



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4493

DATE FILMED 12/13/96 CAMERA NO. 4

CAMERAMAN EES

96043772568

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

AUG 1 1996

DATE: _____

ANALYST: Andrew Dodson

I. COMMITTEE: Transport Workers Union Political
Contributions Committee (C00008268)
John J. Kerrigan, Treasurer
80 West End Avenue
New York, NY 10023

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(4)(B)
11 CFR §104.5(c)(3)

III. BACKGROUND:

Failure to Timely File the 1996 April Monthly Report

The Transport Workers Union Political Contributions Committee ("the Committee") has failed to timely file the 1996 April Monthly Report of Receipts and Disbursements covering the period from March 1, 1996 to March 31, 1996. The Committee was notified on December 29, 1995 that the report was due on April 20, 1996 (Attachment 2). A Non-Filer Notice was sent to the Committee on May 16, 1996 (Attachment 3).

On June 10, 1996, the Reports Analysis Division ("RAD") analyst called and left a message for the treasurer indicating that the 1996 April Monthly Report had not been filed. On June 11, 1996 the RAD analyst received a call from the Committee's Assistant Office Manager, Ms. Patricia Yates. Ms. Yates stated that the report had been filed on time by certified mail. The RAD analyst suggested that Ms. Yates file a copy of the original report and include a copy of the certified mail receipt (Attachment 4).

On June 24, 1996 the Commission received the Committee's 1996 April Monthly Report. The report included a cover letter indicating that the Committee was unable to locate the certified mail receipt (Attachment 5).

9604372569

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
						TYPE OF FILER
TRANSPORT WORKERS UNION POLITICAL CONTRIBUTIONS COMMITTEE				ID #C00008268 NON-PARTY QUALIFIED		
CONNECTED ORGANIZATION: TRANSPORT WORKERS UNION OF AMERICA						
1995	FEBRUARY MONTHLY	40,274	9,000	1JAN95 -31JAN95	5	95FEC/967/0069
	MARCH MONTHLY	34,750	2,935	1FEB95 -28FEB95	6	95FEC/968/3935
	APRIL MONTHLY	37,243	32,008	1MAR95 -31MAR95	8	95FEC/974/3676
	MAY MONTHLY	31,586	14,220	1APR95 -30APR95	7	95FEC/977/4500
	JUNE MONTHLY	11,841	12,550	1MAY95 -31MAY95	6	95FEC/980/4830
	JULY MONTHLY	61,929	37,069	1JUN95 -30JUN95	12	95FEC/987/1462
	AUGUST MONTHLY	35,676	10,745	1JUL95 -31JUL95	9	95FEC/995/2681
	SEPTEMBER MONTHLY	36,747	9,606	1AUG95 -31AUG95	8	95FEC/998/4383
	OCTOBER MONTHLY	30,881	13,814	1SEP95 -30SEP95	9	95FEC/001/0229
	NOVEMBER MONTHLY	39,236	33,201	1OCT95 -31OCT95	10	95FEC/006/4139
	DECEMBER MONTHLY	38,107	31,446	1NOV95 -30NOV95	9	95FEC/012/4216
	DECEMBER MONTHLY - AMENDMENT	-	-	1NOV95 -30NOV95	3	96FEC/031/2479
	REQUEST FOR ADDITIONAL INFORMATION			1NOV95 -30NOV95	2	96FEC/015/3388
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1NOV95 -30NOV95	3	96FEC/029/2482
	YEAR-END	12,189	22,577	1DEC95 -31DEC95	10	96FEC/017/0430
	YEAR-END - AMENDMENT	12,189	27,577	1DEC95 -31DEC95	10	96FEC/031/2086
1996	FEBRUARY MONTHLY	60,751	12,157	1JAN96 -31JAN96	7	96FEC/031/2096
	MARCH MONTHLY	31,046	21,280	1FEB96 -29FEB96	7	96FEC/034/2991
	APRIL MONTHLY	37,252	72,282	1MAR96 -31MAR96	15	96FEC/058/4174
	NOTICE OF FAILURE TO FILE			1MAR96 -31MAR96	2	96FEC/050/5289
	MAY MONTHLY	46,857	61,136	1APR96 -30APR96	13	96FEC/053/5473
	JUNE MONTHLY	32,670	73,772	1MAY96 -31MAY96	15	96FEC/058/4189
	JULY MONTHLY	34,801	64,896	1JUN96 -30JUN96	11	96FEC/064/0245
	TOTAL	653,836	0 539,694	0	187	TOTAL PAGES

All reports except the 1996 July Monthly Report have been reviewed.
Cash-On-Hand as of 06/30/96:\$225,826
Outstanding debts owed to/by the committee as of 06/30/96:\$ Blank

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YEAR-END

Attachment #2

Page 1 of 2

REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

December 29, 1995

WHO MUST FILE

Party committees and PACs (nonconnected committees and separate segregated funds) must file a Year-End Report on January 31, 1996.

