



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4206

DATE FILMED 9-28-85 CAMERA NO. 1

CAMERAMAN JMN

95043691755

REPORTS ANALYSIS REFERRAL**TO****OFFICE OF GENERAL COUNSEL****DATE:** March 3, 1995**ANALYST:** Jacques P. Andre'

I. COMMITTEE: American Portland Cement Alliance PAC
(C00237065)
Richard C. Creighton, Treasurer
(June 1, 1989 to present)
1212 New York Avenue, NW, Suite 500
Washington, DC 20005

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(4)(A)
11 CFR §104.5(c)(1) and (2)

III. BACKGROUND:

Chronic Late Filing of Reports

The American Portland Cement Alliance PAC ("the Committee") has failed to file five (5) Reports of Receipts and Disbursements in a timely manner for the 1993-1994 election cycle (see attached chart). The reports were filed between eleven (11) and seventy-seven (77) calendar days late.

On November 10, 1994, a Chronic Late Filer Notice was sent to the Committee for failing to file the 1993 Year End, 1994 July Quarterly and October Quarterly Reports in a timely manner (Attachment 9). The Notice advised the Committee that any additional late filing of reports may result in legal enforcement action.

Subsequent to the sending of the Chronic Late Filer Notice, the Committee failed to timely file the 1994 12 Day Pre-General and 30 Day Post-General Reports.

On January 12, 1995, the Committee filed the 1994 30 Day Post-General Report (Attachment 11). This Report contained activity covering the 12 Day Pre-General reporting period. This Report disclosed \$6,250 in contributions to eleven (11) federal candidates for the General Election between October 4 and 19, 1994. This activity indicates that the Committee was also required to timely file the 12 Day Pre-General Report.

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AMERICAN PORTLAND CEMENT ALLIANCE PAC
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

On January 31, 1995 the Reports Analysis Division ("RAD") analyst spoke with Lisa Jackson, Assistant Treasurer (June 1, 1989 to present). The analyst discussed the importance of filing reports with the Commission on time. Ms. Jackson stated that the Committee would in the future file on time (Attachment 12)

95043691757

LATE FILING HISTORY

REPORT TYPE	PRIOR NOTICE	DATE DUE	NON-FILER NOTICE	DATE FILED
1993 Year End (7/1/93-12/31/93)	12/27/93 (Attachment 2)	1/31/94	None	2/14/94 (Attachment 3)
1994 July Quarterly (4/1/94-6/30/94)	6/21/94 (Attachment 4)	7/15/94	None	7/26/94 (Attachment 5) ^{1/}
1994 October Quarterly (7/1/94-9/30/94)	9/21/94 (Attachment 6)	10/15/94	None	10/31/94 (Attachment 8)
1994 12 Day Pre-General ^{2/} (10/1/94-10/19/94)	10/03/94 (Attachment 7)	10/27/94	None	1/12/95 (Attachment 11)
1994 30 Day Post-General ^{2/} (10/20/94-11/28/94)	10/03/94 (Attachment 7)	12/08/94	1/4/95 (Attachment 10)	1/12/95 (Attachment 11)

^{1/} The incoming documents page of the Report states that it was "Hand-delivered on 7/27/94". The Summary Page of the Report is date-stamped July 26, 1994.

^{2/} The Committee filed the 30 Day Post-General Report which included the 12 Day Pre-General reporting period.

ATTACHMENT 1

FEDERAL ELECTION COMMISSION

DATE 2MAR95

1993-1994

COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
						TYPE OF FILER
AMERICAN PORTLAND CEMENT ALLIANCE POLITICAL ACTION COMM						
CONNECTED ORGANIZATION: AMERICAN PORTLAND CEMENT ALLIANCE INC						
ID #C00237065 NON-PARTY QUALIFIED						
1993	STATEMENT OF ORGANIZATION - AMENDMENT			27JAN93	2	93FEC/822/3862
	MID-YEAR REPORT	39,622	33,600	1JAN93 - 30JUN93	20	93FEC/852/2636
	MID-YEAR REPORT - AMENDMENT	39,622	33,600	1JAN93 - 30JUN93	20	93FEC/868/2301
	MID-YEAR REPORT - AMENDMENT	39,622	33,600	1JAN93 - 30JUN93	3	93FEC/868/5217
	REQUEST FOR ADDITIONAL INFORMATION			1JAN93 - 30JUN93	3	93FEC/866/3978
	YEAR-END	35,662	25,350	1JUL93 - 31DEC93	16	94FEC/884/0552
	YEAR-END - AMENDMENT	33,912	25,350	1JUL93 - 31DEC93	16	94FEC/897/0364
	YEAR-END - AMENDMENT	33,912	25,350	1JUL93 - 31DEC93	17	94FEC/901/0325
	YEAR-END - AMENDMENT	33,912	25,350	1JUL93 - 31DEC93	16	94FEC/914/4409
	REQUEST FOR ADDITIONAL INFORMATION			1JUL93 - 31DEC93	3	94FEC/890/5748
	1'ST LETTER INFORMATIONAL NOTICE			1JUL93 - 31DEC93	2	94FEC/900/0233
	REQUEST FOR ADDITIONAL INFORMATION			1JUL93 - 31DEC93	3	94FEC/905/1569
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL93 - 31DEC93	4	94FEC/914/0663
1994	MISCELLANEOUS NOTICE FROM FEC			10NOV94	2	94FEC/943/3181
	APRIL QUARTERLY	60	15,000	31JAN94 - 31MAR94	7	94FEC/893/1236
	APRIL QUARTERLY - AMENDMENT	60	15,000	31JAN94 - 31MAR94	7	94FEC/897/0357
	APRIL QUARTERLY - AMENDMENT	60	15,000	31JAN94 - 31MAR94	8	94FEC/901/0342
	REQUEST FOR ADDITIONAL INFORMATION			1JAN94 - 31MAR94	2	94FEC/898/2709
	1'ST LETTER INFORMATIONAL NOTICE			1JAN94 - 31MAR94	2	94FEC/904/4730
	JULY QUARTERLY	24,317	18,500	1APR94 - 30JUN94	12	94FEC/914/4397
	JULY QUARTERLY - AMENDMENT	24,317	18,000	1APR94 - 30JUN94	9	94FEC/919/4983
	REQUEST FOR ADDITIONAL INFORMATION			1APR94 - 30JUN94	4	94FEC/919/2128
	OCTOBER QUARTERLY	40,585	37,050	1JUL94 - 30SEP94	33	94FEC/941/0543
	OCTOBER QUARTERLY - AMENDMENT	41,860	37,050	1JUL94 - 30SEP94	33	94FEC/954/0201
	REQUEST FOR ADDITIONAL INFORMATION			1JUL94 - 30SEP94	3	94FEC/944/5001
	POST-GENERAL	22,957	13,250	1OCT94 - 30NOV94	8	95FEC/956/0966
	POST-GENERAL - AMENDMENT	22,957	13,250	1OCT94 - 30NOV94	11	95FEC/960/2201
	NOTICE OF FAILURE TO FILE			1OCT94 - 29NOV94	2	95FEC/955/0819
	YEAR-END	5,586	3,750	1DEC94 - 30DEC94	7	95FEC/960/2212
	REQUEST FOR ADDITIONAL INFORMATION			1DEC94 - 30DEC94	3	95FEC/966/1266
TOTAL		168,314	0 146,000 0	278 TOTAL PAGES		

All reports have been reviewed.

