Oct. 19, 1988</u>	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, 19 <u>88</u>			\$ 128,586.80
(b) Cash on Hand at Beginning of Reporting Period	\$ 74,428.26		
(c) Total Receipts (from Line 18)	\$ 124.07		\$ 60,302.71
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 74,552.33		\$ 188,889.51
7. Total Disbursements (from Line 28)	\$ 14,700.00		\$ 129,037.18
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 59,852.33		\$ 59,852.33
9. Debts and Obligations Owed TO the Committee (itemize all on Schedule C and/or Schedule D)	\$ 0.00		
10. Debts and Obligations Owed BY the Committee (itemize all on Schedule C and/or Schedule D)	\$ 0.00		

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

Luther Markwart

Signature of Treasurer

Date

Oct. 25, 1988

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

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee

(Summary Page)

USE FEC MAILING LABEL OR TYPE OR PRINT

1. NAME OF COMMITTEE (in full) American Sugarbeet Growers Association Political Action Committee		2. FEC IDENTIFICATION NUMBER C00167684
ADDRESS (number and street) ☐ Check if different than previously reported 1156 15th St., N.W. #1020		3. ☐ This committee qualified as a multicandidate committee DURING THIS Reporting Period on (date).
CITY, STATE and ZIP CODE Washington, DC 20005		

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
Nov. 8 ~~xxxxxx~~ **Nationally.**

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

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>10-20-88</u> through <u>11-24-88</u>		
6. (a) Cash on Hand January 1, 19 <u>88</u>		\$ 128,586.80
(b) Cash on Hand at Beginning of Reporting Period	\$ 59,852.33	
(c) Total Receipts (from Line 18)	\$ 1,768.60	\$ 62,071.31
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 61,620.93	\$ 190,658.11
7. Total Disbursements (from Line 28)	\$ 3,338.82	\$ 132,376.00
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 58,282.11	\$ 58,282.11
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	\$ 0.00	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)	\$ 0.00	

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

Luther A. Markwart

Signature of Treasurer

Date

12-12-88

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)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

JAN 27 1989

Luther Allan Markwart, Treasurer
American Sugarbeet Growers
Association Political Action
Committee
1156 15th Street, NW, Suite 1019
Washington, DC 20005

Identification Number: C00167684

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

Dear Mr. Markwart:

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.

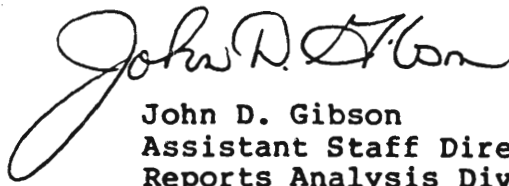
It is important that you file this report immediately with the Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or the relevant portions should also be filed with the Secretary of 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 Andrew Dodson on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

Copy of report sent
1/30


John D. Gibson
Assistant Staff Director
Reports Analysis Division

06C 5282

*American Sugarbeet Growers Association
Political Action Committee*

TREASURER
LUTHER MARKWART
ASSISTANT TREASURER
RUTHANN GEIB

SUITE 1020
1156 15TH STREET, N.W.
WASHINGTON, DC 20005
TELE: (202) 833-2398
FAX: (202) 785-7312

January 30, 1990

COMMITTEE:

CHAIRMAN
Don Steinbeisser
Montana

VICE CHAIRMAN
Lawrence Deal
Minnesota

California
Jack Fleming

Colorado
Gilbert Meier

Idaho
Myron Huettig
Walter Trail
Chris Yamamoto

Michigan
Gary Reif
Jack Tagget

Minnesota
Arlo Gordon

Montana
Richard Dorn
Ed Kuntz

Nebraska
John Maser

North Dakota
Robert Vivatson

Ohio
Chet Mauch

Wyoming
Emmett Coxhill
Larry Earhart
Richard McKamey
Carl Rupp

Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, DC 20463

RE: MUR 2943

Dear Ms. Lerner:

Enclosed herewith is the signed conciliation agreement to settle the above-referenced MUR. Also enclosed is payment of the agreed-upon civil penalty of \$400, payable to the Federal Election Commission.

The American Sugarbeet Growers Association Political Action Committee wishes to state for the record that payment of this penalty should be considered only as a resolution of the complaint, and not as an admission of Failure to File.

I trust that this will conclude any further action on this matter.

Sincerely,



Luther A. Markwart
Treasurer

Contributions are not tax deductible.

The Federal Election Campaign Act prohibits any individual from contributing over \$25,000 with respect to federal elections in any calendar year. It is not necessary to report to the Federal Election Commission the names of those making political contributions totaling \$200 or less. However, the Committee must maintain records with the name, address, occupation and principal place of business of every person who does contribute.

A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C.

90FEB-1 PM12:59

90 JAN 30 AM 10:28

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

90 FEB 12 AM 11:13

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

American Sugarbeet Growers)
Association Political Action)
Committee and Luther Allan)
Markwart, as treasurer)

MUR 2943

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Luther Allan Markwart, the treasurer of American Sugarbeet Growers Association Political Action Committee. (Attachment 1).

