



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3396

DATE FILMED 1/16/92 CAMERA NO. 4

CAMERAMAN JAQ

92040885411



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 10, 1991

MEMORANDUM

TO: LAWRENCE C. NOBLE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

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

SUBJECT: UNAUTHORIZED QUARTERLY FILERS WHICH FAILED TO FILE
THE 1990 12 DAY PRE-GENERAL REPORT BY ELECTION DAY

The attached list of unauthorized committees consists of thirty-two (32) quarterly filers which failed to file a 1990 12 Day Pre-General Report by Election Day, November 6, 1990.

Unlike the mandatory reporting requirement placed upon monthly filers, 2 U.S.C. 5434(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 1, 1990 (Attachment 33).

The Party/Non-Party Branch conducted a thorough examination to identify quarterly filers disclosing contributions or expenditures between October 1 and October 17, 1990. The research revealed committees that submitted:

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

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

Attachment

00001

92040885412

15

16. C00160986 Rutak Rock & Campbell PAC

91WP-86

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23.

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92040885413

00003

COMMITTEE ID, NAME AND ADDRESS

CONTRACTS
WITH FILER ASCH

REPORTS FILED/
RESPONSES

.....

C00160906

None

Attachments 160-160

KUTAK ROCK & CANNWELL PAC

TREASURER'S NAME: PATRICK M MURPHY (1/31/91-present)*

1101 CONNECTICUT AVENUE N W

WASHINGTON

DC 20036

1990 30 Day Post-
General Report
filed 1/31/91

*Nancy L. Granese (4/27/89-4/4/90)**; John T. McEvoy (8/19/82-4/26/89)

**There appears to be a gap between the time Nancy L. Granese resigned as treasurer, and the time Patrick M. Murphy assumed the position of treasurer; however, in an amendment dated March 14, 1991, Patrick M. Murphy states that he "assumed the position of PAC Treasurer mid-way through 1990."

.....

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C00067

2204085415

Kutak Rock & Campbell PAC
(Attachments 16a - 16e)

00123

FEDERAL ELECTION COMMISSION
1989-1990
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 17APR91

PAGE 3

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
				TYPE OF FILER		
KUTAK ROCK & CAMPBELL PAC						
CONNECTED ORGANIZATION: KUTAK ROCK & HUIE						
1989	MID-YEAR REPORT	24,600	28,500	1JAN89 -30JUN89	15	89FEC/601/5092
	MID-YEAR REPORT - AMENDMENT	-	-	1JAN89 -30JUN89	3	89FEC/610/3271
	MID-YEAR REPORT - AMENDMENT	-	-	1JAN89 -30JUN89	5	90FEC/626/0027
	YEAR-END	21,000	11,300	1JUL89 -31DEC89	12	90FEC/623/3373
1990	STATEMENT OF ORGANIZATION - AMENDMENT			2FEB90	1	90FEC/626/0026
	STATEMENT OF ORGANIZATION - AMENDMENT			5APR90	2	90FEC/632/4865
	MISCELLANEOUS NOTICE FROM FEC			6DEC90	1	90FEC/674/1085
	APRIL QUARTERLY	0	5,750	1JAN90 -31MAR90	3	90FEC/632/3733
	APRIL QUARTERLY - AMENDMENT	0	5,750	1JAN90 -31MAR90	2	91FEC/690/1051
	JULY QUARTERLY	0	1,670	1APR90 -30JUN90	3	90FEC/654/3697
	JULY QUARTERLY - AMENDMENT	0	4,170	1APR90 -30JUN90	3	90FEC/670/1049
	JULY QUARTERLY - AMENDMENT	0	4,170	1APR90 -30JUN90	2	91FEC/690/1054
	NOTICE OF FAILURE TO FILE			1APR90 -30JUN90	1	90FEC/651/3800
	REQUEST FOR ADDITIONAL INFORMATION			1APR90 -30JUN90	2	91FEC/689/0387
	OCTOBER QUARTERLY	22,100	28,500	1JUL90 -30SEP90	15	90FEC/670/1013
	OCTOBER QUARTERLY - AMENDMENT	22,100	28,500	1JUL90 -30SEP90	2	91FEC/690/1057
	REQUEST FOR ADDITIONAL INFORMATION			1JUL90 -30SEP90	1	91FEC/689/0385
	POST-GENERAL	19,300	20,450	1OCT90 -26NOV90	12	91FEC/684/5307
	POST-GENERAL - AMENDMENT	19,300	20,150	1OCT90 -26NOV90	4	91FEC/690/1060
	NOTICE OF FAILURE TO FILE			1OCT90 -26NOV90	1	90FEC/679/2856
	REQUEST FOR ADDITIONAL INFORMATION			1OCT90 -26NOV90	1	91FEC/689/0382
	YEAR-END	0	3,250	26NOV90 -31DEC90	3	91FEC/684/5303
	YEAR-END - AMENDMENT	0	3,250	26NOV90 -31DEC90	3	91FEC/690/1065
	REQUEST FOR ADDITIONAL INFORMATION			27NOV90 -31DEC90	1	91FEC/689/0380
TOTAL		87,000	0 101,620	0	98	TOTAL PAGES