Ending cash-on-hand as of 12/31/94: \$24,762

Outstanding debts owed by/to the committee as of 12/31/94: \$0

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YEAR-END REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

December 27, 1993

WHO MUST FILE

Party committees and PACs (nonconnected committees and separate segregated funds) must file a Year-End Report on January 31, 1994.

REPORT CONTENT AND DATES

I. Semiannual Filers

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Year-End	07/01/93 - 12/31/93	01/31/94	01/31/94

Semiannual filers must disclose financial activity that occurred from July 1 through December 31, 1993, on their Year-End Report.

II. Monthly Filers

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Year-End	12/01/93 - 12/31/93	01/31/94	01/31/94

Monthly filers must disclose financial activity from December 1 through December 31, 1993, on their Year-End Report.

CHANGE IN FILING FREQUENCY

Committees wishing to change their reporting schedule (for example, from semiannual to monthly) must notify the Commission in writing when they file their next report due under their current reporting schedule. Committees may change their filing frequencies no more than once per calendar year.

LABEL

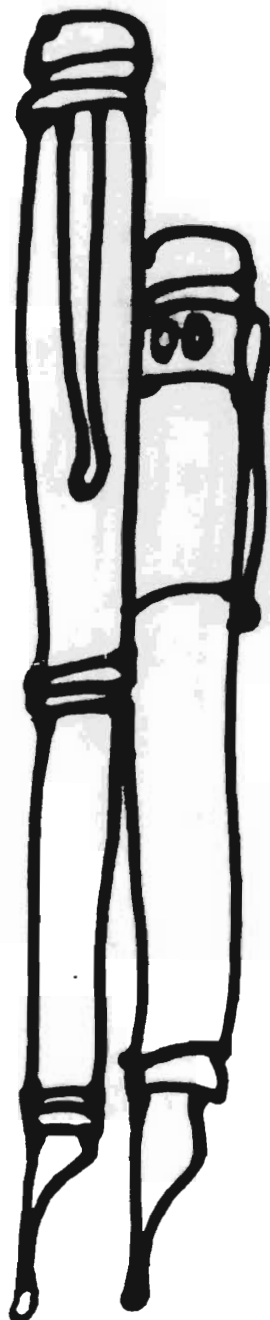
Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

*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.

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

(over)

95043691760



PARTIES AND PACS

YEAR-END

1994 FILING SCHEDULE

I. Quarterly Filers

REPORT	PERIOD COVERED*	REG./CERT.	FILING DATE
		MAILING DATE**	
April	01/01/94 - 03/31/94	04/15/94	04/15/94
July	04/01/94 - 06/30/94	07/15/94	07/15/94
October	07/01/94 - 09/30/94	10/15/94	10/15/94
Pre-General	10/01/94 - 10/19/94	10/24/94	10/27/94
Post-General	10/20/94 - 11/28/94	12/08/94	12/08/94
Year-End	11/29/94 - 12/31/94	01/31/95	01/31/95

II. Monthly Filers

REPORT	PERIOD COVERED*	REG./CERT.	FILING DATE
		MAILING DATE**	
February	01/01/94 - 01/31/94	02/20/94	02/20/94
March	02/01/94 - 02/28/94	03/20/94	03/20/94
April	03/01/94 - 03/31/94	04/20/94	04/20/94
May	04/01/94 - 04/30/94	05/20/94	05/20/94
June	05/01/94 - 05/31/94	06/20/94	06/20/94
July	06/01/94 - 06/30/94	07/20/94	07/20/94
August	07/01/94 - 07/31/94	08/20/94	08/20/94
September	08/01/94 - 08/31/94	09/20/94	09/20/94
October	09/01/94 - 09/30/94	10/20/94	10/20/94
Pre-General	10/01/94 - 10/19/94	10/24/94	10/27/94
Post-General	10/20/94 - 11/28/94	12/08/94	12/08/94
Year-End	11/29/94 - 12/31/94	01/31/95	01/31/95

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.

*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.

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

FOR INFORMATION, Call: 800/424-9530 or 202/219-3420

95043691761

REPORT OF RECEIPTS AND DISBURSEMENTS

Attachment 3

For Other Than An Authorized Committee
(Summary Page)

(page 1 of 2)

FEB 14 9 01 AM '94

1. NAME OF COMMITTEE OR CANDIDATE
American Portland Cement Alliance
1212 New York Ave., N.W., Suite 500
Washington, DC 20005

2. FEC IDENTIFICATION NUMBER
C00337065
☐ This committee has qualified as a small-donor committee. (See FEC FORM 280)

3. 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 (Post-election Year Only)

☐ Termination Report

Monthly Report Due On

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

☐ Twelfth day report preceding _____ (Type of Election)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election on _____

in the State of _____

4. Is this Report an Amendment? ☐ YES ☒ NO

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5	Covering Period <u>7/1/93</u> through <u>12/31/93</u>		
6	(a) Cash on Hand January 1, 19 <u>93</u>		\$ 2,445.00
	(b) Cash on Hand at Beginning of Reporting Period	\$ 8,467.62	
	(c) Total Receipts (from Line 10)	\$ 35,662.67	\$ 75,285.29
	(d) Subtotal (add Lines 6(a) and 6(c) for Column A and Lines 6(b) and 6(c) for Column B)	\$ 44,130.29	\$ 77,730.29
7	Total Disbursements (from Line 11)	\$ 25,350	\$ 58,950.00
8	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 18,780.29	\$ 18,780.29
9	Debits and Obligations Owed TO the Committee (Reported all on Schedule C and/or Schedule B)	\$ -0-	
10	Debits and Obligations Owed BY the Committee (Reported all on Schedule C and/or Schedule B)	\$ -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 Assistant

Lisa Jackson

Signature of Treasurer

[Signature]

Date 1/3/94

NOTE: Submission of false or incorrect, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

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FEC FORM 280
(revised 8/89)

950438834352

Federal Election Commission
ENVELOPE REPLACEMENT PAGE
FOR INCOMING DOCUMENTS

The Commission has added this page to the end of the filing to indicate how it was received.

☐ Hand Delivered

DATE OF RECEIPT

☒ First Class Mail

POSTMARKED

☐ Registered/Certified Mail

2-8-94
POSTMARKED

☐ No Postmark

☐ Postmark Illegible

☐ Received from the House Office of Records
and Registration

DATE OF RECEIPT

☐ Received from the Senate Office of Public
Records

DATE OF RECEIPT

☐ Other (Specify):

POSTMARKED

DATE OF RECEIPT

SMIL
PREPARED

2-14-94
DATE PREPARED

74036540557

REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

June 21, 1994

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
July Quarterly	04/01/94 - 06/30/94	07/15/94	07/15/94

WHO MUST FILE

Party committees and PACs (nonconnected committees and separate segregated funds) filing on a quarterly basis must file a Quarterly Report in July.