The attached agreement contains no changes from the agreement approved by the Commission on January 9, 1990. Respondents also submitted a check for \$400.00 in payment of the requested civil penalty. (Attachment 2).

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with American Sugarbeet Growers Association Political Action Committee and Luther Allan Markwart, as treasurer.

2. Close the file.

3. Approve the attached letter.

Lawrence M. Noble
General Counsel

Date

2/9/90

BY:



Lois G. Lerner
Associate General Counsel

Attachments

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

Staff Assigned: Phillip L. Wise

90040783421

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
American Sugarbeet Growers) MUR 2943
Association Political Action)
Committee and Luther Allan)
Markwart, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 14, 1990, the Commission decided by a vote of 6-0 to take the following actions in MUR 2943:

1. Accept the conciliation agreement with American Sugarbeet Growers Association Political Action Committee and Luther Allan Markwart, as treasurer, as recommended in the General Counsel's report dated February 9, 1990.
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's report dated February 9, 1990.

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

Attest:

2-14-90

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Monday, Feb. 12, 1990 11:13 a.m.
Circulated to the Commission: Monday, Feb. 12, 1990 4:00 p.m.
Deadline for vote: Wednesday, Feb. 14, 1990 4:00 p.m.

90040783422

CLOSED



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 20, 1990

Luther Allan Markwart, Treasurer
American Sugarbeet Growers Association
Political Action Committee
1156 15th Street, N.W.
Suite 1020
Washington, D.C. 20005

RE: MUR 2943
American Sugarbeet Growers
Association Political Action
Committee and Luther Allan
Markwart, as treasurer

Dear Mr. Markwart:

On February 14, 1990, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted by you in settlement of a violation of 2 U.S.C. § 434(a)(4)(A)(ii), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

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

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Phillip L. Wise, 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

0040783423

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
American Sugarbeet Growers) MUR 2943
Association Political Action)
Committee and)
Luther Allan Markwart, as treasurer)

CONCILIATION AGREEMENT

4
2
4
3
8
7
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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 the American Sugarbeet Growers Association Political Action Committee and Luther Allan Markwart, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(4)(A)(ii).

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

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

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

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

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

1. American Sugarbeet Growers Association Political Action Committee is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Luther Allan Markwart is the treasurer of American Sugarbeet Growers Association Political Action Committee.

3. Section 434(a)(4)(A)(ii) of Title 2 provides that unauthorized committees filing quarterly shall file 12 Day Pre-General Reports if the committee makes any contributions to or expenditures on behalf of federal candidates in the general election. The pre-election reports are to be filed no later than the 12th day before the election and should be complete as of the 20th day before the election.

4. Respondents were required to file the 1988 12 Day Pre-General Report no later than October 27, 1988. Respondents did not file the 12 Day Pre-General Report until February 1, 1989, 97 days late, disclosing \$124.07 in receipts and \$14,700.00 in disbursements for the relevant reporting period.

5. Respondents ("ASGAPAC") contend that it filed the Report using First Class Mail, as was normal procedure for forty reports and amendments filed since 1984. Respondents contend that seven of twelve states which received copies of the Report received the Report by October 27 (the other five states either did not maintain records of receipt dates or did not reply to requests for date of receipt).

Respondents also contend that, subsequent reports filed by ASGAPAC (30-Day and Year-End Report) were based on activity reported on the 12-Day Report, indicating that the 12-Day Report

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had been completed. And that these subsequent reports were filed with the Commission with the belief that the 12-Day Report had been received by the Commission.

6. On Friday, January 27, 1989, the Commission sent a letter to ASGAPAC which stated that the 12-Day Report had not been filed. Respondents contend the letter was received on January 31, and that ASGAPAC immediately made a copy available, which disclosed \$124.07 in receipts and \$14,700 in disbursements for the relevant reporting period.

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V. Respondents contend their 12 Day Pre-General Report was mailed by first class mail on October 25, 1988. Reports sent by first class mail must be received by the close of business of the prescribed filing date to be timely filed. 11 C.F.R. § 104.5(e). The respondents' 12 Day Pre-General Report was not received at the Commission by the close of business on October 27, 1988, the prescribed filing date; thereby resulting in failure to file in a timely fashion in violation of 2 U.S.C. § 434(a)(4)(A)(ii).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Four Hundred Dollars (\$400.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

VIII. This agreement shall become effective as of the date that all parties hereto have executed the 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:

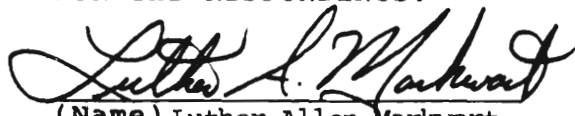
Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Date 2/16/90

FOR THE RESPONDENTS:


(Name) Luther Allen Markwart
(Position) Treasurer,
American Sugarbeet Growers Association
Political Action Committee

Date JANUARY 29, 1990

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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