REPORT CONTENT AND DATES

I. Semiannual Filers

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Year-End	07/01/95 - 12/31/95	01/31/96	01/31/96

Semiannual filers must disclose financial activity that occurred from July 1 through December 31, 1995, on their Year-End Report.

II. Monthly Filers

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Year-End	12/01/95 - 12/31/95	01/31/96	01/31/96

Monthly filers must disclose financial activity from December 1 through December 31, 1995, 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.

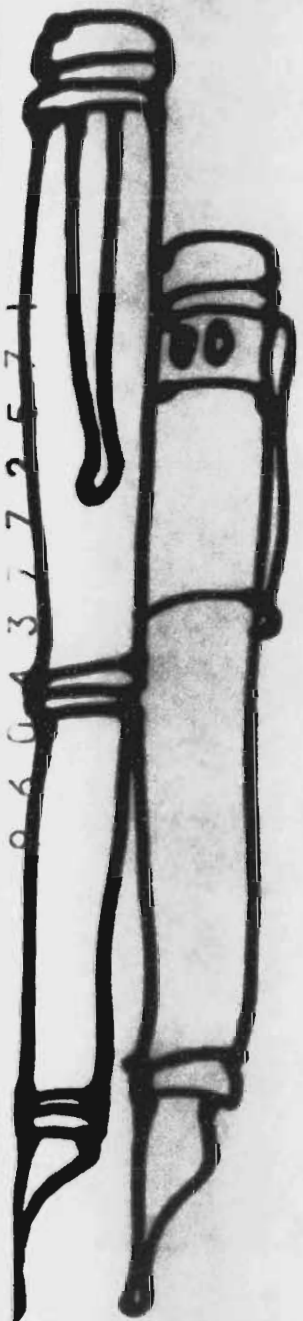
COMPLIANCE

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 (except for FEC approved computer generated forms) will be required to refile.

*These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

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

(over)



PARTIES AND PACS

YEAR-END

1996 FILING SCHEDULE

I. Quarterly Filers

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
April	01/01/96 - 03/31/96	04/15/96	04/15/96
July	04/01/96 - 06/30/96	07/15/96	07/15/96
October	07/01/96 - 09/30/96	10/15/96	10/15/96
Pre-General	10/01/96 - 10/16/96	10/21/96	10/24/96
-----24 Hour Reports***-----			
Post-General	10/17/96 - 11/25/96	12/05/96	12/05/96
Year-End	11/26/96 - 12/31/96	01/31/97	01/31/97

II. Monthly Filers

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
February	01/01/96 - 01/31/96	02/20/96	02/20/96
March	02/01/96 - 02/29/96	03/20/96	03/20/96
April	03/01/96 - 03/31/96	04/20/96	04/20/96
May	04/01/96 - 04/30/96	05/20/96	05/20/96
June	05/01/96 - 05/31/96	06/20/96	06/20/96
July	06/01/96 - 06/30/96	07/20/96	07/20/96
August	07/01/96 - 07/31/96	08/20/96	08/20/96
September	08/01/96 - 08/31/96	09/20/96	09/20/96
October	09/01/96 - 09/30/96	10/20/96	10/20/96
Pre-General	10/01/96 - 10/16/96	10/21/96	10/24/96
-----24 Hour Reports***-----			
Post-General	10/17/96 - 11/25/96	12/05/96	12/05/96
Year-End	11/26/96 - 12/31/96	01/31/97	01/31/97

*These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

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

***PACs that make independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours before the election must file 24 Hour Reports. Party committees may not make independent expenditures.