PRE-ELECTION REPORTING

Committees which make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See the January 1994 Record.

LAST-MINUTE INDEPENDENT EXPENDITURES

Any PAC that makes independent expenditures in connection with an election may have to file a 24 hour report. This reporting requirement will be triggered if the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the election day.

CHANGE IN FILING FREQUENCY

Committees wishing to change their reporting schedule (for example, from quarterly to monthly) must notify the Commission in writing when they file their next report due under their current reporting schedule. Committees may change their filing frequencies no more than once per calendar year.

LABEL

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

COMPLIANCE

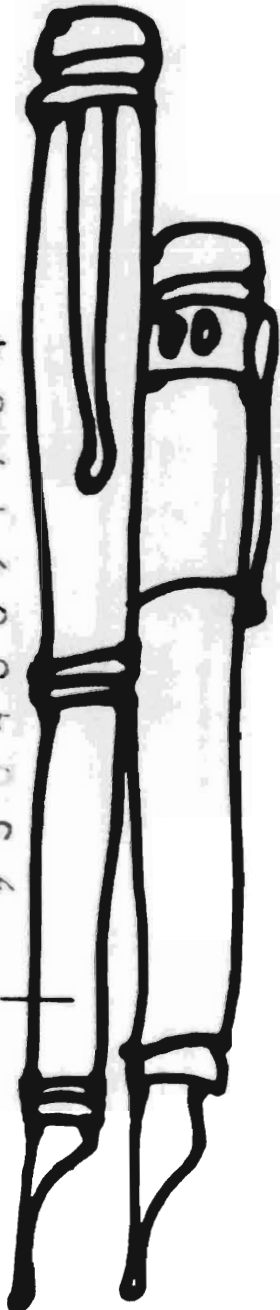
TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

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FOR INFORMATION, Call: 800/424-9530 or 202/219-3420

95043691764



1. NAME AND ADDRESS OF THE COMMITTEE
 1212 New York Avenue N.W., Suite 500
 Washington, DC 20005

2. COMMITTEE IDENTIFICATION NUMBER
 00017065

3. DATE OF REPORT
 6/30/94

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

- ☐ Twelve day report preceding _____ (Type of Election)
 Election on _____ in the State of _____
☐ Twelve day report following the General Election on _____ in the State of _____

5. Is this Report an Amendment? ☐ YES ☒ NO

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
1	Reporting Period <u>4/1/94</u> through <u>6/30/94</u>		
6	(a) Cash on Hand January 1, 19 <u>94</u>		\$ 17,030.39
	(b) Cash on Hand at Beginning of Reporting Period	\$ 2,890.51	
	(c) Total Receipts from Line 10	\$ 24,317.75	\$ 24,377.97
	(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 26,408.26	\$ 41,408.26
7	Total Disbursements from Line 10	\$ 18,500.00	\$ 33,500.00
8	Cash on Hand at Close of Reporting Period (add Line 7 from Line 6(d))	\$ 7,908.26	\$ 7,908.26
9	Debits and Obligations Owed TO the Committee (Reported on Schedule C and/or Schedule D)	\$ -0-	For further information contact: Federal Election Commission 620 G Street, NE Washington, DC 20002 Tel/Fax 202-456-4500 1-800-426-6923
10	Debits and Obligations Owed BY the Committee (Reported 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 Assistant Treasurer
Lisa Jackson, Assistant Treasurer
 Signature of Assistant Treasurer [Signature] Date 7/10/94

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. § 4379.

FEC FORM 3X
(updated 1993)

94039144397

The Commission has received this document on the date of the filing of the report.

☒ Hand Delivered

DATE OF RECEIPT

7-27-77

☐ First Class Mail

POSTAGE

☐ Registered/Certified Mail

POSTAGE

☐ No Postmark

☐ Postmark Illegible

☐ Received from the House Office of Records and Registration

DATE OF RECEIPT

☐ Received from the Senate Office of Public Records

DATE OF RECEIPT

☐ Other (Specify):

JMH

PREPARED

7-27-77
DATE RECEIVED

94039141108

QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

September 21, 1994

REPORT	REPORTING PERIOD*	REG./CERT.	FILING DATE
		MAILING DATE**	
October Quarterly	07/01/94 - 09/30/94	10/15/94	10/15/94

WHO MUST FILE

Principal campaign committees of congressional candidates who seek election in 1994 must file an October Quarterly Report. These committees must continue to file quarterly reports throughout 1994, regardless of the primary outcome, unless they file a valid termination report. If the campaign has an authorized committee(s), in addition to the principal campaign committee, the principal campaign committee must also file a consolidated report on Form 32 and attach the report(s) of the authorized committee(s).

WHO NEED NOT FILE

Principal campaign committees of candidates not active in the 1994 elections (i.e., committees active in past or future elections) should not file the October Quarterly Report; instead, they report semiannually. The next semiannual report is due January 31, 1995.

LAST-MINUTE CONTRIBUTIONS

Notices are required if the committee receives contributions (including contributions and loans from the candidate's personal funds; and endorsements or guarantees of bank loans) of \$1,000 or more, after the 20th day, but more than 48 hours before the day of the election. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s).

LABEL

Committees should 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 WILL BE REQUIRED TO REFILE.

*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.

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FOR INFORMATION, Call: 800/424-9530 or 202/219-3420

95043691767

GENERAL ELECTION REPORT NOTICE

Attachment 7

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

October 3, 1994

I. ALL MONTHLY FILERS

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Pre-General	10/01/94 - 10/19/94	10/24/94	10/27/94
Post-General	10/20/94 - 11/28/94	12/08/94	12/08/94

II. QUARTERLY FILERS THAT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 19

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Pre-General	10/01/94 - 10/19/94	10/24/94	10/27/94
Post-General	10/20/94 - 11/28/94	12/08/94	12/08/94

III. QUARTERLY FILERS THAT DO NOT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 19***

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Post-General	10/01/94 - 11/28/94	12/08/94	12/08/94

WHO MUST FILE

Party committees and PACs 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.

*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.

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

***Committees that made general election contributions or expenditures before October 1 and that did not previously report them must also follow the Chart II reporting requirements.

(over)

95043691768

PARTIES AND PACS

GENERAL ELECTION

LAST-MINUTE INDEPENDENT EXPENDITURES

Any PAC that makes independent expenditures aggregating \$1,000 or more during the period beginning October 20 and ending November 6 must report them within 24 hours.