All Reports Have Been Reviewed :
 Cash On Hand As Of 12/31/90 : \$8,559
 Debts Owed To The Committee : \$00
 Debts Owed By The Committee : \$00

9 2 0 4 0 8 8 0 4 0 2 6

REPORT OF RECEIPTS AND DISBURSEMENTS

ATTACHMENT 16b

For Other Than An Authorized Committee
(Summary Page)

91 JUN 31 AM 10:01

USE PRE MARKING LABEL
ON
TYPE OR PRINT

1 NAME OF COMMITTEE (in full)
Kutak Rock & Campbell Political Action Committee

2 ADDRESS (number and street) ☐ Check if different than previously reported
1101 Connecticut Ave., N.W.
CITY, STATE and ZIP CODE
Washington, D.C. 20036

3 FEC IDENTIFICATION NUMBER
COC1-60986

4 The committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ 1990.

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 (Pre-election Year Only)
- ☐ Termination Report

Monthly Report Due On

☐ February 28 ☐ April 30 ☐ October 30
☐ March 31 ☐ July 31 ☐ November 30
☐ April 30 ☐ August 31 ☐ December 31
☐ May 31 ☐ September 30 ☐ January 31

- ☐ Twelfth day report preceding _____ Year of Election
election on _____ in the State of _____
- ☐ Twelfth day report following the General Election or
_____ in the State of _____

5 Is this Report an Amendment? ☐ YES ☐ NO

SUMMARY

	6 Covering Period <u>10/1/90</u> through <u>11/26/90</u>	7 COLUMN A This Period	8 COLUMN B Calendar Year-to-Date
9 (a) Cash on Hand January 1, 19 <u>90</u>			\$ 28,979.09
(b) Cash on Hand at Beginning of Reporting Period		\$ 12,659.09	
(c) Total Receipts (from Line 10)		\$ 19,700.00	\$ 41,400.00
(d) Subtotal (add Lines 9(b) and 9(c) for Column A and Lines 9(a) and 9(c) for Column B)		\$ 31,959.09	\$ 70,379.09
10 Total Disbursements (from Line 20)		\$ 20,450.00	\$ 58,570.00
11 Cash on Hand at Close of Reporting Period (Subtract Line 10 from Line 9(d))		\$ 11,809.09	\$ 11,809.09
12 Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		\$	
13 Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)		\$	

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

Type or Print Name of Treasurer

Signature of Treasurer Patrick M. Murphy
Patrick M. Murphy

Date

1/30/91

NOTE: Submission of false, erroneous or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 4312

00125 FEC FORM 3X

DETAILED SUMMARY PAGE

of Receipts and Disbursements
(Page 2, FEC FORM 28)

