



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

THIS IS THE BEGINNING OF MLR # 3876

DATE FILMED 8/13/91 CAMERA NO. 1

CAMERAMAN AS

91040853022



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

4 February 1991

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 FAILING TO FILE THE 1990 12 DAY PRE-GENERAL
REPORT BY ELECTION DAY

Attached is a listing of thirty-five (35) monthly unauthorized committees which failed to file the 1990 12 Day Pre-General Report by Election Day, November 6, 1990.

For your information, each committee was sent Prior Notice of the due date of the report on October 1, 1990 (Attachment 36). Twenty-nine (29) of the committees were sent Non-Filer Notices on November 15, 1990 (Attachment 37). Six (6) of the committees

were not sent Non-Filer Notices because their 12 Day Pre-General Reports were filed by November 15, 1990.

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

Attachment

21040353023

C00010868

American Consulting Engineers Political
Action Committee (ACE/PAC)

91NF-18

91040353024

91040353025

**AMERICAN CONSULTING ENGINEERS POLITICAL ACTION
COMMITTEE (ACE/PAC)**

(Attachment 2a - 2d)

ALL REPORTS HAVE BEEN REVIEWED EXCEPT YEAR-END
ENDING CASH ON HAND AS OF 12/31/90: 11,203.00
OUTSTANDING DEBTS OWED BY THE COMMITTEE AS OF 12/31/90: 0.00

TELECON

COMMITTEE : American Consulting Engineers Political Action
Committee

ANALYST : Tony Raymond

DATE: November 16, 1990

RE : 12 Day Pre-General Report Non-Filer

Julie Noufer called to explain that the Commission's notice for filing the pre-election report did not reach her office. She stated that she would file her already completed November monthly report immediately.

91040353027



American Consulting Engineers Council

1015 Fifteenth Street N.W., Washington, DC 20005

202-347-7476

MA 27 00000

File #760.03
June 12, 1990

Mr. Anthony D. Raymond
Senior Reports Analyst
FEDERAL ELECTION COMMISSION
999 E Street, N.W., Room 824
Washington, DC 20463

ID Number: C00010868
Reference: (10/01/90 - 10/31/90)
October Report including
The 12th Day Pre-General Report

Dear Mr. Raymond:

I am writing on behalf of the American Consulting Engineers/ Political Action Committee (ACE/PAC). I am in receipt of your letter of November 15, 1990, referencing the 12-day Pre-General Report, 2 U.S.C. sec.434(a). As I conveyed to you in our phone conversation, the notice the FEC issued reminding of the requirement of this report did not reach our office. Otherwise, ACE/PAC would have fully complied with the requirement of the law, as we have in all other instances.

In compliance with the requirement of the Twelfth Day Pre-Election Report, please find enclosed the ACE/PAC October monthly in lieu of the aforementioned report, as it was already prepared and ready to sent to the FEC November 15, 1990. Inclusive in the October monthly report is the PAC reporting information requested for the days 10/01/90-10/17/90. I trust this variation will be acceptable as compliance with the Twelfth Day Pre-Election Report requirement.

In the submitted report, please be aware of the order of the information reported. The order of contributor name, firm name, address does not indicate, by any means, that the check is from that contributor's firm checking account. All the checks we receive and report are from individuals not corporations, as the law requires.

In accordance with FEC guidelines of reporting Schedule A, please note the occupation of all contributors listed as a consulting engineer, unless otherwise indicated.

As a last order of business, Howard Messner, ACE/PAC Treasurer, is out of The District of Columbia on business and is unable to sign the October 1990 FEC report. In his absence, Laurence D. Bory, Assistant Treasurer for the ACE/PAC is the signature on the report.