LABEL

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

COMPLIANCE

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FOR INFORMATION, Call: 800/424-9530 or 202/219-3420

95043691769

Washington, DC 20000
Committee, State Representative 100

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

Quarterly Report Due On

☐ February 29
☐ March 30
☐ April 30
☐ May 31

☐ July 31
☐ August 31
☐ September 30

☐ October 31
☐ November 30
☐ December 31
☐ 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

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

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5	Covering Period <u>7/1/94</u> through <u>7/30/94</u>		
6	(a) Cash on Hand January 1, 19 <u>94</u>		\$ 17,030.29
	(b) Cash on Hand at Beginning of Reporting Period	\$ 8,408.26	
	(c) Total Receipts (from Line 10)	\$ 48,585.34	\$ 64,943.31
	(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 48,993.60	\$ 81,993.60
7	Total Disbursements (from Line 20)	\$ 37,050.00	\$ 70,050.00
8	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 11,943.60	\$ 11,943.60
9	Debits and Obligations Owed TO the Committee (Reveries all on Schedule C and/or Schedule D)	\$ -0-	
10	Debits and Obligations Owed BY the Committee (Reveries all 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 ASSISTANT TREASURER

Lisa Jackson

Signature of ASSISTANT TREASURER

Lisa Jackson

Date

10/15/94

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §407g.

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FEC FORM 3X
(October 1993)

95043691770

94039410543

FOR RECORDING DOCUMENTS

The Commission has added this page to the end of this filing to indicate how it was received.

☒ Hand Delivered

DATE OF RECEIPT

10-31-94

☐ First Class Mail

POSTMARKED

☐ Registered/Certified Mail

POSTMARKED

☐ No Postmark

☐ Postmark Eligible

☐ Received from the House Office of Records and Registration

DATE OF RECEIPT

☐ Received from the Senate Office of Public Records

DATE OF RECEIPT

☐ Other (Specify):

POSTMARKED

DATE OF RECEIPT



PREPARED

10-31-94

DATE PREPARED

94039410075



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

NS-L

Richard C. Creighton, Treasurer
 American Portland Cement Alliance
 Political Action Committee
 1212 New York Avenue NW, Suite 500
 Washington, DC 20005

NOV 10 1994

Identification Number: C00237065

Reference: 1993-1994 Election Cycle Reports

Dear Mr. Creighton:

It has come to the attention of the Federal Election Commission ("the Commission") that your committee may have violated 2 U.S.C. §434(a), by failing to timely file Reports of Receipts and Disbursements. The following is a list of the reports in question.

<u>Report Type</u>	<u>Due Date</u>	<u>Date Filed</u>
Year End (7/1/93-12/31/93)	1/31/94	2/14/94
July Quarterly (4/1/94-6/30/94)	7/15/94	7/26/94
October Quarterly (7/1/94-9/30/94)	10/15/94	10/31/94

Timely filing is a specific requirement of the Federal Election Campaign Act ("the Act") and is essential to fulfilling the public disclosure concept embodied in that law. The Commission views failure to timely file reports as a serious violation of the Act. This communication is to advise you that, notwithstanding any matters which may be pending before the Commission, any additional report which is not submitted in a timely manner by your committee may result in the Commission initiating legal enforcement or audit action.

You may submit a letter of explanation in response to this notification. If, however, you have any questions, please feel free to contact Jay Andre' on our toll-free number, (800) 424-9530. My local number is (202) 219-3580.

Sincerely,

Lisa J. Stolaruk
 Chief, Party/Non-Party Branch
 Reports Analysis Division

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FEDERAL ELECTION COMMISSION

WASHINGTON DC 20541

RQ-7

January 4, 1995

Richard C. Creighton, Treasurer
 American Portland Cement Alliance PAC
 1212 New York Ave. NW Suite 500
 Washington, DC 20005

Identification Number: C00237065

Reference: 30 Day Post-General Report (10/1/94-11/28/94)

Dear Mr. Creighton:

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. 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 J.P. Andre' on our toll-free number (800) 424-9530. Our local number is (202) 219-3580.

Sincerely,

John D. Gibson
 Assistant Staff Director
 Reports Analysis Division

950436250372

4. TYPE OF REPORT

- ☐ Initial or 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 15 ☐ July 15 ☐ October 15

☐ March 15 ☐ August 15 ☐ November 15

☐ April 15 ☐ September 15 ☐ December 15

☐ May 15 ☐ January 15

☐ Transmit my report preceding _____
_____ in the State of _____

☐ Transmit my report following the General Election on _____
_____ in the State of _____

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

Schedule W 10/1/94 through 11/30/94		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Opening Period			\$ 17,825.25
6. (a) Cash on Hand January 1, 1994			
(b) Cash on Hand at Beginning of Reporting Period	\$ 11,819.00		
(c) Total Receipts (from Line 10)	\$ 22,957.35		\$ 89,195.65
(d) Disbursements (add Lines 6(b) and 6(c) for Column A and Lines 6(b) and 6(c) for Column B)	\$ 36,175.95		\$186,225.95
7. Total Disbursements (from Line 6)	\$13,256.00		\$ 63,300.00
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(b))	\$ 22,925.95		\$ 22,925.95
9. Debts and Obligations Owed TO the Committee (Report all on Schedule C under Schedule B)	\$ -0-		
10. Debts and Obligations Owed BY the Committee (Report all on Schedule C under Schedule B)	\$ -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: James L. Stewart

Signature of Treasurer: [Signature]

4/10/95

NOTE: Submission of false, misleading, or incomplete information may subject the person signing this Report to the penalties of 18 U.S.C. 950.

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REC-1000

SCHEDULE B

STANDARD FORM NO. 280

Any information copied from such Reports (and Statements) may not be used or used by any person for the purpose of soliciting contributions or for electoral purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in full)

American Portland Cement Alliance, Inc./Political Action Committee

A. Full Name, Mailing Address and ZIP Code Russle For Congress 3253 University Avenue, Suite D Waterloo, IA 50701	Purpose of Disbursement Contribution to Russle Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 11/1/94	Amount of Each Disbursement This Period \$500.00
B. Full Name, Mailing Address and ZIP Code Calvert for Congress 2038 Iowa Avenue, Suite S-110 Riverside, CA 92507	Purpose of Disbursement Contribution to Calvert Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 11/1/94	Amount of Each Disbursement This Period \$1,000.00
C. Full Name, Mailing Address and ZIP Code Webber for Congress P.O. Box 2007 Salem, OR 97308	Purpose of Disbursement Contribution to Webber Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 10/12/94	Amount of Each Disbursement This Period \$250.00
D. Full Name, Mailing Address and ZIP Code Deal For Congress P.O. Box 902 Gainesville, GA 30503	Purpose of Disbursement Contribution to Deal Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 10/12/94	Amount of Each Disbursement This Period \$500.00
E. Full Name, Mailing Address and ZIP Code Vollmer for Congress Committee P.O. Box 991 Hannibal, MO 63401	Purpose of Disbursement Contribution to Vollmer Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 10/11/94	Amount of Each Disbursement This Period \$800.00
F. Full Name, Mailing Address and ZIP Code Brian Bilbray for Congress 2445 Morena Blvd, Suite 100 San Diego, CA 92110	Purpose of Disbursement Contribution to Bilbray Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 10/24/94	Amount of Each Disbursement This Period \$800.00
G. Full Name, Mailing Address and ZIP Code Friends of Pete Garen P.O. Box 990 Washington, DC 20044-0990	Purpose of Disbursement Contribution to Garen Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 10/4/94	Amount of Each Disbursement This Period \$500.00
H. Full Name, Mailing Address and ZIP Code Friends of Connie Morella for Congress P.O. Box 5945 Bethesda, MD 20824	Purpose of Disbursement Contribution to Morella Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 10/4/94	Amount of Each Disbursement This Period \$500.00
I. Full Name, Mailing Address and ZIP Code Jerry Lewis for Congress 1500 Wilson Boulevard, Suite 320 Arlington, VA 22209	Purpose of Disbursement Contribution to Lewis Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 10/4/94	Amount of Each Disbursement This Period \$500.00