ATTACHMENT 16c

Name of Committee (in full) Kutak Rock & Campbell Political Action Committee		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) Received (see Schedule A)		19,300.00	41,400.00
(ii) Unreceived		-0-	-0-
(iii) Total of contributions from individuals		19,300.00	41,400.00
(b) Political Party Committees		-0-	-0-
(c) Other Political Committees (such as PACs)		-0-	-0-
(d) TOTAL CONTRIBUTIONS (add 11(a)(i), (b), and (c))		19,300.00	41,400.00
12 TRANSFERS FROM AFFILIATED OTHER PARTY COMMITTEES			
13 ALL LOANS RECEIVED			
14 LOAN REPAYMENTS RECEIVED			
15 OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)			
16 REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES			
17 OTHER RECEIPTS (Dividends, Interest, etc.)			
18 TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)		19,300.00	41,400.00
II. DISBURSEMENTS			
19 OPERATING EXPENDITURES			
20 TRANSFERS TO AFFILIATED OTHER PARTY COMMITTEES			
21 CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		20,450.00	58,570.00
22 INDEPENDENT EXPENDITURES (see Schedule E)			
23 COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 441a(d)) (see Schedule F)			
24 LOAN REPAYMENTS MADE			
25 LOANS MADE			
26 REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals Persons Other Than Political Committees			
(b) Political Party Committees			
(c) Other Political Committees (such as PACs)			
(d) TOTAL CONTRIBUTION REFUNDS (add 26(a), (b), and (c))			
27 OTHER DISBURSEMENTS			
28 TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26(d), and 27)		20,450.00	58,570.00
III. NET CONTRIBUTIONS OPERATING EXPENDITURES			
29 TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)		19,300.00	41,400.00
30 TOTAL CONTRIBUTION REFUNDS (from Line 26(d))		-0-	-0-
31 NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)		19,300.00	41,400.00
32 TOTAL OPERATING EXPENDITURES (from Line 19)			
33 OFFSETS TO OPERATING EXPENDITURES (from Line 15)			
34 NET OPERATING EXPENDITURES (subtract Line 33 from 32)			

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SCHEDULE B

ITEMIZED DISBURSEMENTS

See instructions carefully
for each category of the
Data and Summary PagePAGE 1 of 3
FORM 1041-10-1988
17

Any amount appearing on this Schedule B must be reported on the return for the year in which it was paid or incurred, and not on the return for the year in which the amount was received or the year in which the amount was paid or incurred.

NAME OF COMMITTEE (in full)

Kutak Rock & Campbell Political Action Committee

A Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for ☐ Primary ☐ General ☐ Other (specify):		
B Full Name, Mailing Address and ZIP Code Feinstein for Governor Comm. 909 Montgomery St., Suite 400 San Francisco, CA 94133	Purpose of Disbursement Election 1990 Disbursement for ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 10 / 31	Amount of Each Disbursement This Period \$1000
C Full Name, Mailing Address and ZIP Code Citizens for Eleanor Norton 513 C Street, N.E. Washington, D.C. 20002	Purpose of Disbursement Election 1990 Disbursement for ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 11 / 2	Amount of Each Disbursement This Period \$250 ADD
D Full Name, Mailing Address and ZIP Code Paxon for Congress Comm. 1711 Longworth House Office Bldg. Washington, D.C. 20515-3231	Purpose of Disbursement Election 1990 Disbursement for ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 10 / 1	Amount of Each Disbursement This Period \$300
E Full Name, Mailing Address and ZIP Code Barney Frank for Congress Comm. 1030 Longworth House Office Bldg. Washington, D.C. 20515-2104	Purpose of Disbursement Election 1990 Disbursement for ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 10 / 1	Amount of Each Disbursement This Period \$500
F Full Name, Mailing Address and ZIP Code Rose Delauro for Congress Comm. 1 Trumbull Street New Haven, Ct. 06511	Purpose of Disbursement Election 1990 Disbursement for ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 10 / 2	Amount of Each Disbursement This Period \$250
G Full Name, Mailing Address and ZIP Code Friends of Max Baucus 706 Hart Senate Office Bldg. Washington, D.C. 20510	Purpose of Disbursement Election 1990 Disbursement for ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 10 / 4	Amount of Each Disbursement This Period \$1,000
H Full Name, Mailing Address and ZIP Code Colorado Democratic Party Fed. Act P.O. Box 25559 Denver, Colorado 80203	Purpose of Disbursement Election 1990 Disbursement for ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 10 / 5	Amount of Each Disbursement This Period \$300 ADD
I Full Name, Mailing Address and ZIP Code Floyd Flake for Congress Comm. 1427 Longworth House Office Bldg. Washington, D.C. 20515-3206	Purpose of Disbursement Election 1990 Disbursement for ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 10 / 5	Amount of Each Disbursement This Period \$300

SUBTOTAL (This page only) Page 1 of 1

TOTAL (This page only) Page 1 of 1

C0127

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedule for each category of the Detailed Summary Page

PAGE 01
2-1-3
FOR LINE NUMBER 21

Any information copied from such Reports and Statements may not be 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)