Sincerely,

Julie M. Noufer

Julie M. Noufer
ACE/PAC Coordinator

Enclosure

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee

(Summary Page)

USE PRE-PAID LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (if not) American Consulting Engineers Political Action Committee (ACE/PAC)		90 NOV 19 11:11:26
ADDRESS (number and street) ☐ Check if different than previously reported 1015 15th Street, N.W., Suite 802		2. FEC CERTIFICATION NUMBER C-000-10068
CITY, STATE and ZIP CODE Washington, D.C. 20005		3. ☐ This committee qualified as a noncandidate committee DURING THIS Reporting Period (a) n/a (b) (date)

4. TYPE OF REPORT

☐ 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 28☐ March 30☐ April 30☐ May 30☐ June 30☐ July 30☐ August 30☐ September 30☐ October 30☐ November 30☐ December 30☐ January 31☐ Twelfth day report preceding

(Type of Election)

election on

in the State of

☐ Twelfth day report following the General Election on

in the State of

(b) Is this Report an Amendment?

☐ YES☒ NO

SUMMARY

5	Covering Period <u>10/01/90</u> through <u>10/31/90</u>	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6	(a) Cash on Hand January 1, 1990		\$ 17,483.56
	(b) Cash on Hand at Beginning of Reporting Period	\$ 16,853.56	
	(c) Total Receipts (from Line 10)	\$ 15,600.00	\$ 46,420.00
	(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 32,453.56	\$ 63,903.56
7	Total Disbursements (from Line 20)	\$ 21,875.00	\$ 53,325.00
8	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 10,578.56	\$ 10,578.56
9	Debt and Obligations Owed TO the Committee (Itemize as on Schedule C and/or Schedule D)	\$ -0-	
10	Debt and Obligations Owed BY the Committee (Itemize as on Schedule C and/or Schedule D)	\$ -0-	

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

LAURENCE B. BORT

Signature of Treasurer

Laurence Bort

Date

11/16/90

NOTE: Submission of false information 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

ATTACHMENT 36
(Page 1 of 2)

GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

October 1, 1990

I. ALL MONTHLY FILERS

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
Pre-General	10/01/90**-10/17/90	10/22/90	10/25/90
Post-General	10/18/90 - 11/26/90	12/06/90	12/06/90

II. QUARTERLY FILERS THAT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 17***

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
Pre-General	10/01/90**-10/17/90	10/22/90	10/25/90
Post-General	10/18/90 - 11/26/90	12/06/90	12/06/90

III. QUARTERLY FILERS WHICH DO NOT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 17***

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
Post-General	10/01/90**-11/26/90	12/06/90	12/06/90

WHO MUST FILE

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

WHAT MUST BE REPORTED

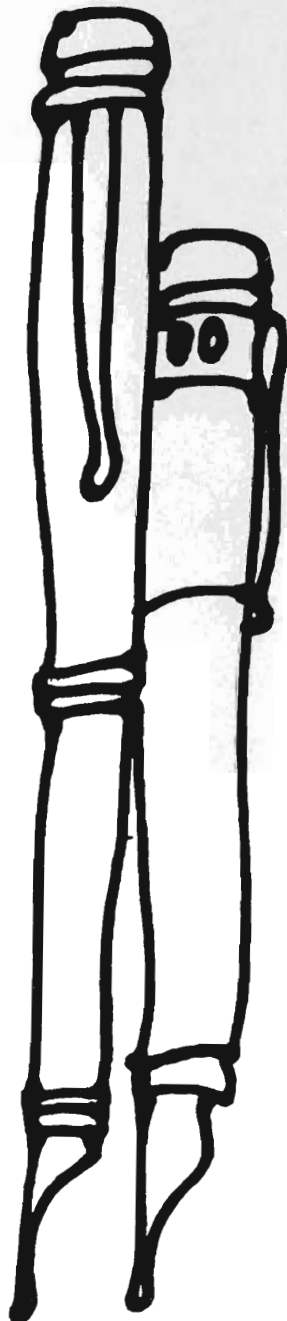
All financial activity (not previously reported) that occurred during the reporting period.