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Attachment #3

RQ-7

May 16, 1996

John J. Kerrigan, Treasurer
Transport Workers Union Political
Contributions Committee
80 West End Avenue
New York, NY 10023

Identification Number: C00008268

Reference: April Monthly Report (3/1/96-3/31/96)

Dear Mr. Kerrigan:

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 Secretary of the Senate). 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 Andrew Dodson 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

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TELECON

ANALYST: Andrew Dodson

CONVERSATION WITH: Patricia G. Yates

COMMITTEE: Transport Workers Union Political Contributions
Committee

DATE: June 11, 1996

SUBJECT(S): Failure to file the 1996 April Monthly Report

On June 10, 1996 the RAD analyst called the Transport Workers Union Political Contributions Committee and left a message for the treasurer concerning the Committees failure to file the 1996 April Monthly Report. On June 11, 1996 Ms Patricia Yates, the committees assistant office manager, called the RAD analyst and stated that the Committee had filed the report in a timely manner by certified mail. The RAD analyst stated that the Committee should file a copy of the 1996 April Monthly with the Commission and include a copy of the certified mail receipt. Ms Yeats stated that she would file the report as soon as possible.

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Transport Workers Union of America, AFL-CIO

Political Contributions Committee

80 West End Ave., New York, N.Y. 10023

(212) 873-6000

Fax: 212-721-1431

Attachment #5

Page 1 of 2

COMMISSION
MAIL ROOM

JUN 24 12 35 PM '96

SONNY HALL

Chairman

JOHN J. KERRIGAN

Treasurer

PEGGY OLSTEIN

COPE Director

June 19, 1996

Mr. Andrew J. Dodson,
Senior Reports Analyst
FEDERAL ELECTION COMMISSION
999 'E' St., NW
Washington, DC 20463

Re: ID No. C00008268

Monthly Report - 3/1-3/31/96

Dear Mr. Dodson:

Enclosed herewith you will find the Monthly Report for May 1-31, 1996, along with a copy of the above-referenced March 1-31, 1996 report, as per our conversation of last week. Our mailroom has been searching for the Certified Mail receipt form which they have been unable to locate so I am unable to provide that. I hope that the copy of the report will suffice.

Very truly yours,

Patricia G. Yates

Asst. Office Mgr.--Int'l. Bkpg.Dept.

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opeiu 153;afl-cio

enclosures (2)

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REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Commis

(Summary Page)

GENERAL ELECTRIC
COMMISSION
MAIL ROOM

Attachment #5
Page 2 of 2

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) TRANSPORT WORKERS UNION POLITICAL CONTRIBUTIONS COMMITTEE		Mail Room Page 2 of 2 JUN 24 12 35 PM '96	
ADDRESS (number and street) ☐ Check if different than previously reported 80 WEST END AVENUE		2. FEC IDENTIFICATION NUMBER C 00008268	
CITY, STATE and ZIP CODE NEW YORK N.Y. 10023		3. ☐ This committee qualified as a multicandidate committee DURING THIS Reporting Period on (date).	

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 <u>3/01/96</u> through <u>3/31/96</u>		
6.	(a) Cash on Hand January 1, 19 <u>96</u>		\$ 287,972.19
	(b) Cash on Hand at Beginning of Reporting Period	\$ 346,332.11	
	(c) Total Receipts (from Line 19)	\$ 37,252.16	\$ 129,050.08
	(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 383,584.27	\$ 417,012.27
7.	Total Disbursements (from Line 30)	\$ 72,282.00	\$ 105,720.00
8.	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 311,302.27	\$ 311,302.27
9.	Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	\$	For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20543
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

JOHN J. KERRIGAN

Signature of Treasurer _____

Signature of Treasurer John D. Koenig

Date _____

04/16/96

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 6437c.

FEC FORM 3X

(revised 1/1/01)

FEDERAL ELECTION COMMISSION

999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
SEP 30 11 22 AM '96
SECRET

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD REFERRAL: 96NF-03

DATE ACTIVATED: September 12, 1996

STAFF MEMBER: Jeffrey Long

SOURCE: INTERNALLY GENERATED

**RESPONDENTS: Transport Workers Union Political Contributions Committee
John J. Kerrigan, Treasurer**

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Office of General Counsel received this referral from the Reports Analysis Division on August 5, 1996. The basis for the referral is the Respondents' failure to timely file the 1996 April Monthly Report of receipts and disbursements as required by the FECA.

