



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3075

DATE FILMED 2/27/91 CAMERA NO. 4

CAMERAMAN AS

21040325425

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 16 April 1990

ANALYST: Donald L. Averett

I. COMMITTEE: Pacific PAC (C00199851)
Carl Rheuban, Treasurer
10100 Santa Monica Boulevard
Los Angeles, CA 90067

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

III. BACKGROUND:

Failure to File the 1989 Year End Report

The Pacific PAC has failed to file the 1989 Year End Report of Receipts and Disbursements covering the period July 1, 1989 through December 31, 1989. Pacific PAC was notified on December 27, 1989 that the report was due on January 31, 1990 (Attachment 2). A Non-Filer Notice was sent to Pacific PAC on February 23, 1990 (Attachment 3).

On March 30, 1990 the Reports Analysis Division ("RAD") analyst called the treasurer of the Pacific PAC, Mr. Carl Rheuban. Mr. Rheuban was not available so the RAD analyst left a message that the Commission had not received Pacific PAC's 1989 Year End Report (Attachment 4).

As of this date the 1989 Year End Report has not been filed.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

21040325426

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

DATE 16APR90

PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
						TYPE OF FILER
PACIFIC PAC						ID #C00019985: NON-PARTY QUALIFIED
SELECTED ORGANIZATION: NONE						
1987	MID-YEAR REPORT	20,000	20,023	1JAN87 -30JUN87	5	87FEC/490/1248
	MID-YEAR REPORT - AMENDMENT	20,000	20,023	1JAN87 -30JUN87	5	88FEC/497/3711
	REQUEST FOR ADDITIONAL INFORMATION			1JAN87 -30JUN87	2	87FEC/494/0791
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN87 -30JUN87	3	87FEC/495/4577
7	YEAR-END	20,000	603	1JUL87 -31DEC87	3	88FEC/545/3754
	YEAR-END - AMENDMENT	20,000	603	1JUL87 -31DEC87	7	88FEC/572/5224
2	NOTICE OF FAILURE TO FILE			31DEC87	1	88FEC/510/2952
	REQUEST FOR ADDITIONAL INFORMATION			1JUL87 -31DEC87	1	88FEC/549/4689
4	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL87 -31DEC87	2	88FEC/565/0901
1988	MISCELLANEOUS NOTICE FROM FEC			7JUN88	1	88FEC/528/4385
	APRIL QUARTERLY	5,000	19,000	1JAN88 -31MAR88	4	88FEC/545/3758
2	NOTICE OF FAILURE TO FILE			1JAN88 -31MAR88	1	88FEC/534/4378
	JULY QUARTERLY	30,000	20,000	1APR88 -30JUN88	4	88FEC/545/3767
3	NOTICE OF FAILURE TO FILE			1APR88 -30JUN88	1	88FEC/541/4457
	OCTOBER QUARTERLY	0	0	1JUL88 -30SEP88	2	88FEC/555/3205
0	POST-GENERAL	35,000	52,000	1OCT88 -28NOV88	5	88FEC/575/1577
	YEAR-END	0	0	29NOV88 -31DEC88	3	90FEC/632/5274
4	NOTICE OF FAILURE TO FILE			29NOV88 -31DEC88	1	89FEC/586/1485
0	TOTAL	110,000	0 111,626	0	51	TOTAL PAGES

All reports listed above have been reviewed.

Cash on Hand as of 12/31/88--\$1,244.99

Debts owed by/to the committee as of 12/31/88--\$0.00

9 1 0 4 0 3 2 5 4 2 8

FEDERAL ELECTION COMMISSION 1989-1990 COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)				DATE 30MAR90	
				PAGE 2	
COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	8 OF PAGES TYPE OF FILER
PACIFIC PAC CONNECTED ORGANIZATION: NONE 1989 AND 1990 REPORT NOTICE OF FAILURE TO FILE				ID 100179051 NON-PARTY QUALIFIED	
		0	0	1JAN89 - 30JUN89	4 89FEC/602/3553
				1JUL89 - 31DEC89	1 90FEC/629/3266
	TOTAL	0	0		5 TOTAL PAGES

All reports listed above have been reviewed.