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

**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.

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

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PARTIES AND PACs

GENERAL ELECTION

REPORTING FORMS

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

WHERE TO FILE

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

LABEL

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

LAST-MINUTE INDEPENDENT EXPENDITURES

Any PAC which makes any independent expenditures aggregating \$1,000 or more during the period beginning October 18 and ending November 4 must report them within 24 hours. Call the FEC for more information.

COMPLIANCE

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

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

ATTACHMENT 37
RQ-7

November 15, 1990

9 1 0 4 0 3 5 3 0 3 2
TREASURER
COMMITTEE
STREET
CITY, STATE ZIP

Identification Number: ID NUMBER

Reference: 12 Day Pre-General Report (10/1/90-10/17/90)

Dear TREASURER:

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 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 §§108.2, 108.3, 108.4).

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 ANALYST on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

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

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD Referral: 91NF 17 - 51
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:

American Consulting Engineers Political Action
Committee (ACE/PAC) and Howard M. Messner, as
treasurer (91NF-18)

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RELEVANT STATUTES: 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 thirty-five (35) committees and their treasurers to the Office of the General Counsel on February 5, 1991. The basis of the attached RAD referral is the committees' failure to file the

1990 12 Day Pre-General Report in a timely manner, in violation of 2 U.S.C. § 434(a)(4)(B).

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that all unauthorized political committees that file monthly reports, shall file a pre-general election report in lieu of filing the report otherwise due in November of any year in which a regularly scheduled general election is held. 2 U.S.C. § 434(a)(4)(B). According to Section 434(a)(2)(A)(i) the pre-election report must be filed no later than the 12th day before any election, and should be complete as of the 20th day before the election.

With regard to the 1990 general election, unauthorized committees were required to file a 12 Day Pre-General Election Report, covering the pre-election period of October 1 through October 17, by October 25, 1990. The committees referred by RAD failed to file the 1990 Pre-General Report or a report covering the pre-election period by the required deadline. However, seven of the committees filed 1990 November Monthly Reports with coverage dates of October 1 through 31, 1990.¹ These reports

1. American Consulting Engineers Political Action Committee (ACE/PAC) and Howard M. Messner, as treasurer

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were received after the due date for the 12 Day Pre-General Report.

On October 1, 1990, prior notification was sent to all unauthorized committees which specifically informed monthly filers of the requirement to file a 12 Day Pre-General Report by October 25, 1990 (Attachment 1, pages 177 - 178). Each committee which failed to submit either a 12 Day Pre-General Report or a November Monthly Report was sent a Non-Filer Notice on November 15, 1990 (Attachment 1, page 179).

Accordingly, the Office of the General Counsel recommends that the Commission open Matters Under Review and find reason to believe that 34 of the 35 previously referenced committees and their treasurers (See Recommendation I) violated 2 U.S.C. § 434(a)(4)(B) by failing to file timely the 1990 12 Day Pre-General Report.

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III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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

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PAGES 7 THROUGH 27 DO NOT PERTAIN TO THESE RESPONDENTS.

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IV. RECOMMENDATIONS

1. Open Matters Under Review, find reason to believe that the following committees and their treasurer violated 2 U.S.C. § 434(a)(4)(B) and enter into conciliation prior to a finding of probable cause to believe:

A.

B. American Consulting Engineers Political Action
Committee (ACE/PAC) and Howard M. Messner, as
treasurer (91NF-18)

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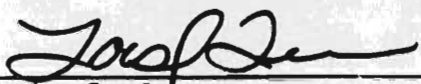
HH.

2.

3. Approve the attached Factual and Legal Analyses and proposed conciliation agreements and the appropriate letters.

Lawrence M. Noble
General Counsel

Date 5/2/91

BY: 
Lois G. Lerner
Associate General Counsel

Attachments:

1. RAD Referral
2. Factual and Legal Analysis (34)
3. Conciliation Agreement (34)

21040353043

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Thirty-five (35) Committees and) RAD Referrals
their treasurers) #91NF 17-51
)

CERTIFICATION

I, Marjorie W. Emmons, do hereby certify that
the Commission took the following actions with respect
to the above-captioned referrals:

1. Decided by a vote of 6-0 to
 - a) Open Matters Under Review, find reason
to believe that the following committees
and their treasurer violated 2 U.S.C.
§ 434(a)(4)(B) and enter into concili-
ation prior to a finding of probable
cause to believe:
 - A.
 - B. American Consulting Engineers
Political Action Committee
(ACE/PAC) and Howard M. Messner,
as treasurer (91NF-18)
 - C.