II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis (Attachment 1), this Office recommends that the Commission find reason to believe the Respondents violated 2 U.S.C. § 434(a)(4)(B).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe the Transport Workers Union Political Contributions Committee and John J. Kerrigan, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), 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

9/27/94

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Factual and Legal Analysis
2. Proposed agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Transport Workers Union Political
Contributions Committee and John J.
Kerrigan, Treasurer.

)
)
) RAD Referral
) #96NF-03

MUR 4493

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 3, 1996, the Commission decided by a vote of 5-0 to take the following actions in RAD Referral #96NF-03:

1. Open a MUR.
2. Find reason to believe the Transport Workers Union Political Contributions Committee and John J. Kerrigan, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the Factual and Legal Analysis and conciliation agreement, and the appropriate letter, as recommended in the General Counsel's Report dated September 27, 1996.

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

Attest:

10-3-96
Date

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

Received in the Secretariat: Mon., Sept. 30, 1996 11:22 a.m.
Circulated to the Commission: Mon., Sept. 30, 1996 4:00 p.m.
Deadline for vote: Thurs., Oct. 03, 1996 4:00 p.m.

lrd

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 8, 1996

John J. Kerrigan, Treasurer
Transport Workers Union Political
Contributions Committee
80 West End Avenue
New York, New York 10023

RE: MUR 4493
Transport Workers Union Political
Contributions Committee and
John J. Kerrigan, as treasurer

Dear Mr. Kerrigan:

On October 3, 1996, the Federal Election Commission found that there is reason to believe the Transport Workers Union Political Contributions Committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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.

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.

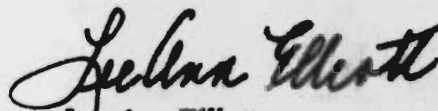
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If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other 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 Jeffrey Long, the staff member assigned to this matter, at (202) 219-3690.

Sincerely,



Lee Ann Elliott
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation Counsel Form
Conciliation Agreement

9 6 0 4 3 7 2 5 8 2

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS:

MUR: 4493

**Transport Workers Union Political
Contributions Committee and
John J. Kerrigan, 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), of the Federal Election Campaign Act of 1971, as amended.

According to 2 U.S.C. § 434(a)(4)(B), all political committees, other than authorized committees of a candidate, shall file monthly reports in all calendar years which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month. Hence, for political committees choosing to file on a monthly schedule, the 1996 April Monthly Report, covering the period of March 1 through March 31, was due on April 20, 1996.

The Respondents in this matter file on a monthly basis and were notified by mail on December 29, 1995, that the 1996 April Monthly Report was due on April 20th. On May 16, 1996, the Respondents were mailed a notice informing them that the April report was not filed.

During the second week in June, in a discussion between the Reports Analysis Division and a representative of the committee, the Respondents were again notified that the report was not filed. The committee representative responded that she would provide a copy of the report and the certified mail receipt indicating that the April Monthly report was filed timely. On June

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24, 1996, a copy of the report (disclosing \$37,252 in receipts and \$72,282 in disbursements) was received with a cover letter which states that the certified mail receipt could not be located. Therefore, there is reason to believe the Transport Workers Union Political Contributions Committee and John J. Kerrigan, as treasurer, violated 2 U.S.C. § 434(a)(4)(B).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 6, 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John J. Kerrigan, Treasurer
Transport Workers Union Political
Contributions Committee
80 West End Avenue
New York, New York 10023

RE: MUR 4493
Transport Workers Union Political
Contributions Committee and
John J. Kerrigan, as treasurer

Dear Mr. Kerrigan:

On October 8, 1996, 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,

Jeffrey D. Long
Paralegal

9604372585



Transport Workers Union of America

Affiliated with American Federation of Labor and Congress of Industrial Organizations

80 WEST END AVENUE • NEW YORK, NY 10023 • 212 873-6000 • FAX: 212 721-1431 • <http://twu.com>

GEORGE E. LEITZ
Int'l President Emeritus

SONNY HALL
International President

FRANK McCANN
Int'l Exec Vice President

JOHN J. KERRIGAN
Int'l Secretary-Treasurer

EXECUTIVE COUNCIL Vice Presidents

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JOHN GUCZMAN
MARION FINLEY
JACK HIGGINS
JAMES HOOD
WILLIE JAMES
EDWARD KOZATZ
HARRY LOMBARD
JULIA McMILLON
LARRY MARTIN
FRANCIS O'BRIEN
MICHAEL O'BRIEN
JOHN ORLANDO
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GEORGE ROBERTS

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R.G. ORTENGREN
MARSHA SPINOWITZ
PAUL SWEETIN

November 6, 1996

Ms. Lee Ann Elliott
Chairperson
Federal Election Commission
Washington, D.C. 20463

Re: MUR 4493
TWU Political Contributions Commission
John J. Kerrigan, as Treasurer

Att: Lois G. Lerner, Associate General Counsel

Dear Chairperson Elliott:

We below reply to your letter of October 8, 1996.