Cash on Hand as of 6/30/89--\$1244.99

Debts owed by/to the committee as of 6/30/89--\$0.00

Attachment 2
Page 1 of 2

YEAR-END REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

December 27, 1989

WHO MUST FILE

PARTY COMMITTEES AND PACs (NONCONNECTED COMMITTEES AND SEPARATE SEGREGATED FUNDS) must file a Year-End Report in January.

REPORTING DATES

I. Semiannual Filers

REPORT	REPORTING PERIOD ^{1/}	REG./CERT. MAILING DATE ^{2/}	FILING DATE
Year-End	07/01/89-12/31/89	01/31/90	01/31/90

The Year-End Report is due January 31, 1990, and must disclose financial activity that occurred from July 1 through December 31, 1989. Committees which have previously filed 1989 reports should only report activity from the closing date of the last report filed.

II. Monthly Filers

REPORT	REPORTING PERIOD ^{1/}	REG./CERT. MAILING DATE ^{2/}	FILING DATE
Year-End	12/01/89-12/31/89	01/31/90	01/31/90

Committees that chose to file on a monthly basis must file the Year-End Report due January 31, 1990. The report must disclose financial activity from December 1 through December 31, 1989. All other monthly reports are due by the 20th of each month and cover all financial activity of the previous month.

WHAT MUST BE REPORTED

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

REPORTING FORMS

Use Form 3X (enclosed) for all reports.

WHERE TO FILE

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

^{1/}The period begins with the close of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

^{2/}Reports sent by registered or certified mail will be considered filed on the date of the U.S. postmark. Reports hand delivered or mailed first class must be received by the filing date.

(over)



LABEL

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

COMPLIANCE

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

CHANGE IN FILING FREQUENCY

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

1990 REPORTING

PARTIES AND PACs

Committees should refer to the January 1990 Record for primary election dates and further reporting information.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

20-7

February 23, 1990

Carl Rheuban, Treasurer
Pacific PAC
10100 Santa Monica Boulevard
Los Angeles, CA 90067

Identification Number: C00199051

Reference: Year End Report (7/1/89-12/31/89)

Dear Mr. Rheuban:

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. 3434(a) for failing to file the above referenced Report of Receipts and Disbursements. You were previously notified 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 its relevant portions should also be filed with the Secretary of State or equivalent state officer (see 11 CFR 95100.2, 100.3, 100.4).

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 Donald Averett on our toll-free number (800) 424-9530. Our local number is (202) 376-2400.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

9 6 4 3 2 3 3 1

* ED PACIFIC

* TYPE PACIFIC.:1

TELECON

ANALYST: Donald L. Averett

CONVERSATION WITH: Secretary

COMMITTEE: Pacific PAC
(C00199351)

DATE: 3/30/90

SUBJECT: Non-filing of 1989 Year End Report, due 1/31/90

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I phoned the committee asked to speak to Mr. Carl Rheuban, the
treasurer. The secretary stated that Mr. Rheuban was not in the office,
so I left a message asking him to return my call and informing him that
the Commission had not received Pacific PAC's 1989 Year End Report.

90 JUN -6 PM 3:59

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral: 90NF-03
Staff Member: Noriega E. James

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

RESPONDENTS: Pacific PAC and Carl Rheuban, as
treasurer

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

INTERNAL REPORTS CHECKED: Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the Pacific PAC ("the Committee") and its treasurer, to the Office of the General Counsel on April 16, 1990. The basis of the attached RAD referral is the failure of the Committee to file its 1989 Year End Report of Receipts and Disbursements, in violation of 2 U.S.C. § 434(a)(4)(A)(iv). The 1989 Year End Report was subsequently filed on April 14, 1990.