(continued)

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Federal Election Commission
Certification: RAD 91NF 17-51
May 14, 1991

Page 2

D.

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(continued)

Federation Election Commission
Certification: RAD 91NF 17-51
May 14, 1991

Page 3

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(continued)

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Federal Election Commission
Certification: RAD 91NF 17-51
May 14, 1991

Page 4

T.

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b)

- c) Approve the Factual and Legal Analyses
and proposed conciliation agreements
and the appropriate letters as
recommended in the General Counsel's
Report dated May 2, 1991.

(continued)

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Federal Election Commission
Certification: RAD 91NF 17-51
May 14, 1991

Page 6

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

91040853049

Attest:

5-17-91
Date

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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 28, 1991

Howard M. Messner, Treasurer
American Consulting Engineers
Political Action Committee (ACE/PAC)
1015 15th Street, N.W., #802
Washington, DC 20005

RE: MUR 3276
American Consulting Engineers
Political Action Committee (ACE/PAC)
and Howard M. Messner, as treasurer

Dear Mr. Messner:

On May 14, 1991, the Federal Election Commission found that there is reason to believe American Consulting Engineers Political Action Committee (ACE/PAC) ("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 of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

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Howard M. Messner, Treasurer
Page 2

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.

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 Jose M. Rodriguez, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Vice Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

91040353051

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

MUR: 3276

RESPONDENTS: American Consulting Engineers Political Action Committee (ACE/PAC) and Howard M. Messner, as treasurer

91040353052
The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that all unauthorized political committees that file monthly reports, shall file a pre-general election report in lieu of filing the report otherwise due in November of any year in which a regularly scheduled general election is held. 2 U.S.C. § 434(a)(4)(B). According to Section 434(a)(2)(A)(i) the pre-election report must be filed no later than the 12th day before any election, and should be complete as of the 20th day before the election.

With regard to the 1990 general election, unauthorized committees were required to file a 12 Day Pre-General Election Report, covering the pre-election period of October 1 through October 17, by October 25, 1990. The above referenced committee failed to file the 1990 Pre-General Report or a report covering the pre-election period by the required deadline. Therefore, there is reason to believe the American Consulting Engineers Political Action Committee (ACE/PAC) and Howard M. Messner, as treasurer, violated 2 U.S.C. § 434(a)(4)(B) by failing to timely file the 1990 12 Day Pre-General Report.



American Consulting Engineers Council

1015 Fifteenth Street, N.W., Washington, D.C. 20005

202-347-7474

FAX: 202-878-0066

File #760.03
June 4, 1991

Ms. Joan D. Aikens
Vice Chairman
FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, DC 20463

ID Number:
Reference:

C00010868
MUR 3276

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF LEGAL COUNSEL
91 JUN 12 AM 10:50

Dear Ms. Aikens:

The American Consulting Engineers/Political Action Committee (ACE/PAC) is in receipt of your letter of May 28, 1991, referencing ACE/PAC's failure to comply with 2 U.S.C. §434(a)(4)(B) through the failure to file the Twelfth Day Pre-General Election Report.