Kutak Rock & Campbell Political Action Committee

A. Full Name, Mailing Address and ZIP Code DCCC Chairman's Council	Purpose of Disbursement Election 1990 Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 12/12	Amount of Each Disbursement This Period \$3000 ADD
B. Full Name, Mailing Address and ZIP Code Paul Simon for Congress	Purpose of Disbursement Election 1990 Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 10/5	Amount of Each Disbursement This Period \$250
C. Full Name, Mailing Address and ZIP Code Friends of Phil Gramm	Purpose of Disbursement Election 1990 Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 10/5	Amount of Each Disbursement This Period \$1,000
D. Full Name, Mailing Address and ZIP Code Gene Taylor for Congress Comm. 1429 Longworth House Office Build. Washington, D.C. 20515-2405	Purpose of Disbursement Election 1990 Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 10/5	Amount of Each Disbursement This Period \$1,000
E. Full Name, Mailing Address and ZIP Code Illinois Coordinated Campaign	Purpose of Disbursement Election 1990 Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 10/9	Amount of Each Disbursement This Period \$1,000 ADD
F. Full Name, Mailing Address and ZIP Code Econ for Senate Comm. Sh-330 Hart Senate Office Build. Washington, D.C. 20510-2702	Purpose of Disbursement Election 1990 Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 10/11	Amount of Each Disbursement This Period \$500
G. Full Name, Mailing Address and ZIP Code Citizens for Downey P.O. Box 5091 Bay Shore, New York 11706	Purpose of Disbursement Election 1990 Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 10/11	Amount of Each Disbursement This Period \$500
H. Full Name, Mailing Address and ZIP Code Friends of Byron Dorgan 314 Massachusetts Avenue, N.E. Washington, D.C. 20002	Purpose of Disbursement Election 1990 Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 10/11	Amount of Each Disbursement This Period \$500
I. Full Name, Mailing Address and ZIP Code Alabama Democratic Party 4120 3rd Avenue South Birmingham, AL 35222	Purpose of Disbursement Election 1990 Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 10/19	Amount of Each Disbursement This Period \$2,500

SUBTOTAL OF Disbursements This Page (optional)

TOTAL TO BE USED ON LINE 21 OF THE LINE NUMBER 21

C0128

RECEIVED
F.E.C.
SECRETARIAT

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

91 AUG 19 PM 4:06

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD Referrals: 91NF 71 - 102
Staff Member Jeffrey D. Long

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

RESPONDENTS:

92040885421

Kutak Rock & Campbell PAC and Patrick M. Murphy, as
treasurer

22040385422

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

INTERNAL REPORTS CHECKED: Referral Materials
Disclosure Documents

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Report Analysis Division ("RAD") referred the above thirty-two (32) committees and their treasurers to the Office of the General Counsel on May 10, 1991. The basis for 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)(A)(ii).

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that all unauthorized committees filing quarterly reports shall file a pre-election report before any election in which the committee makes a contribution or expenditure on behalf of a candidate in such election. According to 2 U.S.C. § 434(a)(4)(A)(ii), the pre-election report shall be filed no later than the 12th day before the election and shall be complete as of the 20th day before the election.

With regard to the 1990 general election, unauthorized committees which made contributions or expenditures during the period of October 1 through October 17 were required to file a 12 Day Pre-General Election Report covering that period by

92040385423

October 25, 1990. On October 1, 1990, all unauthorized committees were sent prior notification regarding the filing of the pre-general and post-general reports, which specifically informed quarterly filers of the requirement to file a pre-general report if contributions or expenditures were made during the period between October 1 and October 17, 1990. (Attachment 1, page 253).

Of the thirty-two referred committees, twenty-four of the committees disclosed on their 30 Day Post-General Reports contributions or expenditures for the period between October 1 and October 17, 1990, indicating that the 12 Day Pre-General Reports should have been filed. The remaining eight of the referred committees filed the 12 Day Pre-General Reports but not in a timely manner.¹ Accordingly, the Office of the General Counsel recommends that the Commission open Matters Under Review and find reason to believe that the 32 referred committees and their

1.

22040385424

treasurers violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to file timely the 1990 12 Day Pre-General Report.

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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92040885426

IV. RECOMMENDATIONS

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

A.

B.

C.

D.

E.

F.

G.

H.

I.

J.

K. Rutak Rock & Campbell PAC and Patrick M. Murphy, as treasurer

L.