SUBTOTAL of Disbursements This Page (optional)

\$4,750.00

TOTAL This Period (last page this line number only)

FINANCIAL DISBURSEMENTS

UNRECORDED

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of making contributions to or otherwise support, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (A-1)

American Portland Cement Alliance, Inc. Political Action Committee

A. Full Name, Mailing Address and ZIP Code Friends of Bill Sharon P.O. Box 10021 Alexandria, VA 22302	Purpose of Disbursement Contribution to Sharon Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year) 10/4/94	Amount of Cash Disbursement This Period \$500.00
B. Full Name, Mailing Address and ZIP Code Lancaster for Congress Committee P.O. Box 990 Washington, DC 20044-0990	Purpose of Disbursement Contribution to Lancaster Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 10/4/94	Amount of Cash Disbursement This Period \$500.00
C. Full Name, Mailing Address and ZIP Code Sterholm for Congress Committee 4710 N. 40th Street Arlington, VA 22207	Purpose of Disbursement Contribution to Sterholm Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year) 10/11/94	Amount of Cash Disbursement This Period \$500.00
D. Full Name, Mailing Address and ZIP Code Friends of Slade Gordon 11027 4th Avenue N.E. Bellevue, WA 98004	Purpose of Disbursement Contribution to Gordon Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year) 10/11/94	Amount of Cash Disbursement This Period \$1,000.00
E. Full Name, Mailing Address and ZIP Code Committee for Sam Gibbons Post Office Box 2884 Washington, DC 20013	Purpose of Disbursement Contribution to Gibbons Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year) 10/19/94	Amount of Cash Disbursement This Period \$1,000.00
F. Full Name, Mailing Address and ZIP Code Nethercutt for Congress P.O. Box 1925 Spokane, WA 99210-1925	Purpose of Disbursement Contribution to Nethercutt Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year) 10/19/94	Amount of Cash Disbursement This Period \$500.00
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Cash Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Cash Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Cash Disbursement This Period

SUBTOTAL of Disbursements This Page (opposite)

\$4,000.00

TOTAL This Period (last page this line number only)

\$4,000.00

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The Commission has received the following information from the following source:



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Date of Receipt



Received from the Senate Office of Public Records

Date of Receipt



Other (Specify):

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Date of Receipt

See
PREPARED

1-12-95
DATE PREPARED

REC-2000-1-12-95

9503956097

TELECON

Analyst: Jacques P. Andre'
Conversation With: Lisa Jackson, Assistant Treasurer
(202) 408-9494
Committee: American Portland Cement Alliance, Inc. PAC
(C00237065)
Date: January 31, 1995
Subject: Chronic Late Filing of Reports

The analyst spoke with Lisa Jackson concerning the late filing of reports by the Committee. The analyst stressed the importance of filing reports with the Commission on time. Ms. Jackson indicated that in the future reports would be filed in a timely manner.

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RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

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

APR 24 9 40 AM '95

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD Referral: 95NF-04
Date Activated: 03/03/95
Staff Member: Robert Ridenour

SOURCE: INTERNALLY GENERATED

RESPONDENTS: American Portland Cement Alliance Political Action Committee and Richard C. Creighton, as treasurer

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

INTERNAL REPORTS CHECKED: Disclosure Reports
Referral Material

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Office of General Counsel received a referral from the Reports Analysis Division ("RAD") on March 3, 1995. Attachment 1. The basis of the attached referral is the failure of American Portland Cement Alliance Political Action Committee and Richard C. Creighton, as treasurer, ("the Committee") to file timely five (5) disclosure reports during the 1993-1994 election cycle. Specifically, the Committee failed to file timely its 1993 Year End Report, and its 1994 July Quarterly, October Quarterly, 12 Day Pre-General, and 30 Day Post-General Reports.

II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, see Attachment 3, this Office recommends the Commission find reason to believe the

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Respondents violated 2 U.S.C. § 434(a)(4)(A)(i), (ii), (iii),
and (iv).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

DISCUSSION OF CONCILIATION AND CIVIL PENALTY

FROM PAGE 2 — PAGE 6

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IV. RECOMMENDATIONS

1. Open a MUR.

2. Find reason to believe that American Portland Cement Alliance Political Action Committee and Richard C. Creighton, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), (ii), (iii), and (iv) and enter into conciliation prior to a finding of probable cause to believe.

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

Lawrence M. Noble
General Counsel

Date

4/20/95

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Referral Materials
2. Committee's 1994 30 Day Post-General Report
3. Proposed Factual and Legal Analysis
4. Proposed Agreement

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RAD REFERRAL
#95NF-04

MUR 4206

CERTIFICATION

1. Open a MUR.
2. Find reason to believe that American Portland Cement Alliance Political Action Committee and Richard C. Creighton, as treasurer, violated 2 U.S.C. § 434(a)(4) (A)(i), (ii), (iii), and (iv) and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the proposed Factual and Legal Analysis, conciliation agreement, and the appropriate letter, as recommended in the General Counsel's Report dated April 20, 1995.

Attest:

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

1rd



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 1, 1995

Richard C. Creighton, Treasurer
American Portland Cement Alliance
Political Action Committee
1212 New York Avenue, N.W., Suite 500
Washington, D.C. 20005

RE: MUR 4206
American Portland Cement
Alliance Political Action
Committee and Richard C.
Creighton, as treasurer

Dear Mr. Creighton:

On April 27, 1995, the Federal Election Commission found that there is reason to believe the American Portland Cement Alliance Political Action Committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), (ii), (iii) and (iv), provisions 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.

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 additional information, 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

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Mr. Creighton
Page 2

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.

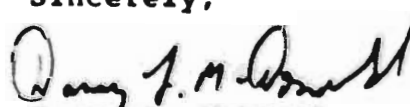
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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

Sincerely,


Danny L. McDonald
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: American Portland Cement MUR: 4206
Alliance Political Action
Committee and
Richard C. Creighton,
as treasurer

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

The Federal Election Campaign Act of 1971, as amended, ("the Act") requires treasurers of political committees, other than authorized committees of a candidate, to file periodic reports of receipts and disbursements. 2 U.S.C. § 434(a)(4)(A). Such committees may choose to file reports either on a monthly or a quarterly basis. Id.

In any calendar year in which a regularly scheduled general election is held, committees that choose to file on a quarterly basis shall file quarterly reports no later than the 15th day after the last day of each calendar quarter. 2 U.S.C. § 434(a)(4)(A)(i). Such committees shall also file a pre-general election report, which shall be filed no later than the 12th day before any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election. 2 U.S.C. § 434(a)(4)(A)(ii). Such committees shall also file a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be

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complete as of the 20th day after such general election. 2 U.S.C. § 434(a)(4)(A)(iii).