On behalf of ACE/PAC, the American Consulting Engineers Council (hereinafter "the Council") would like to take this opportunity to formally demonstrate that no action should be taken against ACE/PAC and/or its Treasurer. A number of factual matters relevant to the Commission's consideration of this case should be taken into account:

- (1) ACE/PAC consistently and repeatedly has made every effort possible to comply with both the letter and the spirit of the campaign finance laws. This effort over the past year has relied on a new staff, which had not experienced an election cycle before November 1990. As a consequence, they were not fully aware of the Twelfth Day Pre-General Election Report requirement; and thus, noncompliance was unintentional.
- (2) Moreover, the notice issued by the Federal Election Commission (FEC) reminding organizations of the requirement with respect to this report did not reach our office. Otherwise, ACE/PAC would have fully complied with the requirement of the law, as we have in all other instances.
- (3) Upon receipt of a notice regarding this matter, ACE/PAC took immediate steps to be in compliance with the requirements of the Twelfth Day Pre-General Election Report, by submitting its October monthly report in lieu of the aforementioned report, as it was already prepared and ready to be sent to the FEC on November 15, 1990. This action was in response to phone consultation with FEC, Senior Analyst, Anthony Raymond, who is assigned to ACE/PAC. As supporting evidence, please find enclosed a copy of the cover letter which went to Mr. Raymond with the report.
- (4) All activities reported (in the October monthly report) for the twelfth day pre-general election period were in strict compliance with the campaign finance laws. Thus, in no way did the unintentional failure to file the Twelfth Day report prevent or hinder the Federal Election Commission from ensuring adherence to the federal election laws.

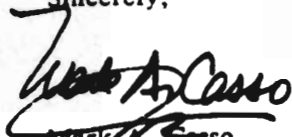
Ms. Joan D. Aikens
ID Number: C00010868
Page Two

- (5) Through out pendency of this matter, ACE/PAC has made every effort to cooperate with and follow the directions and advice of the FEC's staff to resolve the issue.

ACE/PAC believes this additional information should be taken into consideration and mitigates against any further action being taken by the Commission with respect to this matter. In sum, a composite of ACE/PAC's actions places it in substantive and constructive compliance with the intent and purpose of 2 U.S.C. § 434(a)(4)(B).

If there are any questions regarding ACE/PAC's position or activities with respect to this matter please do not hesitate to contact me.

Sincerely,


Mark A. Easso
General Counsel

Enclosures
FECMAY

91040353054



American Consulting Engineers Council

1015 Fifteenth Street, N.W., Washington, D.C. 20005
202-347-7474

MEMORANDUM

File #760.03
November 20, 1990

Mr. Anthony D. Raymond
Senior Reports Analyst
FEDERAL ELECTION COMMISSION
999 E Street, N.W., Room 824
Washington, DC 20463

ID Number: C00010868
Reference: (10/01/90 - 10/31/90)
October Report including
The 12th Day Pre-General Report

Tony
Dear Mr. Raymond:

I am writing on behalf of the American Consulting Engineers/ Political Action Committee (ACE/PAC). I am in receipt of your letter of November 15, 1990, referencing the 12-day Pre-General Report, 2 U.S.C. sec.434(a). As I conveyed to you in our phone conversation, the notice the FEC issued reminding of the requirement of this report did not reach our office. Otherwise, ACE/PAC would have fully complied with the requirement of the law, as we have in all other instances.

In compliance with the requirement of the Twelfth Day Pre-Election Report, please find enclosed the ACE/PAC October monthly in lieu of the aforementioned report, as it was already prepared and ready to send to the FEC November 15, 1990. Inclusive in the October monthly report is the PAC reporting information requested for the days 10/01/90-10/17/90. I trust this variation will be acceptable as compliance with the Twelfth Day Pre-Election Report requirement.

In the submitted report, please be aware of the order of the information reported. The order of contributor name, firm name, address does not indicate, by any means, that the check is from that contributor's firm checking account. All the checks we receive and report are from individuals not corporations, as the law requires.

In accordance with FEC guidelines of reporting Schedule A, please note the occupation of all contributors listed as a consulting engineer, unless otherwise indicated.

As a last order of business, Howard Messner, ACE/PAC Treasurer, is out of The District of Columbia on business and is unable to sign the October 1990 FEC report. In his absence, Laurence D. Bory, Assistant Treasurer for the ACE/PAC is the signature on the report.