II. FACTUAL AND LEGAL ANALYSIS

For the factual and legal analysis, see Attachment 3.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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91040325434

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that Pacific PAC and Carl Rheuban, as treasurer violated 2 U.S.C. § 434(a)(4)(A)(iv), and enter into conciliation prior to a finding of probable cause to believe.

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

Lawrence M. Noble
General Counsel

6/5/90
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments:

1. RAD Referral
2. Factual and Legal Analysis
3. Conciliation Agreement

21040325435

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Pacific PAC and Carl Rheuban,)
as treasurer)

RAD Referral 90NF-03

(MUR
3075)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 11, 1990, the Commission decided by a vote of 4-0 to take the following actions in RAD Referral 90NF-03:

1. Open a MUR.
2. Find reason to believe that Pacific PAC and Carl Rheuban, as treasurer violated 2 U.S.C. § 434(a)(4)(A)(iv), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached Factual and Legal Analysis and proposed conciliation agreement, as recommended in the General Counsel's report dated June 5, 1990.

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

Attest:

6-11-90

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Wednesday, June 6, 1990 3:59 p.m.
Circulated to the Commission: Thursday, June 7, 1990 11:00 a.m.
Deadline for vote: Monday, June 11, 1990 11:00 a.m.

dh

21040325436



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20461

June 13, 1990

Carl Rheuban, Treasurer
Pacific PAC
211 Alma Real Drive
Pacific Palisades, CA 90272

RE: MUR 3075
Pacific PAC and Carl Rheuban,
as treasurer

Dear Mr. Rheuban:

On June 11, 1990, the Federal Election Commission found that there is reason to believe Pacific PAC ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv), 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.

If you are interested in expediting the resolution of this matter by pursuing preprobable 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.

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Mr. Rheuban
Page 2

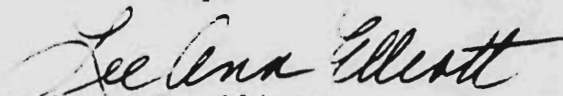
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 Noriega E. James, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,


Lee Ann Elliott
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Pacific PAC and Carl Rheuban,
as treasurer

MUR: 3075

21040325432
The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that political committees not authorized by a candidate must file, in calendar years in which no regularly scheduled general election is held, a Year End Report covering the period beginning July 1 and ending December 31. The Year End Report must be filed no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(4)(A)(iv).

The Pacific PAC ("the Committee") was notified on December 27, 1989, that the 1989 Year End Report was due on January 31, 1990. On February 23, 1990, the Reports Analysis Division ("RAD"), sent the Committee a Non-Filer Notice. The Committee filed its 1989 Year End Report of Receipts and Disbursements on April 14, 1990. Therefore, there is reason to believe the Committee and Carl Rheuban, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv) by failing to timely file the 1989 Year End Report.



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

July 13, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Carl M. Rheuban, Treasurer
Pacific PAC
211 Alma Real Drive
Pacific Palisades, CA 90272

RE: MUR 3075
Pacific PAC and
Carl M. Rheuban, as Treasurer

Dear Mr. Rheuban:

On June 13, 1990, you were notified that the Federal Election Commission determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On that same date you were sent a conciliation agreement offered by the Commission in settlement of this matter.

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

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lisa E. Klein
Assistant General Counsel

21040325440

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION

91 JAN 10 PM 4:32

In the Matter of)

Pacific PAC and Carl Rheuban,
as treasurer)

MUR 3075

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 11, 1990, the Commission found reason to believe that Pacific PAC and Carl Rheuban, as treasurer, had violated 2 U.S.C. § 434(a)(4)(A)(iv), by failing to file its 1989 Year End Report of Receipts and Disbursements in a timely manner. By the same date, the Commission also approved a proposed conciliation agreement which provided for an admission of the violation, and the payment of a civil penalty. The Respondents were notified of the Commission's findings and were sent a copy of the factual and legal analysis, the proposed conciliation agreement and a copy of the procedures.

