



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 4222

DATE FILMED 9-27-96 CAMERA NO. _____

CAMERAMAN S.E.G

96043744004

REPORTS ANALYSIS REFERRAL
TO
OFFICE OF GENERAL COUNSEL

DATE: April 7, 1995

ANALYST: Erica D. Holder

- I. COMMITTEE:** Independent Medicine's Political Action
Committee-TN (IMPACT) (C00001354)
Ralph E Wesley, M.D., Treasurer
P.O. Box 120909
Nashville, TN 37212
- II. RELEVANT STATUTE:** 2 U.S.C. §434(a)(4)(A)(i)
11 CFR §104.5(c)(1)(i)(A)
- III. BACKGROUND:**

Chronic Late Filing of Reports and Failure to Timely File the 1994 July Quarterly Report

The Independent Medicine's Political Action Committee-TN (IMPACT) ("the Committee") failed to file three (3) Reports of Receipts and Disbursements in a timely manner for the 1993-1994 election cycle (see attached chart). The reports were filed between 16 and 62 calendar days late.

Prior Notice was sent to the Committee on June 21, 1994 to remind them that the 1994 July Quarterly Report was due July 15, 1994 (Attachment 4). A Non-Filer Notice was sent to the Committee on August 4, 1994 for failing to file the July Quarterly Report (Attachment 5).

On August 12, 1994, a Chronic Late Filing Notice was sent to the Committee for failing to file the 1994 April Quarterly and 1994 July Quarterly Reports in a timely manner (Attachment 6). The Notice advised the Committee that any additional late filing of reports may result in legal enforcement action.

On September 14, 1994, the Committee returned the Reports Analysis Division ("RAD") analyst's telephone call. The analyst told the Committee that the 1994 July Quarterly Report had not been received at the Commission (Attachment 7).

The July Quarterly Report was filed on September 15, 1994 (Attachment 8).

Subsequent to the sending of the Chronic Late Filing Notice, the Committee failed to timely file the 1994 October Quarterly Report (Attachment 10).

96043744005

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LATE FILING HISTORY

REPORT TYPE	PRIOR NOTICE	DATE DUE	NON-FILER NOTICE	DATE FILED
1994 April Quarterly (1/1/94-3/31/94)	3/22/94 (Attachment 2)	4/15/94	None Sent	5/02/94 (Attachment 3)
1994 July Quarterly (4/1/94-6/30/94)	6/21/94 (Attachment 4)	7/15/94	8/4/94 (Attachment 5)	9/15/94 (Attachment 8)
1994 October Quarterly (7/1/94-9/30/94)	9/21/94 (Attachment 9)	10/15/94	None Sent	10/31/94 (Attachment 10)

FEDERAL ELECTION COMMISSION
1993-1994
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 7APR95

PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
						TYPE OF FILER
INDEPENDENT MEDICINE'S POLITICAL ACTION COMMITTEE-TN (IMPACT)						
CONNECTED ORGANIZATION: AMERICAN MEDICAL POL ACT CNTE (AMPA)						
1993	MID-YEAR REPORT	141,213	66,499	1JAN93 -30JUN93	25	93FEC/851/4324
	YEAR-END	86,350	82,484	1JUL93 -31DEC93	20	94FEC/876/4879
	YEAR-END - AMENDMENT	86,350	82,484	1JUL93 -31DEC93	20	94FEC/900/5179
	YEAR-END - AMENDMENT	86,350	82,484	1JUL93 -31DEC93	21	94FEC/900/5432
	REQUEST FOR ADDITIONAL INFORMATION			1JUL93 -31DEC93	3	94FEC/896/0804
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL93 -31DEC93	4	94FEC/898/2383
1994	MISCELLANEOUS NOTICE FROM FEC			12AUG94	2	94FEC/916/5080
	APRIL QUARTERLY	113,587	50,723	1JAN94 -31MAR94	26	94FEC/897/2571
	JULY QUARTERLY	35,847	59,356	1APR94 -30JUN94	14	94FEC/921/2755
	JULY QUARTERLY - AMENDMENT	35,664	59,589	1APR94 -30JUN94	14	94FEC/940/1494
	NOTICE OF FAILURE TO FILE			1APR94 -30JUN94	2	94FEC/915/3604
	1ST LETTER INFORMATIONAL NOTICE			1APR94 -30JUN94	2	94FEC/925/0920
	OCTOBER QUARTERLY	12,518	102,377	1JUL94 -30SEP94	16	94FEC/940/4749
	POST-GENERAL	22,520	114,321	1OCT94 -28NOV94	17	94FEC/953/1088
	POST-GENERAL - AMENDMENT	-	-	1OCT94 -28NOV94	5	95FEC/968/1946
	REQUEST FOR ADDITIONAL INFORMATION			1OCT94 -28NOV94	2	95FEC/966/1384
	YEAR-END	44,013	14,286	29NOV94 -31DEC94	10	95FEC/964/1264
	TOTAL	455,965	0 490,279	0	203	TOTAL PAGES

All Reports Have Been Reviewed.