Sincerely,

Julie M. Noufer
Julie M. Noufer
ACE/PAC Coordinator

Enclosure

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91 JUL 16 AM 10:28

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

American Consulting Engineers)

Political Action Committee (ACE/PAC))

and Howard M. Messner, as treasurer)

MUR 3276

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Howard M. Messner, the treasurer of American Consulting Engineers Political Action Committee (ACE/PAC) (the "Committee").

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In light of the foregoing,
this Office recommends that the Commission accept the attached
conciliation agreement with American Consulting Engineers
Political Action Committee (ACE/PAC) and Howard M. Messner, as
treasurer. A check for the civil penalty has been received.

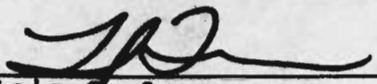
II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with
American Consulting Engineers Political Action Committee
(ACE/PAC) and Howard M. Messner, as treasurer.
2. Close the file.

3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date 7/15/91

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Signed Conciliation Agreement
2. Photocopy of civil penalty check.

Staff Assigned: Jose M. Rodriguez

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060

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3276
American Consulting Engineers)
Political Action Committee (ACE/PAC))
and Howard M. Messner, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 18, 1991, the Commission decided by a vote of 5-0 to take the following actions in MUR 3276:

1. Accept the conciliation agreement with American Consulting Engineers Political Action Committee (ACE/PAC) and Howard M. Messner, as treasurer.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated July 15, 1991.

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

Attest:

7-19-91
Date

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

Received in the Secretariat: Tues., July 16, 1991 10:28 a.m.
Circulated to the Commission: Tues., July 16, 1991 4:00 p.m.
Deadline for vote: Thurs., July 16, 1991 4:00 p.m.

bjf

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 25, 1991

FILED

Mark A. Casso, Esq.
General Counsel
American Consulting
Engineers Council
1015 Fifteenth St., N.W.
Washington, D.C. 20005

RE: MUR 3276
American Consulting Engineers
Political Action Committee (ACE/PAC)
and Howard M. Messner, as treasurer

Dear Mr. Casso:

On July 18, 1991, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(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.

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Mark A. Caso, Esq.
General Counsel
American Consulting Engineers Council
Page 2

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

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);

**American Consulting Engineers
Political Action Committee (ACE/PAC)
and Howard M. Messner, as treasurer**

1. American Consulting Engineers Political Action

Committee (ACE/PAC) is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Howard M. Messner is the treasurer of American Consulting Engineers Political Action Committee (ACE/PAC).

3. Section 434(a)(4)(B) of the Federal Election Campaign Act of 1971, as amended ("the Act"), provides that all unauthorized political committees, that file monthly reports, shall file a pre-general election report in lieu of filing the report otherwise due in November of any year in which a regularly scheduled general election is held. According to Section 434(a)(2)(A)(i) the pre-election report must be filed no later than the 12th day before any election, and should be complete as of the 20th day before the election.

4. Respondents were required to file the 12 Day Pre-General Election Report, covering the pre-election period of October 1 through October 17, by October 25, 1990. Respondents failed to file the 1990 12 Day Pre-General Election Report. However, in lieu thereof, Respondents did file a monthly report for October 1990 on November 19, 1990, 25 days after the due date for the 12 Day Pre-General Election Report, disclosing \$2,650 in receipts and \$14,375 in disbursements for the 12 Day Pre-General Election reporting period.

V. Respondents failed to file the 1990 12 Day Pre-General Report in a timely fashion 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 Five Hundred Dollars

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(\$500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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

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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:

L. G. Lerner
Lois G. Lerner
Associate General Counsel

Date

7/24/91

FOR THE RESPONDENTS:

Howard M. Messner
(Name) Howard M. Messner
(Position) ACE/PAC Treasurer

Date

6-27-91

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3276

DATE FILMED 8/13/91 CAMERA NO. 4

CAMERAMAN AS

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