Respondent TWU Political Contributions Commission has decided to accept the proposed Conciliation Agreement. A copy of the Agreement, signed by John J. Kerrigan, as Treasurer, is enclosed.

In accord with Paragraph VIII and IX of the Agreement, we will transmit to you the required civil penalty within 30 days of the Commission's informing us that the Agreement is effective, i.e., that "all parties have executed same and the Commission has approved the entire Agreement."

Very truly yours,

David B. Rosen

David B. Rosen
General Counsel

DBR:mo
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enc.

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RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT
Nov 7 2 52 PM '96

RECEIVED
OFFICE OF GENERAL
COUNSEL
Nov 7 4 17 PM '96

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

In the Matter of

Transport Workers Union Political
Contributions Committee and
John J. Kerrigan, as treasurer

MUR: 4493

Nov 20 9 56 AM '96

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by John Kerrigan, the treasurer of Transport Workers Union Political Contributions Committee. The attached agreement contains no changes from the agreement approved by the Commission on October 3, 1996. A check for the civil penalty has not been received.

II. RECOMMENDATIONS

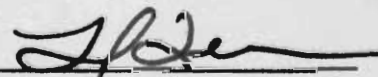
1. Accept the attached conciliation agreement with Transport Workers Union Political Contributions Committee and John J. Kerrigan, as treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date

11/19/96

By:


Lois G. Werner
Associate General Counsel

Attachment
Conciliation Agreement

Staff Assigned: Jeffrey Long

9604372587

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Transport Workers Union Political
Contributions Committee and
John J. Kerrigan, as treasurer.

)
)
) MUR 4493
)
)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 25, 1996, the Commission decided by a vote of 5-0 to take the following actions in MUR 4493:

1. Accept the conciliation agreement with Transport Workers Union Political Contributions Committee and John J. Kerrigan, as treasurer, as recommended in the General Counsel's Report dated November 19, 1996.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated November 19, 1996.

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

Attest:

11-26-96
Date

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

Received in the Secretariat: Wed., Nov. 20, 1996 9:56 a.m.
Circulated to the Commission: Wed., Nov. 20, 1996 11:00 a.m.
Deadline for vote: Mon., Nov. 25, 1996 4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 4, 1996

John J. Kerrigan, Treasurer
Transport Workers Union Political
Contributions Committee
80 West End Avenue
New York, New York 10023

RE: MUR 4493
Transport Workers Union Political
Contributions Committee and
John J. Kerrigan, as treasurer

Dear Mr. Kerrigan:

On November 25, 1996, the Federal Election Commission accepted the signed conciliation agreement submitted on your behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended ("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.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Jeffrey D. Long
Paralegal Specialist

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Transport Workers Union Political
Contributions Committee and
John J. Kerrigan, as treasurer

) MUR 4493
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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 the Transport Workers Union Political Contributions Committee and John J. Kerrigan, as treasurer, violated 2 U.S.C. § 434(a)(4)(B).

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. Transport Workers Union Political Contributions Committee is a political committee within the meaning of 2 U.S.C. § 431(4).

2. John J. Kerrigan is the treasurer of Transport Workers Union Political Contributions Committee.

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3. According to 2 U.S.C. § 434(a)(4)(B), all political committees, other than authorized committees, of a candidate shall file monthly reports in all calendar years which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month.

4. For political committees choosing to file on a monthly schedule, the 1996 April Monthly Report, covering the period of March 1 through March 31, was due on April 20, 1996. The Respondents in this matter file on a monthly basis.

5. Respondents were notified by mail on December 29, 1995, that the 1996 April Monthly Report was due on April 20th. On May 16, 1996, the Respondents were mailed a notice informing them that the April report was not filed.

6. During a subsequent discussion between the Reports Analysis Division and a representative from the committee, the Respondents were again notified that the report was not filed. The committee representative responded that she would provide a copy of the report and the certified mail receipt indicating that the April Monthly report was filed timely.