Ending Cash on Hand as of 12/31/94: \$58,180

Debts and Obligations Owed to the Committee as of 12/31/94: \$0

Debts and Obligations Owed by the Committee as of 12/31/94: \$0

96043744007

QUARTERLY

ATTACHMENT 2

REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

March 22, 1994

REPORT	REPORTING PERIOD*	FEB./CERT. MAILING DATE**	FILING DATE
April Quarterly	01/01/94-03/31/94	04/15/94	04/15/94

WHO MUST FILE

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

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 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.

*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

960474408



REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)USE FEC MAILING LABEL
OR
TYPE OR PRINT1. NAME OF COMMITTEE (or CA)
Independent Medicine's Political Action
Committee - Tennessee (IMPACT)ADDRESS (number and street) ☐ Check if different than previously reported

P.O. BOX 120909

CITY, STATE and ZIP CODE

Nashville, TN 37217

ADMINISTRATIVE

MAY 2 10 00 AM '94

2. FEC IDENTIFICATION NUMBER

C00001354

3. ☐ This committee has qualified as a multicandidate committee. (see FEC FORM 116)

4. TYPE OF REPORT

(a) ☒ April 15 Quarterly Report☐ July 15 Quarterly Report☐ October 15 Quarterly Report☐ January 31 Year End Report☐ July 31 Mid Year Report (Non-election Year Only)☐ Termination Report

Monthly Report Due On:

☐ February 20	☐ June 20	☐ October 20
☐ March 20	☐ July 20	☐ November 20
☐ April 20	☐ August 20	☐ December 20
☐ May 20	☐ September 20	☐ January 31

☐ Twelfth day report preceding _____
(Type of Election)
election on _____ in the State of _____☐ Thirtieth day report following the General Election on
_____ in the State of _____(b) Is this Report an Amendment? ☐ YES ☒ NO

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	1-1-94 through 3-31-94		
6. (a) Cash on Hand January 1, 1994			\$171,077.32
(b) Cash on Hand at Beginning of Reporting Period		\$171,077.32	
(c) Total Receipts (from Line 18)		\$113,587.07	\$113,587.07
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$284,664.39	\$284,664.39
7. Total Disbursements (from Line 30)		\$50,723.62	\$50,723.62
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$233,940.77	\$233,940.77
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		\$	(For further information contact: Federal Election Commission 900 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-219-3420)
10. 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

MARK D GREENE

Signature of Treasurer

Mark D Greene

Date

4-15-94

NOTE: Submission of false, erroneous, or incomplete information may subject the filer to the penalties of 2 U.S.C. §437g.

FEC FORM 3X

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.

*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

96043744010





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

RQ-7

August 4, 1994

Ralph E. Wesley, MD, Treasurer
Independent Medicine's Political
Action Committee-TN (IMPACT)
P.O. Box 120909
Nashville, TN 37212

Identification Number: C00001354

Reference: July Quarterly Report (4/1/94-6/30/94)

Dear Dr. Wesley:

It has come to the attention of the Federal Election Commission ("the Commission") that your committee may be in violation of 2 U.S.C. §434(a) for failing to file the above referenced Report of Receipts and Disbursements. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or its relevant portions should also be filed with the Secretary of State or equivalent state officer (see 11 CFR §§108.2, 108.3, 108.4).

Although the Commission may initiate an audit or legal enforcement action concerning this matter, your prompt response and a letter of explanation will be taken into consideration.

If you have any questions, please contact Robyn Jameson on our toll-free number (800) 424-9530. Our local number is (202) 219-3580.

Sincerely,

A handwritten signature in dark ink, appearing to read "John D. Gibson".

John D. Gibson
Assistant Staff Director
Reports Analysis Division

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

HS-L

Ralph E. Wesley, MD, Treasurer
Independent Medicine's Political
Action Committee-TN (IMPACT)
P.O. Box 120909
Nashville, TN 37212

AUG 12 1994

Identification Number: C00001354

Reference: 1993-1994 Election Cycle Reports

Dear Dr. Wesley:

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>
April Quarterly (1/1/94-3/31/94)	4/15/94	5/2/94
July Quarterly (4/1/94-6/30/94)	7/15/94	not filed

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 Robyn Jameson 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

96043744012

TELECON

Committee: Independent Medicine's Political Action Cmte - TN

ID Number: C00001354

Analyst: Erica D. Holder

Date: September 14, 1994

Subject: Non-Filing of the July Quarterly Report

Mr. Mark Greene returned my phone call of September 13, 1994. I explained that it was important that he file the July Quarterly Report. He stated that he had mailed the report, but that it was mailed about two weeks after the deadline. Because of this, he disregarded the non-filer notice that we had sent. I explained that we still had not received the report and Mr. Greene said that the report would be FedEx'd to the Commission today.