M.

N.

O.

P.

Q.

R.

S.

T.

92040885427

U.

V.

W.

X.

Y.

Z.

AA.

BB.

CC.

DD.

EE.

FF.

2. Approve the attached Factual and Legal Analyses and conciliation agreements, and the appropriate letters.

Lawrence M. Noble
General Counsel

8-19-91
Date

BY:

Lois G. Lerner
Lois G. Lerner
Associate General Counsel

Attachments

1. Referral Materials
2. Factual and Legal Analysis (32)
3. Proposed agreements (32)

In the Matter of
Thirty-two Committees and their
treasurers.

RAD Referrals
91NF 71-102

3386
70
3417

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on August 27, 1991, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions with respect to RAD Referrals 91NF 71 - 102:

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

(continued)

**Federal Election Commission
Certification: RAD Referrals
#91NF 71 - 102
August 27, 1991**

Page 2

D.

E.

F.

G.

H.

I.

J.

**K. Kutak Rock & Campbell PAC and
 Patrick M. Murphy, as treasurer;**

L.

(continued)

92040385430

Federal Election Commission
Certification: RAD Referrals
#91NF 71 - 102
August 27, 1991

Page 3

M.

N.

O.

P.

Q.

R.

S.

T.

U.

(continued)

92040885431

Federal Election Commission
Certification: RAD Referrals
#91NF 71 - 102

Page 4

V.

W.

X.

Y.

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(continued)

22040385432

2. Approve the Factual and Legal Analyses, conciliation agreements, and the appropriate letters as recommended in the General Counsel's report dated August 19, 1991.

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

Attest:

9-4-91
Date

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

92040385433



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 13, 1991

**Patrick M. Murphy, Treasurer
Kutak Rock & Campbell PAC
1101 Connecticut Avenue, N.W.
Washington, D.C. 20036**

**RE: MUR 3396
Kutak Rock & Campbell PAC and
Patrick M. Murphy, as treasurer**

Dear Mr. Murphy:

On August 27, 1991, the Federal Election Commission found that there is reason to believe Kutak Rock & Campbell PAC and Patrick M. Murphy, as treasurer ("Committee"), 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.

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.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations

92040385434

Patrick M. Murphy, Treasurer
Page 2

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.

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 Cheryl Kornegay, the staff member assigned to this matter, at (202) 219-3690.

Sincerely,



John Warren McGarry
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

92040885435

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

NUR: 3396

RESPONDENTS: Kutak Rock & Campbell PAC
and Patrick M. Murphy, as treasurer

02040385436
The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that all unauthorized committees filing quarterly reports, shall file a pre-election report before any election in which the committee makes a contribution to expenditure on behalf of a candidate in such election. According to 2 U.S.C. § 434(a)(4)(A)(ii), the pre-election report shall be filed no later than the 12th day before the election and which shall be complete as of the 20th day before the election.

With regard to the 1990 general election, unauthorized committees which made contributions or expenditures during the period of October 1 through October 17, were required to file a 12 Day Pre-General Election Report covering that period, by October 25, 1990. On October 1, 1990, all unauthorized committees were sent prior notification regarding the filing of the pre- and post-general reports, which specifically informed quarterly filers of the requirement to file a pre-general if contributions or expenditures were made during the period between October 1 and October 17, 1990.

The Respondents disclosed on their 30 Day Post-General Report contributions or expenditures for the period between October 1 and October 17, 1990, indicating that the 12 Day Pre-General Reports should have been filed. Therefore, there is reason to believe the

Respondents violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to
timely file the 1990 Pre-General Election Report.

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06-2966

KUTAK ROCK & CAMPBELL

A PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS

SUITE 1000
1101 CONNECTICUT AVENUE, N.W.
WASHINGTON, D.C. 20036-4374

September 30, 1991

(202) 828-2400
FACSIMILE: (202) 828-3488

ATLANTA
BATON ROUGE
DENVER
LOS ANGELES
NEW YORK
OKLAHOMA CITY
OMAHA
PHOENIX

Mr. John Warren McGarry
Chairman
Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20463

Dear Mr. McGarry:

This letter is in response to your September 13, 1991 correspondence which included a conciliation agreement relating to MUR 3396.

