



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

April 29, 1997

Ronald F. Ryan, Treasurer
Nevada State Republican
Central Committee
6114 W. Charleston Blvd.
Las Vegas, NV 89102

RE: MUR 4632
Nevada State Republican Central
Committee and Robert F. Ryan, as
Treasurer

Dear Mr. Ryan:

On April 22, 1997, the Federal Election Commission found that there is reason to believe the Nevada State Republican Central Committee ("Committee") and you, as treasurer, violated 2 U.S.C. §§ 432(a), 433(c), and 434(a)(4)(B), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation, and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

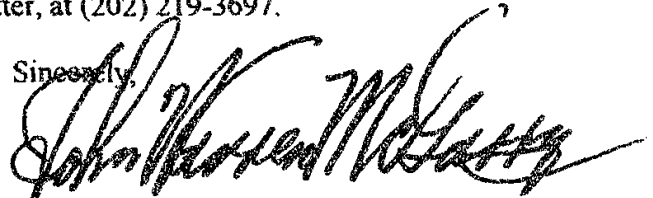
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Clinett Short, the staff member assigned to this matter, at (202) 219-3697.

Sincerely,



John Warren McGarry
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

99-04-391-2907

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: The Nevada State Republican Central Committee
and Ronald F. Ryan, as Treasurer

MUR: 4632

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).

A. THE LAW

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that all political committees other than authorized committees of a candidate shall file either monthly or quarterly reports. In all calendar years, monthly reports 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, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed no later than the 12th day before any election in which such candidate is seeking election, or nomination for election, and shall be complete as of the 20th day before such election; a post-general report shall be filed no later than the 30th day after any general election in which the candidate has sought election, and which shall be complete as of the 20th day after such general election; and a year end report shall be filed no later than January 31 of the following calendar year. 2 U.S.C. § 434 (a) (4) (B).

The Act requires that every political committee shall have a treasurer, and that no contribution or expenditure shall be accepted or made by or on behalf of a political committee during any period in which the office of treasurer is vacant. No expenditure shall be made for or on behalf of a political committee without the authorization of the treasurer or his or her designated agent. 2 U.S.C. § 432 (a).

The Act further states that any change in information previously submitted in a statement of organization shall be reported in accordance with section 432 (g) no later than 10 days after the date of the change. 2 U.S.C. § 433 (c).

B. THE FACTS

The Nevada State Republican Central Committee ("the Committee") is a political committee that is not an authorized committee of a candidate. The Committee elected to file its reports with the Commission on a monthly basis.

On April 10, 1996, in a prior matter, the Committee entered into a conciliation agreement with the Commission for violation of 2 U.S.C. § 434(a)(4)(B), one of the violations at issue in this matter. There, the Committee had failed to timely file the 1994 Year End Report, which the Committee ultimately filed on June 8, 1995, 128 days late.

During the 1995-96 election cycle, Respondents were required to file, inter alia, monthly reports no later than the 20th day after the last day of each month, and the 1995 Year-End report no later than January 31, 1996. Respondents failed to timely file the following reports. The 1995 February Monthly report, which disclosed \$10,031 in receipts and \$19,260 in disbursements, was not filed until September 5, 1995, 197 days late. The 1995 March Monthly report, which disclosed \$14,219 in receipts and \$3,736 in disbursements, was not filed until

November 20, 1995, 245 days late. The 1995 April Monthly report, which disclosed \$3,200 in receipts and \$9,910 in disbursements, was not filed until November 20, 1995, 214 days late. The 1995 May Monthly report, which disclosed \$3,665 in receipts and \$15,356 in disbursements, was not filed until November 20, 1995, 184 days late. The 1995 June Monthly report, which disclosed \$17,111 in receipts and \$6,613 in disbursements, was not filed until November 20, 1995, 153 days late. The 1995 July Monthly report, which disclosed \$25,205 in receipts and \$15,935 in disbursements, was not filed until November 20, 1995, 123 days late. The 1995 August Monthly report, which disclosed \$9,848 in receipts and \$13,141 in disbursements, was not filed until March 1, 1996, 194 days late. The 1995 September Monthly report, which disclosed \$67,406 in receipts and \$26,737 in disbursements, was not filed until April 1, 1996, 194 days late. The 1995 October Monthly report, which disclosed \$108,660 in receipts and \$79,136 in disbursements, was not filed until May 13, 1996, 206 days late. The 1995 November Monthly report, which disclosed \$136,900 in receipts and \$87,825 in disbursements, was not filed until May 28, 1996, 190 days late. The 1995 December Monthly report, which disclosed \$127,842 in receipts and \$101,673 in disbursements, was not filed until May 28, 1996, 160 days late. The 1995 Year End report, which disclosed \$8,812 in receipts and \$123,009 in disbursements, was not filed until June 6, 1996, 127 days late. The 1996 February Monthly report, which disclosed \$106,599 in receipts and \$56,943 in disbursements, was not filed until May 13, 1996, 83 days late. The 1996 March Monthly report, which disclosed \$44,820 in receipts and \$44,784 in disbursements, was not filed until May 13, 1996, 54 days late. The 1996 April Monthly report, which disclosed \$40,750 in receipts and \$46,197 in disbursements, was not filed until May 13, 1996, 23 days late.

In sum, these reports were filed between 23 and 245 calendar days late. It appears that mismanagement of the Committee due to several changes in the office of the treasurer during the 1995-1996 election cycle caused chronic late filings by the committee.

Prior notices were mailed to the Committee informing it of the due dates for filing each of the reports at issue. Following each of the due dates, separate non-filer notices for each of the reports, except for the 1996 April report, were mailed to the Committee stating it failed to file the reports at issue and advising it to file the reports immediately. Although the Committee was given prior notice of when to file reports, it continued to submit reports after their due dates. Therefore, this Office recommends the Commission find reason to believe respondents violated 2 U.S.C. § 434 (a) (4) (B).

As noted previously, pursuant to 2 U.S.C. § 432 (a), no contribution or expenditure shall be accepted or made by or on behalf of a political committee during any period in which the office of treasurer is vacant. Upon reviewing several disclosure reports, this Office discovered that respondents received contributions and made expenditures during two separate time periods without having a treasurer in office. Specifically, the treasurer's position was vacant from April 17, 1995 through June 23, 1995. During that time, as the Committee's 1995 April, May and June disclosure reports indicate, the Committee continued to receive contributions and make expenditures without authorization of a treasurer. The treasurer's position was vacant again from August 7, 1995 through August 26, 1995, during which time the Committee again improperly received contributions and made disbursements. Based on the foregoing, this Office recommends that the Commission find reason to believe respondents violated 2 U.S.C. § 432 (a).

In addition, during the course of reviewing this referral, this Office discovered that respondents also failed to submit an amended Statement of Organization in a timely manner reflecting that a change in the treasurer occurred. According to the RAD referral, an analyst phoned Mr. Bob Beers, the Committee's treasurer of record, on March 16, 1995, and spoke with his secretary, who informed the analyst that Mr. Beers had resigned as treasurer. In response, the analyst advised, inter alia, that the Committee should notify the Commission of the change in treasurer as soon as possible. The respondents notified the Commission of the resignation of Mr. Beers from the office of treasurer in a letter dated March 31, 1995, that was not received by the Commission until April 17, 1995. Inasmuch as the Committee was required to report this change no later than 10 days after the date of the change, which apparently occurred on March 16, 1995, at the latest, this Office recommends that the Commission find reason to believe the respondents violated 2 U.S.C. § 433 (c).