In any calendar year other than those in which a regularly scheduled general election is held, committees choosing to file quarterly reports shall file a report no later than July 31 covering the period beginning January 1 and ending June 30. 2 U.S.C. § 434(a)(4)(A)(iv). In addition, such committees shall also file a report covering the period beginning July 1 and ending December 31, to be filed no later than January 31 of the following calendar year. Id.

The American Portland Cement Alliance Political Action Committee and Richard C. Creighton, as treasurer, ("the Committee") is a political committee not authorized by any candidate, which has elected to file on a quarterly basis.

Pursuant to 2 U.S.C. § 434(a)(4)(A)(iv), the due date for the Committee's 1993 Year End Report was January 31, 1994. The Committee was notified on December 27, 1993, that its 1993 Year End Report was due January 31, 1994. On February 14, 1994, the Committee filed its 1993 Year End Report, 14 days late, disclosing receipts totalling \$35,662.67 and disbursements totalling \$25,350.

Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), the due date for the Committee's 1994 July Quarterly Report was July 15, 1994. The Committee was notified on June 21, 1994, that its 1994 July Quarterly Report was due July 15, 1994. On July 26, 1994, the Committee filed its 1994 July Quarterly Report, 11 days late, disclosing receipts totalling \$24,317.75 and disbursements totalling \$18,500.

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Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), the due date for the Committee's 1994 October Quarterly Report was October 15, 1994. The Committee was notified on September 21, 1994, that its 1994 October Quarterly Report was due October 15, 1994. On October 31, 1994, the Committee filed its 1994 October Quarterly Report, 16 days late, disclosing receipts totalling \$40,585.34 and disbursements totalling \$37,050.

On November 10, 1994, the Commission sent the Committee a Chronic Late Filer Notice, notifying the Committee that its 1993 Year End Report, and its 1994 July and October Quarterly Reports had not been filed in a timely manner. The Notice advised the Committee that any additional late filing of reports could result in a legal enforcement action.

Pursuant to 2 U.S.C. § 434(a)(4)(A)(ii) and (iii), the due date for the Committee's 12 Day Pre-General Report was October 27, 1994, and the due date for the Committee's 30 Day Post-General Report was December 8, 1994. The Committee was notified on October 3, 1994, that its 1994 12 Day Pre-General Report was due October 27, 1994, and its 1994 30 Day Post-General Report was due December 8, 1994. On January 12, 1995, the Committee filed its 1994 30 Day Post-General Report, 35 days late, disclosing receipts totalling \$16,857.35 and disbursements totalling \$7,000 for the time period covered by the 1994 30 Day Post-General Report.

The 1994 30 Day Post-General Report disclosed that the Committee made contributions to candidates for the 1994 general election during the period from October 1 to October 19, 1994,

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which required it to file a 1994 12 Day Pre-General Report. 2 U.S.C. § 434(a)(4)(A)(ii). The Committee did not file a 1994 12 Day Pre-General Report. However, the Committee's receipts and disbursements for the time period covered by the 1994 12 Day Pre-General Report (October 1 to October 19, 1994) were included in the Committee's 1994 30 Day Post-General Report. For the time period covered by the 1994 12 Day Pre-General Report, the Committee disclosed receipts totalling \$6,100 and disbursements totalling \$6,250. For the purposes of disclosure, that information was received by the Commission on January 12, 1995, 77 days after the Committee should have disclosed it on its 1994 12 Day Pre-General Report.

Based on the foregoing, there is reason to believe that the American Portland Cement Alliance Political Action Committee and Richard C. Creighton, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), (ii), (iii), and (iv).

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 22, 1995

Edwin H. Wheeler, Esquire
Howrey & Simon
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

RE: MUR 4206
American Portland Cement
Alliance Political Action
Committee and Richard C.
Creighton, as treasurer

Dear Mr. Wheeler:

This is in response to your letter dated May 18, 1995, which we received on that same date, requesting an extension until June 5, 1995, to respond to the reason to believe finding that the Commission found against your clients, the American Portland Cement Alliance Political Action Committee and Richard C. Creighton, as treasurer. As I told you in our telephone conversation on May 19th, after considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on June 5, 1995.

If you have any questions, please contact me at
(202) 219-3690.

Sincerely,

A handwritten signature in cursive script that reads "Tamara Kapper".

Tamara Kapper
Paralegal

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

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HOWREY & SIMON

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Attorneys at Law

1299 Pennsylvania Ave., N.W.

Washington, D.C. 20004 2402

(202) 783-0800

FAX (202) 383-6610

May 18, 1995

Edwin H. Wheeler

(202) 383-6716

MAY 22 9 50 AM '95

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COMMISSION
OFFICE OF GENERAL
COUNSEL

BY FACSIMILE

Tamara Kapper
Federal Election Commission
Washington, D.C. 20643

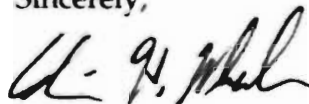
Re: MUR 4206: American Portland Cement Alliance Political
Action Committee and Richard C. Creighton, as Treasurer

Dear Ms. Kapper:

This is to advise you that I have been retained by the American Portland Cement Alliance PAC and Mr. Creighton to represent them in this matter. Unfortunately, the notification letter from Chairman McDonald was not brought to Mr. Creighton's attention upon receipt and as a result, I have been retained only as of this afternoon. Accordingly, we respectfully request an extension of time until June 5 to respond to the matters raised in the Factual and Legal Analysis and to the proposed Conciliation Agreement.

Please let me know whether an extension until June 5 is acceptable. Thank you for your consideration.

Sincerely,



Edwin H. Wheeler

cc: Richard C. Creighton

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HOWREY & SIMON

Attorneys at Law
1299 Pennsylvania Ave., N.W.
Washington, D.C. 20004-2402
(202) 783-0800
FAX (202) 383-6610

June 5, 1995

Edwin H. Wheeler
(202) 383-6716

HAND DELIVERY

Lawrence M. Noble
General Counsel
Federal Election Commission
999 E Street NW
Washington, D.C. 20463

Re: MUR 4206; American Portland Cement Alliance Political
Action Committee and Richard C. Creighton, as treasurer

Dear Sir:

This letter and the accompanying Declarations of Richard C. Creighton and Lisa Jackson are submitted on behalf of respondents American Portland Cement Alliance Political Action Committee ("APCA PAC") and Richard C. Creighton, Treasurer. By letter dated May 1, 1995, respondents were notified that the FEC had found reason to believe that they had violated 2 U.S.C. § 434(a)(4)(A)(i), (ii), (iii), and (iv). Respondents are prepared to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter.