First, on October 9, 1990 the legislative assistant in charge of the initial preparation and review of all PAC filings, Elizabeth Mehlman, resigned and was no longer working within my department as of October 19. Secondly, I was in my third month as treasurer of the PAC and had never been through a pre-general election filing before. Thirdly, the FEC mailings continued to be addressed to Ms. Nancy Granese, the former PAC treasurer who was no longer affiliated with the firm which resulted in my receiving notifications late or not at all. Finally, the pre-general election PAC information was all included in the January 15, 1991 quarterly filing, so there was clearly no intent to evade the federal PAC laws.

I accept full responsibility for missing the pre-general election filing,

(I have worked extensively with Andrew J. Dodson of the FEC Reports Analysis Division in this area) and the good faith basis with which I have worked with the FEC staff.

I appreciate your review of this matter and the assistance I have received from the General Counsel's office.

Sincerely,



Patrick M. Murphy,
Kutak Rock & Campbell PAC

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RECEIVED
F.E.C.
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

91 DEC 16 PM 3:33

In the Matter of

Kutak Rock & Campbell PAC and
Patrick M. Murphy, as treasurer

)
)
)

MUR 3396

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Patrick M. Murphy, the treasurer of the Kutak Rock and Campbell Political Action Committee. The civil penalty payment of \$1,000.00 has not been received.

The attached agreement contains no changes from the agreement previously approved by the Commission.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the Kutak Rock and Campbell Political Action Committee, and Patrick M. Murphy, as treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

12/13/91
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachment
Conciliation Agreement

Staff assigned: Cheryl S. Kornegay

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Kutak Rock & Campbell Political Action
Committee and Patrick M. Murphy, as
treasurer.

)
)
) MUR 3396
)
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CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 19, 1991, the Commission decided by a vote of 5-0 to take the following actions in MUR 3396:

1. Accept the conciliation agreement with the Kutak Rock & Campbell Political Action Committee and Patrick M. Murphy, as treasurer, as recommended in the General Counsel's Report dated December 13, 1991.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated December 13, 1991.

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

Attest:

12-19-91
Date


Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Mon., Dec. 16, 1991 3:33 p.m.
Circulated to the Commission: Tues., Dec. 17, 1991 11:00 a.m.
Deadline for vote: Thurs., Dec. 19, 1991 11:00 a.m.

bjf

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

January 7, 1992

Patrick M. Murphy
Kutak Rock & Campbell
Suite 1000
1101 Connecticut Avenue, N.W.
Washington, D.C. 20036-4374

RE: MUR 3396

Dear Mr. Murphy:

On December 19, 1991, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of the Kutak Rock & Campbell Political Action Committee and you as treasurer, 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 as it pertains to the Kutak Rock & Campbell Political Action Committee and you, as treasurer.

This matter will become a part of the public record within 30 days after it has been closed. 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. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Cheryl S. Kornegay
Cheryl S. Kornegay
Staff Attorney

Enclosure
Conciliation Agreement

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

1. Kutak Rock & Campbell PAC is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Patrick M. Murphy is the treasurer of Kutak Rock & Campbell PAC.

3. The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that all unauthorized committees filing quarterly reports, shall file a pre-election report before any election in which the committee makes a contribution or expenditure on behalf of a candidate in such election. According to 2 U.S.C. § 434(a)(4)(A)(ii), the pre-election report shall be filed no later than the 12th day before the election and which shall be complete as of the 20th day before the election.

4. Respondents disclosed on their 30 Day Post-General Report contributions or expenditures for the period between October 1 and October 17, 1990, indicating that the 12 Day Pre-General Reports should have been filed.

5. Respondents were required to file the 12 Day Pre-General Report, covering the period of October 1 through October 17, by October 25, 1990. Respondents failed to file the 1990 Pre-General Report. Respondents instead filed one report covering the pre- and post-election reporting periods. That report was filed 98 days late, and disclosed pre-general election period activity of \$19,300.00 in receipts and \$9,900.00 in disbursements.

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V. Respondents failed to file the 1990 12 Day Pre-General Report in a timely manner 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 one thousand dollars (\$1,000.00), 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 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

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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:

LGL
Lois G. Lerner
Associate General Counsel

Date

1/6/92

FOR THE RESPONDENTS:

Pat Murphy
(Name)
(Position)
President, MRS
Treasurer KRC PAC

Date

December 2, 1991

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3326

DATE FILMED 1/16/72 CAMERA NO. 4

CAMERAMAN JAD

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