96043744013

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REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

Attachment 8

UNIT HAS MAILING LABEL
OR
TYPE ON PRINT

Sep 15 9 55 AM '94

2. FEC IDENTIFICATION NUMBER

3. ☐ This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

4. TYPE OF REPORT

(a) ☐ April 15 Quarterly Report

☒ July 15 Quarterly Report

☐ October 15 Quarterly Report

☐ January 31 Year End Report

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

☐ Termination Report

Monthly Report Due On:

- | | | |
|--------------------------------------|---------------------------------------|--------------------------------------|
| ☐ February 20 | ☐ June 20 | ☐ October 20 |
| ☐ March 20 | ☐ July 20 | ☐ November 20 |
| ☐ April 20 | ☐ August 20 | ☐ December 20 |
| ☐ May 20 | ☐ September 20 | ☐ January 31 |

☐ Twelfth day report preceding _____
(Type of Election)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election on _____
in the State of _____

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

SUMMARY

5. Covering Period 4-1-94 through 6-30-94

6. (a) Cash on Hand January 1, 19 94

(b) Cash on Hand at Beginning of Reporting Period

(c) Total Receipts (from Line 19)

(d) Subtotal (add Lines 6(b) and 6(c) for Column A and
Lines 6(a) and 6(c) for Column B)

7. Total Disbursements (from Line 20)

8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))

9. Debts and Obligations Owed TO the Committee
(Itemize all on Schedule C and/or Schedule D)

10. Debts and Obligations Owed BY the Committee
(Itemize all on Schedule C and/or Schedule D)

COLUMN A
This Period

COLUMN B
Calendar Year-to-Date

\$ 171,077.32

\$ 233,940.77

\$ 35,847.40

\$ 269,788.17

\$ 59,356.10

\$ 210,432.07

\$

\$

\$ 149,434.47

\$ 320,511.79

\$ 110,079.72

\$ 210,432.07

For further information contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-6530
Local 202-219-3420

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

MARK D GREENE

Signature of Treasurer

Mark D Greene

Date

7-30-94

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

FEC FORM 3X

(revised 3/93)

FE 4AN101

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QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

September 21, 1994

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

WHO MUST FILE

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

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 10th 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.

*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.

100-111744015

PARTIES AND PACS

OCTOBER QUARTERLY

COMPLIANCE

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

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

96043744016

REPORT OF RECEIPTS AND DISBURSEMENTS

Attachment 10

For Other Than An Authorized Committee
(Summary Page)

1. NAME OF COMMITTEE (Print) Independent Medicine's Political Action Committee - Tennessee		8 47 mi '94
ADDRESS (number and street) ☐ Check if different than previously reported P.O. Box 120909		2. FEC IDENTIFICATION NUMBER C00001354
CITY, STATE and ZIP CODE Nashville, TN 37212		3. ☐ This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

4. TYPE OF REPORT

(a) ☐ April 15 Quarterly Report☐ July 15 Quarterly Report☒ October 15 Quarterly Report☐ January 31 Year End Report☐ July 31 Mid Year Report (Non-election Year Only)☐ Termination Report

Monthly Report Due On:

☐ February 20☐ June 20☐ October 20☐ March 20☐ July 20☐ November 20☐ April 20☐ August 20☐ December 20☐ May 20☐ September 20☐ January 31☐ Twelfth day report preceding

(Type of Election)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election on

_____ in the State of _____

(b) Is this Report an Amendment?

☐ YES☐ NO

SUMMARY

5. Covering Period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
7-1-94 through 9-30-94		
6. (a) Cash on Hand January 1, 19 94		\$ 171,077.32
(b) Cash on Hand at Beginning of Reporting Period	\$ 210,015.45	
(c) Total Receipts (from Line 19)	\$ 12,518.44	\$ 161,770.00
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 222,533.89	\$ 332,847.32
7. Total Disbursements (from Line 30)	\$ 102,377.70	\$ 212,691.13
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 120,156.19	\$ 120,156.19
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	\$	
10. 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

Mark D. Greene

Signature of Treasurer



Date

10-27-94

For further information contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-219-3420

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

FEC FORM 3X

(revised 9/93)

USE PRE-PAID LABELS
OR
TYPE OR PRINT

96043744017

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

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

JUN 6 9 09 AM '95

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD Referral: 95NF-5
Date Activated: May 12, 1995
Staff Member: Tony Buckley

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Independent Medicine's Political Action Committee-TN (IMPACT) and Ralph E. Wesley, M.D., as treasurer

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

INTERNAL REPORTS CHECKED: Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was referred to the Office of the General Counsel by the Reports Analysis Division ("RAD"). Attachment 1. The basis of the referral is the failure of Independent Medicine's Political Action Committee-TN (IMPACT) ("the Committee") and Ralph E. Wesley, M.D., as treasurer (collectively "Respondents"), to timely file the Committee's 1994 April Quarterly, July Quarterly and October Quarterly Reports.