Respondents' failure to timely file was not a willful violation of the Act. APCA PAC's 1993 Year End Report, 1994 July Quarterly Report, and 1994 October Quarterly Report were filed within one or two weeks of the date on which they were due. APCA was particularly busy with other matters in 1994, and the attentions of Mr. Creighton and Ms. Jackson were turned to those matters. As evidence of their intent to comply, respondents point out that their 1994 April Quarterly Report was timely filed. Moreover, respondents are aware of no prior instances in which APCA PAC reports were not timely filed. Respondents' failure to submit timely 12 Day Pre-General and 30 Day Post-General reports is the result of a misunderstanding of the special election period reporting requirements, not an intent to violate the Act's disclosure obligations. There is no question that APCA PAC's reports have satisfied the Act's primary purpose of complete disclosure of election-related receipts and disbursements.

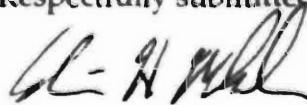
Notwithstanding that their conduct was unintentional, respondents acknowledge that they have not timely filed certain reports.

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JUN 5 1995

I look forward to your response to the offer to resolve this matter. In the meantime, if I may be of any assistance in any way, please let me know.

Respectfully submitted,



Edwin H. Wheeler

Enclosures

cc: Richard C. Creighton

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

American Portland Cement Alliance
Political Action Committee and
Richard C. Creighton, as treasurer,

MUR 4206

DECLARATION OF RICHARD C. CREIGHTON

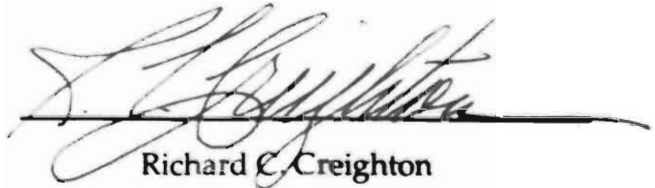
1. My name is Richard C. Creighton. I am President of the American Portland Cement Alliance and Treasurer of the American Portland Cement Alliance Political Action Committee ("APCA PAC"). I am responsible for the overall direction of APCA PAC. I have delegated primary responsibility for the preparation and filing of APCA PAC's FEC reports to my Office Manager, Lisa Jackson.
2. It is my policy that APCA PAC strictly comply with all requirements of the law, including the filing of reports with the FEC. I was not aware that APCA PAC reports in 1994 had been filed late with the FEC until receipt of Chairman McDonald's letter. I have discussed this matter with Ms. Jackson and reemphasized the importance of filing all reports on a timely basis.
3. I acknowledge that as Treasurer of APCA PAC I am ultimately responsible for insuring that reports are filed as required by law. APCA PAC is committed to taking all necessary steps to insure that all reports are on time. To my knowledge the late filings in 1994 are the only occasions on which APCA PAC has not filed its reports on time.

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4. APCA PAC is a small operation with a limited budget. A fine of the amount proposed by the Commission would have a severe impact on the PAC's finances.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 5, 1995.



Richard C. Creighton

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

American Portland Cement Alliance
Political Action Committee and
Richard C. Creighton, as treasurer,

MUR 4206

DECLARATION OF LISA JACKSON

1. My name is Lisa Jackson. I am employed by the American Portland Cement Alliance as Office Manager. My responsibilities as Office Manager include administrative duties associated with the operation of the American Portland Cement Alliance Political Action Committee ("APCA PAC"). Those administrative duties include tracking receipts and disbursements by APCA PAC and preparing and filing periodic reports of the receipts and disbursements with the Federal Election Commission.

2. It has always been my intent to fully comply with all the reporting requirements of the FEC applicable to APCA PAC, including filing reports on a timely basis. To my knowledge APCA PAC had filed its reports on time until last year. 1994 was a particularly busy year for APCA on matters unrelated to the APCA PAC. Unfortunately, as a result the APCA PAC 1993 Year End Report, 1994 July Quarterly Report, and 1994 October Quarterly Report were filed 14, 11, and 16 days late, respectively. The 1994 April Quarterly Report was filed on time.

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3. I was not aware that APCA PAC was required to file a 12 Day Pre-General Report. I was aware that a special report was required after the election. Accordingly, I prepared and filed with the FEC a report of all activity by APCA PAC between October 1, 1994, and November 30, 1994, which covered both the pre- and post-election periods. I now understand that that report should have been filed on December 8, 1994

4. This proceeding has reinforced my appreciation for the importance of taking care to meet the deadlines for filing APCA PAC reports with the FEC. I acknowledge that APCA PAC did not meet its reporting deadlines last year and intend to see that this never happens again.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 5, 1995.



Lisa Jackson

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HOWREY & SIMON

RECEIVED
FEDERAL ELECTION
COMMISSION
ACCOUNTING OFFICE

AUG 21 8 29 AM '95

Attorneys at Law

1299 Pennsylvania Ave., N.W.

Washington, D.C. 20004-2402

(202) 783-0800

FAX (202) 383-6610

August 18, 1995

Edwin H. Wheeler

(202) 383-6716

BY HAND DELIVERY

Elizabeth Strange
Tamara Kapper
Federal Election Commission
Washington, D.C. 20643

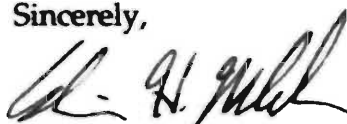
Re: MUR 4206: American Portland Cement Alliance Political
Action Committee and Richard C. Creighton, as Treasurer

Dear Betsy and Tamara:

Enclosed is the executed Conciliation Agreement and check for \$3675 from the APCA. I trust you will let me know when the agreement receives the formal approval of the Commission.

Thank you for your cooperation in resolving this matter. I enjoyed meeting and working with you both.

Sincerely,



Edwin H. Wheeler

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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AMERICAN PORTLAND CEMENT ALLIANCE

1212 NEW YORK AVE, N.W., STE. 500
WASHINGTON, DC 20005

AMERICAN SECURITY SALON, N.A.

METRO CENTER 300
1715 15TH STREET, N.W.
WASHINGTON, DC 20005
(202) 462-0000

6388

8/18/95

PAY TO THE
ORDER OF

FEC

Three thousand, six hundred seventy-five and 00/100*****

*****3,675.00

DOLLARS

Re: MUR 4206

MEMO



86616934056



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20461

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
AUG 22 10 01 AM '95

AUGUST 21, 1995

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from AMERICAN PORTLAND CEMENT ALLIANCE, check number 6388, dated AUGUST 18, 1995, and in the amount of \$3,675.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Rosa E. Swinton
Accounting Technician

FROM: OGC, Docket By aa

In reference to the above check in the amount of \$3,675.00, the MUR number is 4206 and in the name of AMERICAN PORTLAND CEMENT ALLIANCE PAC. The account into which it should be deposited is indicated below:

- ☒ Budget Clearing Account (OGC), 95F3875.16
- ☐ Civil Penalties Account, 95-1099.160
- ☐ Other: _____

Anita Alexander
Signature

8-22-95
Date

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BEFORE THE FEDERAL ELECTION COMMISSION

AUG 29 12 33 PM '95

In the Matter of)

American Portland Cement)
Alliance Political Action)
Committee and Richard C.)
Creighton, as treasurer)

MUR 4206

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On April 27, 1995, the Commission found reason to believe that the American Portland Cement Alliance Political Action Committee and Richard C. Creighton, as treasurer ("APCA PAC") violated 2 U.S.C. §§ 434(a)(4)(A)(i), (ii), (iii) and (iv). On that same date, the Commission determined to enter into pre-probable conciliation negotiations.

