

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

) MUR 4530

ACPC, Inc.)

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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 that ACPC, Inc. ("ACPC" or "Respondent") violated 2 U.S.C. § 441e(a).

NOW, THEREFORE, the Commission and Respondent, 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 Respondent 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. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondent enters voluntarily into this agreement with the Commission.
- IV. The pertinent facts in this matter are as follows:
 - 1. Respondent is a Delaware corporation incorporated on February 3, 1987. It manufactures electrical conductor cable.
 - 2. Alfredo Riviere, Ph.D., a Venezuelan national, was President of ACPC, Inc. during the relevant period.

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3. Foreign nationals are prohibited from contributing money, or anything of value, to-- a candidate for any political office, including Federal, State, or local office, either directly or through any other person, pursuant to 2 U.S.C. § 441e(a) and 11 C.F.R. § 110.4(a).

4. It is also unlawful for any foreign national to direct, dictate, control, or directly participate in the decision-making process of any person, including domestic corporations, with regard to decisions concerning the making of contributions in connection with elections for any local, State, or Federal office. 11 C.F.R. § 110.4(a).

5. A foreign national is an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of Title 8. 2 U.S.C. § 441e(b).

6. On April 16, 1996, Respondent made a \$50,000 contribution to the Democratic National Committee ("DNC"). The DNC solicitation materials invited Dr. Riviere to become a Trustee of the DNC by making a \$50,000 contribution.

7. A few weeks prior to the contribution, Dr. Riviere was in Florida investigating a site to construct a cable plant. During the course of a meeting with Charles Dusseau, who was promoting Florida as a site for an ACPC plant, Mr. Dusseau asked Dr. Riviere if ACPC would be interested in making a contribution to the DNC. Dr. Riviere was advised that he would receive a telephone call from Howard Glicken, a DNC fundraiser.

8. Some days later Mr. Glicken called Dr. Riviere, and by letter dated April 12, 1996, Mr. Glicken solicited Dr. Riviere to become a Trustee of the DNC by making a \$50,000 contribution to the DNC. The solicitation letter was on DNC letterhead under Mr. Glicken's signature as Director, DNC National Finance Board. In the letter, Mr. Glicken described the benefits of being a Trustee, such as invitations to White House Dinners with the President and

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First Lady and the opportunity to attend an April 29, 1996 Presidential Gala in Miami. The solicitation was addressed to Dr. Riviere in Caracas, Venezuela. ACPC thereupon made the decision to make the instant \$50,000 contribution.

V. The President of ACPC, Dr. Alfredo Riviere, a foreign national, participated in the company's decision to make a contribution to the DNC of \$50,000. Consequently, Respondent's contribution violated 2 U.S.C. § 441e(a).

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Twenty-Five Thousand dollars (\$25,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. Respondent undertakes and agrees that at the Commission's written request, on reasonable notice and without service of a subpoena, Respondent will produce all relevant documents to the Commission staff and make Dr. Riviere and other officers available for depositions and interviews by the Commission staff, if so requested, during the pendency of this and related matters under review and at any judicial proceedings brought by the Commission as a result of its investigation in this and related matters under review.

VIII. 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.

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

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X. Respondent 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.

XI. 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:

12/4/98
Lawrence M. Noble
General Counsel

[Signature]
Date

FOR THE RESPONDENT:

[Signature]
(Name) David E. Frulla
(Position) Brand, Lowell & Ryan, P.C.
Attorneys for ACPC, Inc.

September 15, 1998
Date

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