II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, see Attachment 2, this Office recommends the Commission find reason to believe Respondents violated 2 U.S.C. § 434(a)(4)(A)(i).

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. Attached for the Commission's approval

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-2-

is a proposed conciliation agreement.

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IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe Independent Medicine's Political Action Committee-TN (IMPACT) and Ralph E. Wesley, M.D., as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached Factual and Legal Analysis and conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

Date

6/5/95

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Referral Materials
2. Factual and Legal Analysis
3. Proposed agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Independent Medicine's Political
Action Committee-TN (IMPACT) and
Ralph E. Wesley, M.D., as treasurer.

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RAD Referral
#95NF-5

MUR 4222

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 9, 1995, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral #95NF-5:

1. Open a MUR.
2. Find reason to believe Independent Medicine's Political Action Committee-TN (IMPACT) and Ralph E. Wesley, M.D., as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), and enter into conciliation prior to a finding of probable cause to believe.

(continued)

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3. Approve the Factual and Legal Analysis and conciliation agreement, and the appropriate letter, as recommended in the General Counsel's Report dated June 5, 1995.

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

Attest:

6-9-95
Date

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

Received in the Secretariat: Tues., June 6, 1995 9:08 a.m.
Circulated to the Commission: Tues., June 6, 1995 11:00 a.m.
Deadline for vote: Fri., June 9, 1995 4:00 p.m.

nwd

96043744023



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

June 14, 1995

Ralph E. Wesley, M.D., Treasurer
Independent Medicine's Political
Action Committee-TN (IMPACT)
P.O. Box 120909
Nashville, TN 37212

RE: MUR 4222
Independent Medicine's Political
Action Committee-TN (IMPACT) and
Ralph E. Wesley, M.D., as treasurer

Dear Dr. Wesley:

On June 9, 1995, the Federal Election Commission found that there is reason to believe Independent Medicine's Political Action Committee-TN (IMPACT) ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), 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.

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 negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

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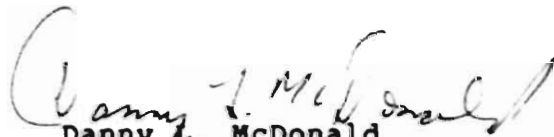
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 Tony Buckley, the attorney 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

96043744025

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Independent Medicine's Political **MUR: 4222**
Action Committee-TN (IMPACT) and
Ralph E. Wesley, M.D., as treasurer

This matter was generated based on information ascertained by the Federal Election 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. In any calendar year in which a regularly scheduled general election is held, all political committees that choose not to file on a monthly basis shall file quarterly reports which shall be filed no later than the 15th day after the last day of each calendar quarter. 2 U.S.C. § 434(a)(4)(A)(i).

The Independent Medicine's Political Action Committee-TN (IMPACT) ("the Committee"), is a political committee not authorized by any candidate and has elected to report on a quarterly basis. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), the due date for the Committee's 1994 April Quarterly Reports was April 15, 1994; the due date for the Committee's July Quarterly Report was July 15, 1994; and the due date for the Committee's October Quarterly Report was October 15, 1994.

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The Committee was notified on March 22, 1994 that its 1994 April Quarterly Report was due on April 15, 1994. On May 2, 1994, the Committee filed its 1994 April Quarterly Report, 17 days late, disclosing receipts totalling \$113,587.00 and disbursements totalling \$50,723.00.

The Committee was notified on June 21, 1994 that its 1994 July Quarterly Report was due on July 15, 1994. A Non-Filer Notice was sent to the Committee on August 4, 1994 informing it that the failure to file the form in a timely manner could result in an audit or legal enforcement action. In addition, on August 12, 1994, the Committee was sent a Chronic Late Filer Notice advising it that additional reports filed untimely could result in legal enforcement action. On September 15, 1994, the Committee filed its 1994 July Quarterly Report, 62 days late, disclosing receipts totalling \$35,847.00 and disbursements totalling \$59,356.00.

The Committee was notified on September 21, 1994 that its 1994 October Quarterly Report was due on October 15, 1994. On October 31, 1994, the Committee filed its 1994 October Quarterly Report, 16 days late, disclosing receipts totalling \$12,518.00 and disbursements totalling \$102,377.00.

Therefore, there is reason to believe the Independent Medicine's Political Action Committee-TN (IMPACT) and Ralph E. Wesley, M.D., as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).