After further discussions, on August 21, 1995, APCA PAC submitted a signed counterproposal that this Office is recommending the Commission accept in resolution of this matter. Respondents have also submitted a check in payment of the proposed civil penalty of \$3,675. Attachment 1.

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II. DISCUSSION OF COUNTEROFFER

III. RECOMMENDATIONS

1. Approve the terms of the attached proposed counteroffer, dated August 18, 1995.

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2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date 8/29/95

BY: LGJ
Lois G. Lerner
Associate General Counsel

Attachment

1. Signed Counteroffer with Civil Penalty Check,
dated 8/18/95

Staff Member: Tamara Kapper

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

American Portland Cement Alliance
Political Action Committee and
Richard C. Creighton, as treasurer.

)
)
) MUR 4206
)
)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 1, 1995, the Commission decided by a vote of 6-0 to take the following actions in MUR 4206:

1. Approve the terms of the proposed counteroffer, dated August 18, 1995, as recommended in the General Counsel's Report dated August 29, 1995.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated August 29, 1995

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

Attest:

9-1-95

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Tues., Aug. 29, 1995 12:33 p.m.
Circulated to the Commission: Tues., Aug. 29, 1995 4:00 p.m.
Deadline for vote: Fri., Sept. 01, 1995 4:00 p.m.

lrd

95043691803



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 12, 1995

Edwin H. Wheeler, Esquire
Howrey & Simon
1299 Pennsylvania Avenue, N.W.
Washington D.C. 20004-2402

RE: MUR 4206
American Portland Cement
Alliance Political Action
Committee and Richard C.
Creighton, as treasurer

Dear Mr. Wheeler:

On September 1, 1995, the Federal Election Commission accepted the signed conciliation agreement and civil penalty that you submitted on behalf of your clients, American Portland Cement Alliance Political Action Committee and Richard C. Creighton, as treasurer, in settlement of a violation of 2 U.S.C. § 434(a)(4)(A)(i), (ii), (iii) and (iv), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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.

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

95043691804

Mr. Wheeler, Esq.
Page 2

Enclosed you will find a copy of the fully executed
conciliation agreement for your files. If you have any
questions, please contact me at (202) 219-3690.

Sincerely,



Tamara Kapper
Paralegal

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
American Portland Cement Alliance) MUR 4206
Political Action Committee and)
Richard C. Creighton, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that American Portland Cement Alliance Political Action Committee and Richard C. Creighton, as treasurer, ("Respondents") violated 2 U.S.C. §§ 434(a)(4)(A)(i), (ii), (iii), and (iv).

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

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

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

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

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

1. American Portland Cement Alliance Political Action Committee is a political committee within the meaning of 2 U.S.C. § 431(4).

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2. Richard C. Creighton is the treasurer of American Portland Cement Alliance Political Action Committee.

3. In a calendar year in which a regularly scheduled general election is held, political committees that elect to file quarterly reports shall file their reports no later than the 15th day after the last day of each calendar quarter. 2 U.S.C.

§ 434(a)(4)(A)(i). Such political committees shall also file a pre-general election report no later than the 12th day before any election in which the committee makes a contribution to or expenditure on behalf of a candidate, and which shall be complete as of the 20th day before the election. 2 U.S.C.

§ 434(a)(4)(A)(ii). Such political committees also shall file a post-general election report, to be filed no later than the 30th day after the general election and to be completed as of the 20th day after a general election. 2 U.S.C. § 434(a)(4)(A)(iii).

4. In a calendar year without a regularly scheduled general election, political committees electing to file on a quarterly basis shall file a report covering the period beginning January 1 and ending June 30, to be filed no later than July 31. 2 U.S.C.

§ 434(a)(4)(A)(iv). Such political committees shall also file a report covering the period beginning July 1 and ending December 31, which must be filed no later than January 31 of the following calendar year. Id.

5. Respondents have elected to file quarterly reports with the Commission.

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6. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iv), Respondents' 1993 Year End Report was due on January 31, 1994. Respondents filed the 1993 Year End Report on February 14, 1994, 14 days late, disclosing receipts totalling \$35,662.67 and disbursements totalling \$25,350.

7. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), Respondents' 1994 July Quarterly Report was due on July 15, 1994. Respondents filed the 1994 July Quarterly Report on July 26, 1994, 11 days late, disclosing receipts totalling \$24,317.75 and disbursements totalling \$18,500.

8. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), Respondents' 1994 October Quarterly Report was due on October 15, 1994. Respondents filed the 1994 October Quarterly Report on October 31, 1994, 16 days late, disclosing receipts totalling \$40,585.34 and disbursements totalling \$37,050.

9. Respondents' 1994 30 Day Post-General Report disclosed that the Respondents made contributions during the time period from October 1 to October 19, 1994, which required them to file a 1994 12 Day Pre-General Report. Pursuant to 2 U.S.C. § 434(a)(4)(A)(ii), Respondents' 1994 12 Day Pre-General Report was due on October 27, 1994. Respondents did not file a 1994 12 Day Pre-General Report. However, the Respondents' receipts and disbursements for the time period covered by the 1994 Pre-General Election were included in the Respondents' 1994 30 Day Post-General Report. The Respondents' 1994 Post-General Report was filed on January 12, 1995, and disclosed, 77 days late, receipts totalling \$6,100 and

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disbursements totalling \$6,250 for the time period covered by the 1994 12 Day Pre-General Report.

10. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iii), Respondents' 1994 30 Day Post-General Report was due on December 8, 1994. Respondents filed the 1994 30 Day Post-General Report on January 12, 1995, 35 days late, disclosing receipts totalling \$16,857.35 and disbursements totalling \$7,000 for the time period covered by the 1994 30 Day Post-General Report.

V. Respondents failed to file timely their 1993 Year End Report in violation of 2 U.S.C. § 434(a)(4)(A)(iv); their 1994 July and October Quarterly Reports in violation of 2 U.S.C. § 434(a)(4)(A)(i); their 1994 12 Day Pre-General Report in violation of 2 U.S.C. § 434(a)(4)(A)(ii); and their 1994 30 Day Post-General Report in violation of 2 U.S.C. § 434(a)(4)(A)(iii).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of three thousand six hundred seventy-five dollars (\$3,675), 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.

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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 other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

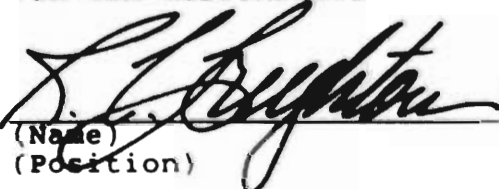
BY:


Lois G. Lerner
Associate General Counsel

Date

9/11/95

FOR THE RESPONDENTS:

 Prcs.
(Name)
(Position)

Date

8/18/95

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4206

DATE FILMED 9-28-95 CAMERA NO. 1

CAMERAMAN JmH

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