7. On June 24, 1996, a copy of the report (disclosing \$37,252 in receipts and \$72,282 in disbursements) was received with a cover letter which states that the certified mail receipt could not be located.

V. Respondents failed to timely file the 1996 April Monthly Report in violation of 2 U.S.C. § 434(a)(4)(B).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of one thousand six hundred dollars (\$1,600.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been

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violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

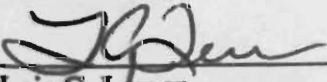
IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no 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

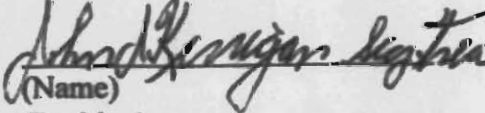
BY:


Lois G. Lerner
Associate General Counsel

Date

12/3/96

FOR THE RESPONDENTS:


(Name)
(Position)

Date

11/6/96

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4493

DATE FILMED 12/13/96 CAMERA NO. 4

CAMERAMAN EES

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Date: 1/8/97

✓ Microfilm

 Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED NUR 4493

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Transport Workers Union of America

Affiliated with American Federation of Labor and Congress of Industrial Organizations

88 WEST END AVENUE • NEW YORK, NY 10023 • 212 873-6000 • FAX: 212 721-1431 • <http://twu.com>

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Int'l President Emeritus

SONNY HALL
International President

FRANK McCANN
Int'l Exec Vice President

JOHN J. KERRIGAN
Int'l Secretary-Treasurer

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MARSHA SPINOWITZ
PAUL SWEETIN

December 13, 1996

Mr. Jeffrey D. Long
Paralegal Specialist
Federal Election Commission
Washington, D. C. 20463

Re: MUR 4493

Dear Mr. Long:

Enclosed please find a check in the amount of \$1,600.00 to cover the civil penalty as provided in the Conciliation Agreement between the Federal Election Commission and the Transport Workers Union of America, AFL-CIO.

Should you have any questions, please feel free to call me.

Sincerely,

John J. Kerrigan
Int'l Secretary-Treasurer

JJK:goh
opeiu-153
Encl.

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
DEC 19 9 44 AM '96

TRANSPORT WORKERS UNION OF AMERICA

DATE 12/11/96

CHECK NO. 048457

VENDOR NO. F 48457

INVOICE NO.	INVOICE DATE	AMOUNT	DISCOUNT		VOUCHER NO.	NET AMOUNT
PENALTY	12/09/96	1600.00	.00		036847	1600.00
TOTALS ▶						1,600.00



**TRANSPORT WORKERS UNION
OF AMERICA**

80 WEST END AVENUE
NEW YORK, NY 10023

CHASE MANHATTAN BANK
1934 BROADWAY AT 65th STREET
NEW YORK, NY
1-12/210

48457

DATE

CONTROL NO.

AMOUNT

12/11/96 048457 *****1,600.00

ONE THOUSAND SIX HUNDRED 00/100

PAY
TO THE
ORDER OF

FEDERAL ELECTION COMMISS.
999 E ST, NW
WASHINGTON DC 20463

Franklin D. Cannon
Shirley R. Kington

⑈048457⑈ ⑆021000128⑆ 0610001120⑈

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 18, 1996

Dec 19 9 44 AM '96

FEDERAL ELECTION
COMMISSION
OFFICE OF CLERICAL

CLOSED

TWO WAY MEMORANDUM

TO: OGC Docket

FROM: Rosa E. Swinton ^{RS} Accounting Technician Leslie D. Brown Disbursing Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from **TRANSPORT WORKERS UNION OF AMERICA, AFL-CIO**, check number **48457**, dated **December 11, 1996**, for the amount of **\$1,600.00**. A copy of the check and any correspondence is being forwarded. Please indicate below which account the funds should be deposited and give the MUR/Case number and name associated with the deposit.

TO: Rosa E. Swinton Accounting Technician Leslie D. Brown Disbursing Technician

FROM: OGC Docket ^{aa}

SUBJECT: Disposition of Funds Received

In reference to the above check in the amount of \$1,600.00 the MUR/Case number is 4492 and in the name of Transport Workers Union of America. Place this deposit in the account indicated below:

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

Anita Alexander
Signature

12-19-96
Date

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