96043744027



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 6, 1995

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ralph E. Wesley, M.D., Treasurer
Independent Medicine's Political
Action Committee-TN (IMPACT)
P.O. Box 120909
Nashville, TN 37212

RE: MUR 4222
Independent Medicine's Political
Action Committee-TN (IMPACT) and
Ralph E. Wesley, M.D., as treasurer

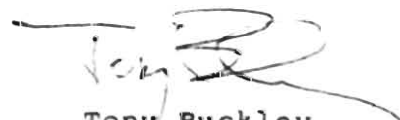
Dear Dr. Wesley:

On June 14, 1995, you were notified that the Federal Election Commission determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On that same date you were sent a conciliation agreement offered by the Commission in settlement of this matter.

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

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

Sincerely,


Tony Buckley
Attorney

96043744028

LAW OFFICES
LYELL, SEAMAN AND SHELTON
THE TOWER
SUITE 2704
611 COMMERCE STREET
NASHVILLE, TENNESSEE 37203

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JUL 17 10 03 AM '95

JOHN C. LYELL, II
JACK E. SEAMAN*
JERRY C. SHELTON
*ALSO ADMITTED IN FLA.
CAROLYN J. FORSTER

TELEPHONE
AREA CODE 615
255-0033
FAX: 248-1971

July 12, 1995

VIA FACSIMILE & U.S. MAIL

Tony Buckley, Esquire
Federal Election Commission
Office of General Counsel
6th Floor
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4222
Independent Medicine's Political Action Committee -TN
(IMPACT) and Ralph E. Wesley, M.D. as Treasurer

Dear Mr. Buckley:

Please be advised that I will be representing the above-referenced respondents in this matter, and am enclosing herewith the Statement of Designation of Counsel. As I related to you on the telephone yesterday, I was not contacted about this matter until this past Monday, July 10, 1995. Due to other pressing legal matters, I am unable at this time to fully investigate the allegations in order to respond. Therefore, by this letter I am requesting a twenty (20) day extension to attempt conciliation negotiations and to respond fully to the allegations asserted against the respondents.

I look forward to working with you in this matter.

Sincerely,

LYELL, SEAMAN & SHELTON


John C. Lyell, II

JCL, II/cf

Enclosure

cc: Raiph E. Wesley, M.D., Treasurer

96043744029

STATEMENT OF DESIGNATION OF COUNSEL

NR 4222

NAME OF COUNSEL: John C. Lyell, II

ADDRESS: 611 Commerce Street

Suite 2704

Nashville, TN 37203

TELEPHONE: (615) 255-0033

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

7/12/95
Date

Ralph E. Wesley
Signature

RESPONDENT'S NAME: Independent Medicine's Political Action Committee and

ADDRESS: Ralph E. Wesley, M.D. as Treasurer
P.O. Box 120909

Nashville, TN 37212-0909

HOME PHONE: -

BUSINESS PHONE: (615) 385-2100

Jul 17 10 02 AM '95

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 13, 1995

John C. Lyell, II, Esq.
Lyell, Seaman and Shelton
The Tower, Suite 2704
611 Commerce Street
Nashville, TN 37203

RE: MUR 4222
Independent Medicine's Political
Action Committee-TN (IMPACT) and
Ralph E. Wesley, M.D., as treasurer

Dear Mr. Lyell:

This is in response to your letter dated July 12, 1995, which we received on that same date, requesting an extension of 20 days to respond to the Federal Election Commission's reason to believe finding in the above-captioned matter. 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 July 24, 1995.

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

Sincerely,

Tony Buckley
Attorney

96043744031

LAW OFFICES
LYELL, SEAMAN AND SHELTON
THE TOWER
SUITE 2704
611 COMMERCE STREET
NASHVILLE, TENNESSEE 37203

JOHN C. LYELL, II
JACK E. SEAMAN*
JERRY C. SHELTON
*ALSO ADMITTED IN FLA.
CAROLYN J. FORSTER

TELEPHONE
AREA CODE 615
255-0033
FAX: 248-1971

August 29, 1995

VIA FACSIMILE & U.S. MAIL

Tony Buckley, Esquire
Federal Election Commission
Office of General Counsel
6th Floor
999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
AUG 31 11 33 AM '95

Re: MUR 4222
Independent Medicine's Political Action Committee -TN
(IMPACT) and Ralph E. Wesley, M.D. as Treasurer

Dear Tony:

IMPACT is primarily the State PAC of the Tennessee Medical Association which collects some monies for AMPAC and remits those to AMPAC itself. IMPACT makes no federal election contributions to candidates. The only reason that it registered with the FEC was to remit funds to AMPAC. My research, in response to the current charges, tells me that IMPACT does not have to register to remit these funds.