On July 13, 1990, having received no response from Respondents, a notice was sent stating that the thirty day period for negotiations had expired.¹ In a telephone conversation on July 19, 1990, Mr. Rheuban told the staff member that the Committee had no money and that he was personally filing for bankruptcy. When asked by the staff person what amount the Committee would be willing to offer in settlement of the matter, Mr. Rheuban stated that neither he nor the Committee had any funds with which to make an offer. The staff person told Mr. Rheuban that he should detail in writing his circumstances, specifically the facts of the bankruptcy, and

1. The notice concerning the expiration of the thirty day period for negotiations was returned by the U.S. Postal Service, bearing the stamp "Returned To Sender, Unclaimed." It is noted that prior to the Commission's reason to believe findings, the Committee filed a termination report, signed April 10, 1990, which was accepted by the Commission.

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send it to the Commission. When the staff person did not receive the letter detailing Respondents' circumstances and bankruptcy as discussed, the staff person tried on several occasions to get in touch with Mr. Rheuban. To date, there has been no additional contact with Respondents.

While it is clear that the Committee filed its 1989 Year End Report seventy-three (73) days late, the circumstances here warrant that the Commission take no further action and close the file in this matter. The Committee's only financial activity from January 1, 1989 through April 10, 1990, consisted of two \$5,000 contributions from the treasurer and his spouse and a \$10,000 disbursement to a federal candidate. And, on the Committee's Termination Report it itemized a \$1,244.99 contribution refund, which represented all of its cash on hand.

Based on the foregoing, this Office recommends that the Commission determine to take no further action in this matter and to close the file.

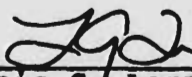
II. RECOMMENDATIONS

1. Take no further action against Pacific PAC and Carl Rheuban, as treasurer.
2. Approve the appropriate letter.
3. Close the file.

Lawrence M. Noble
General Counsel

1/9/91
Date

BY:


Lois G. Lerner
Associate General Counsel

Staff assigned: Noriega E. James

21040325442



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DELORES HARRIS *DEH*
COMMISSION SECRETARY

DATE: JANUARY 16, 1991

SUBJECT: MUR 3075 - GENERAL COUNSEL'S REPORT
DATED JANUARY 9, 1991

The above-captioned document was circulated to the
Commission on Friday, January 11, 1991 at 12:00 p.m..

Objection(s) have been received from the Commissioner(s)
as indicated by the name(s) checked below:

Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner Josefiak	_____
Commissioner McDonald	XXX
Commissioner McGarry	_____
Commissioner Thomas	XXX

This matter will be placed on the meeting agenda
for TUESDAY, JANUARY 29, 1991.

Please notify us who will represent your Division before the
Commission on this matter.

21040325443

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Pacific PAC and Carl Rheuban, as) MUR 3075
treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of January 29, 1991, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 3075:

1. Take no further action against Pacific PAC and Carl Rheuban, as treasurer.
2. Approve the appropriate letter as recommended in the General Counsel's report dated January 9, 1991.
3. Close the file.

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

Attest:

Jan. 29, 1991
Date

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

91040325444



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

February 12,

CLOSED

Carl Rheuban, Treasurer
Pacific PAC
211 Alma Real Drive
Pacific Palisades, CA 90272

RE: MUR 3075
Pacific PAC and Carl Rheuban,
as treasurer

Dear Mr. Rheuban:

On June 13, 1990, you were notified that the Federal Election Commission found reason to believe that Pacific PAC and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv).

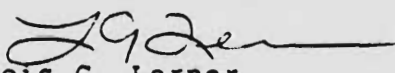
However, after considering the circumstances of the matter, the Commission determined on January 29, 1991, to take no further action against Pacific PAC and you, as treasurer, and closed the file. The file will be made part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The Commission reminds you that the failure to file Reports of Receipts and Disbursements in a timely manner is a violation of the Act and Commission regulations.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

21040325445



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3075

DATE FILMED 2/27/91 CAMERA NO. 4

CAMERAMAN AS

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