However, to better inform you of the amount remitted, I have acquired from IMPACT a list of the amounts and dates of the transfers to AMPAC. They are as follows:

1.	1/4/93	\$ 10,400.00
2.	4/19/93	16,450.00
3.	7/12/93	23,950.00
4.	8/6/93	850.00
5.	9/15/93	2,700.00
6.	12/2/93	2,450.00
7.	1/10/94	12,150.00
8.	2/11/94	16,500.00
9.	5/12/94	14,100.00
10.	6/13/94	2,650.00
11.	8/1/94	2,000.00
12.	10/12/94	2,200.00
13.	11/10/94	2,700.00

TOTAL: \$109,100.00

Tony Buckley, Esquire
August 29, 1995
Page Two

During 1994, the year in question, IMPACT only contributed \$52,300 to AMPAC.

I hope this provides you with the information that you need in better assessing this situation.

Sincerely,

LYELL, SEAMAN & SHELTON



John C. Lyell, II

JCL,II/cf

96043744033

LAW OFFICES
LYELL, SEAMAN AND SHELTON

THE TOWER
SUITE 2704
611 COMMERCE STREET
NASHVILLE, TENNESSEE 37203

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

AUG 21 11 28 AM '95

JOHN C. LYELL, II
JACK E. SEAMAN*
JERRY C. SHELTON
*ALSO ADMITTED IN FLA.

CAROLYN J. FORSTER

TELEPHONE
AREA CODE 615
255-0033
FAX: 248-1971

August 18, 1995

VIA FACSIMILE & U.S. MAIL

Tony Buckley, Esquire
Federal Election Commission
Office of General Counsel
6th Floor
999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
AUG 21 2 06 PM '95

Re: MUR 4222
Independent Medicine's Political Action Committee -TN
(IMPACT) and Ralph E. Wesley, M.D. as Treasurer

Dear Tony:

Enclosed are two Affidavits submitted in the above matter.

Sincerely,

LYELL, SEAMAN & SHELTON



John C. Lyell, II

JCL,II/cf

Enclosures

cc: Ralph E. Wesley, M.D., Treasurer

96043744034

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Independent Medicine's)
Political Action Committee-TN)
(IMPACT) and Ralph E. Wesley,)
M.D. as Treasurer)

MUR 4222

AFFIDAVIT OF RALPH E. WESLEY, M.D.

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

I, Ralph E. Wesley, M.D., after having been duly sworn, depose and state upon my personal knowledge the following:

(1). I am a physician practicing ophthalmology in Nashville, Tennessee.

(2). I serve as the Treasurer of IMPACT.

(3). In 1994, my duties as Treasurer of IMPACT primarily consisted of reviewing personal expenses of the Assistant Secretary/Treasurer.

(4). I have been informed as to the reasons for any late filings and am confident that such will not happen again.

Further the affiant saith not.

Ralph E. Wesley
RALPH E. WESLEY, M.D.

Sworn to and subscribed before me this 18th day of August, 1995



Carolyn J. Foster
NOTARY PUBLIC

My Commission Expires JAN. 20, 1999

RECEIVED
FEDERAL ELECTION COMMISSION
JAN 21 2 03 PM '95

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Independent Medicine's)
Political Action Committee-TN) **MUR 4222**
(IMPACT) and Ralph E. Wesley,)
M.D. as Treasurer)

AFFIDAVIT OF MARK GREENE

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

I, Mark Greene, after having been duly sworn, depose and state upon my personal knowledge the following:

(1). I am the Assistant Secretary/Treasurer of IMPACT and have held such position since April of 1993.

(2). Additionally, I am Director of Government Affairs for the Tennessee Medical Association ("TMA") and am responsible for all administrative functions of IMPACT, including federal reporting.

(3). Ralph E. Wesley, M.D. serves as Treasurer of IMPACT; however, his only duties as such, since I assumed the post of Assistant Secretary/Treasurer, were confined to a review of my personal expenses submitted for reimbursement purposes.

(4). I am 37 years of age and have exhibited a history of sporadic substance abuse since age 14. Beginning in early April of 1994, my addiction entered an active phase, gradually increasing in severity until confronted by my employer in January of 1995. The failure to timely file FEC reports was noted by TMA officials and Dr. Wesley, who were instrumental in encouraging employer intervention.

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(5). On January 30, 1995, I was admitted to the Intensive Outpatient Program at Charter Lakeside Hospital in Memphis, Tennessee, where I resided in a supervised "halfway house" environment. After evaluation by staff, I was enrolled in Charter's Impaired Professionals Program. Designed for health care professionals, this program is of a minimum of 14 weeks duration, in contrast to the usual 30-day model. After successfully completing 14 weeks of treatment, I was discharged on Wednesday, May 3, 1995. I returned to work and resumed my previous duties on May 8, 1995.

(6). As a condition of continued employment, I have signed and must comply with the terms of an aftercare contract with TMA's Impaired Physician Program (as would any physician who seeks TMA's advocacy with hospitals, insurance companies, the DEA, licensure board, etc.). This contract provides for monitored aftercare for a minimum of two years. Terms and conditions of the contract include assignment to Regional Aftercare Monitoring (RAM), a team which observes my progress and reports to the medical director. Regular contact with RAM team members is prescribed, including mandatory monthly meetings. The RAM team also implements random urine drug screens on a regular basis. I must also have an additional random drug testing program in place.

(7). I am required to attend weekly Caduceus Group meetings where my progress is assessed. I have been assigned to a physician advisor who must be informed of any use of mood altering drugs for medical conditions. The contract also requires a minimum of 90 Alcoholics Anonymous or other approved 12-step

meetings during the first 90 days beyond treatment, then at least three meetings per week for a minimum of two years.

(8). I have, to date, successfully complied with the terms and conditions of the contract and continue in recovery.

Further the affiant saith not.

Mark Greene

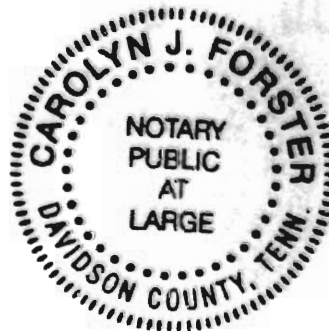
MARK GREENE

Sworn to and subscribed before me this 17th day of August, 1995.

My Commission Expires:

1/20/99

Carolyn J. Forster
NOTARY PUBLIC



My Commission Expires JAN. 20, 1999

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

JUN 13 9 30 AM '95

In the Matter of

Independent Medicine's Political
Action Committee-TN (IMPACT) and
Ralph E. Wesley, M.D., as treasurer

)
)
) MUR 4222
)
)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. **BACKGROUND**

On June 9, 1995, the Commission found reason to believe that the Independent Medicine's Political Action Committee-TN (IMPACT) and Ralph E. Wesley, M.D., as treasurer, violated 2 U.S.C. § 434(A)(4)(A)(i), by failing to timely file IMPACT's 1994 April, July and October Quarterly reports. The Commission offered to enter into conciliation at that time, and authorized an agreement

II. **ANALYSIS**

Since the Commission made its findings, Counsel presented this Office with information regarding the circumstances of the violation. Attachment 1. According to Counsel, IMPACT has assigned the responsibility for filing reports with the Commission to its assistant treasurer; the treasurer's sole responsibility is reviewing expense reimbursement requests submitted by the assistant treasurer.

According to additional information provided by Counsel, IMPACT's assistant treasurer has had a history of substance abuse, which entered an active phase during the period in which reports were not filed timely. The assistant treasurer has since completed a 14-week treatment

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program and resumed his duties. Additionally, as a condition of his continued employment, the assistant treasurer has signed and must comply with the terms of an aftercare contract which provides for monitored aftercare for two years. Attachment 2.

Respondents have also suggested that, since IMPACT is a collecting agent for the American Medical Political Action Committee ("AMPAC"), within the meaning of 11 C.F.R. § 102.6(b)(1), and does not make contributions to Federal candidates, it is not required to register and report under the Commission's regulations, citing 11 C.F.R. § 102.6(b)(2). However, Respondents have acknowledged that since IMPACT has chosen to register and report to the Commission, it must do so in a timely manner.

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III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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This Office will inform Respondents that if they do not accept this offer within 10 ten days, we will move to the next stage of the enforcement process.

III. RECOMMENDATIONS

Approve the attached agreement and the appropriate letter.

Lawrence M. Noble
General Counsel

Date

6/17/96

BY:

LG2
Lois G. Lerner
Associate General Counsel

Staff Assigned: Tony Buckley



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/ MARY W. DOVE *MWD*
COMMISSION SECRETARY

DATE: JUNE 21, 1996

SUBJECT: MUR 4222 - MEMORANDUM TO THE COMMISSION
(ERRATA) DATED JUNE 19, 1996.

The above-captioned document was circulated to the Commission
on: THURSDAY, JUNE 20, 1996, 11:00 A.M.

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

Commissioner Aikens	_____
Commissioner Elliott	<u>XX</u>
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Potter	_____
Commissioner Thomas	<u>XX</u>

This matter will be placed on the meeting agenda for:
TUESDAY, JUNE 25, 1996

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

96043744043

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Independent Medicine's Political) NUR 4222
Action Committee-TN(IMPACT) and)
Ralph E. Wesley, M.D., as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on June 25, 1996, do hereby certify that the Commission decided by a vote of 4-0 to accept the Respondents' last counteroffer and send an appropriate letter.

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

Attest:

6-26-96

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

96043744044



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 27, 1996

**John C. Lyell, II, Esq.
Lyell, Seaman and Shelton
The Tower, Suite 2704
611 Commerce Street
Nashville, TN 37203**

**RE: MUR 4222
Independent Medicine's Political
Action Committee-TN (IMPACT) and
Ralph E. Wesley, M.D., as treasurer**

Dear Mr. Lyell:

On June 25, 1996, the Federal Election Commission agreed to accept your offer of a \$1,000 civil penalty in settlement of the above-captioned matter. Enclosed is a copy of the conciliation agreement previously approved by the Commission, with the new civil penalty language. Please sign and return the agreement, along with the civil penalty. This Office will then recommend to the Commission that it accept the agreement in settlement of this matter, and close the file.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Buckley", with a stylized flourish at the end.

**Tony Buckley
Attorney**

**Enclosure
Conciliation Agreement**

96043744045

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

In the Matter of

SEP 3 10 50 AM '96

Independent Medicine's Political
Action Committee-TN (IMPACT) and
Ralph E. Wesley, M.D., as treasurer

)
)
) MUR 4222
)
)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Mark Greene, the assistant treasurer of Independent Medicine's Political Action Committee-TN (IMPACT). Attachment 1.

The attached agreement contains no changes from the agreement approved by the Commission on June 25, 1996. A check for the civil penalty has been received. Attachment 2.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Independent Medicine's Political Action Committee-TN (IMPACT) and Ralph E. Wesley, M.D., as treasurer
2. Approve the appropriate letter.
3. Close the file.

Lawrence M. Noble
General Counsel

Date

8/30/96

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check

Staff Assigned: Tony Buckley

96043744046

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Independent Medicine's Political)
Action Committee-TN (IMPACT) and)
Ralph E. Wesley, M.D., as treasurer.)

MUR 4222

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 6, 1996, the Commission decided by a vote of 5-0 to take the following actions in MUR 4222:

1. Accept the conciliation agreement with Independent Medicine's Political Action Committee-TN (IMPACT) and Ralph E. Wesley, M.D., as treasurer, as recommended in the General Counsel's Report dated August 30, 1996.
2. Approve the appropriate letter, as recommended in the General Counsel's Report dated August 30, 1996.
3. Close the file.

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

Attest:

9-6-1996
Date

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

Received in the Secretariat: Tues., Sept. 03, 1996 10:50 a.m.
Circulated to the Commission: Tues., Sept. 03, 1996 4:00 p.m.
Deadline for vote: Fri., Sept. 06, 1996 4:00 p.m.

lrd

96043744047



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 12, 1996

John C. Lyell, II, Esq.
Lyell, Seaman and Shelton
The Tower, Suite 2704
611 Commerce Street
Nashville, TN 37203

RE: MUR 4222
Independent Medicine's Political
Action Committee-TN (IMPACT) and
Ralph E. Wesley, M.D., as treasurer

Dear Mr. Lyell:

On September 6, 1996, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your clients' behalf in settlement of violations of 2 U.S.C. § 434(a)(4)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended. 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.

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,


Tony Buckley
Attorney

Enclosure
Conciliation Agreement

96043744048

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Independent Medicine's Political) MUR 4222
Action Committee-TN (IMPACT) and)
Ralph E. Wesley, M.D., 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 Independent Medicine's Political Action Committee-TN (IMPACT) and Ralph E. Wesley, M.D., as treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(4)(A)(i).

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.

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

1. Independent Medicine's Political Action Committee-TN (IMPACT) is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Ralph E. Wesley, M.D. is the treasurer of IMPACT.

3. In any calendar year in which a regularly scheduled general election is held all political committees, other than authorized committees of a candidate, 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).

4. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), Respondents' 1994 April Quarterly Report was due on April 15, 1994. Respondents filed the 1994 April Quarterly Report on May 2, 1994, 17 days late, disclosing receipts totalling \$113,587 and disbursements totalling \$50,723.

5. 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 September 15, 1994, 62 days late, disclosing receipts totalling \$35,847 and disbursements totalling \$59,356.

6. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), Respondents' 1994 October Quarterly Report was due on October 15, 1994. Respondents

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filed the 1994 October Quarterly Report on October 31, 1994, 16 days late, disclosing receipts totalling \$12,518 and disbursements totalling \$102,377.

V. Respondents failed to file timely their 1994 April Quarterly, July Quarterly and October Quarterly Reports, in violation of 2 U.S.C. § 434(a)(4)(A)(i).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Thousand dollars (\$1,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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

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:


Lois G. Lerner
Associate General Counsel

9/11/96
Date

FOR THE RESPONDENTS:


(Name)
(Position)

8-6-96
Date

asst. sec.-treasurer

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LYNN L. SEAMAN & SHELTON
611 Commerce Street Suite 2704
Nashville, Tn 37203

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Federal Election Commission

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SunTrust Bank, Nashville, N.A.
Nashville, Tennessee

FOR Impact -

John Lyne

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4222

DATE FILMED 9-27-96 CAMERA NO.

CAMERAMAN S.E.G.

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