



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 16, 1999

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois G. Lerner *LL*
Associate General Counsel

SUBJECT: MUR 4648 – Request for Extension of Time

On September 13, 1999, counsel for Respondents New York Republican Federal Campaign Committee and Michael Avella, as treasurer; William D. Powers; and Jeffrey T. Buley submitted a request for a 30-day extension of time in which to respond to the General Counsel's Brief in the above-captioned matter. Attachment 1. Counsel notes that the initial 15-day period was set to expire on September 22, 1999, and that the requested 30-day extension would result in a new due date for a responsive brief of October 21, 1999.

On September 15, 1999, staff of this Office contacted counsel to discuss a waiver of the statute of limitations in exchange for agreeing to extend the period of time in which counsel could file a responsive brief. Counsel stated that the Respondents would not waive application of the statute of limitations for any period of time. Although several of the violations in this matter occurred in 1996 and, thus, are not yet at the point where the statute of limitations is of immediate concern, the 1994 violations are coming close to their five year anniversary dates. Granting the requested extension without requiring a waiver of the statute of limitations would ensure that the 1994 violations of Messrs. Buley and Powers would run up against the statute of limitations and jeopardize the Commission's ability to pursue the Committee for its 1994 violations before the statute runs.¹ Accordingly, this Office recommends that the Commission

¹ The five-year anniversary dates for the earliest violations are November 7, 1999 for the violations of 2 U.S.C. § 432(h)(1) by the Committee and Messrs. Buley and Powers, and December 13, 1999 for all other violations by the Committee. Assuming a timely submission, this Office would submit its report for the Commission to be considered for the September 30, 1999 Executive Session. Anything later, assuming probable cause to believe findings by the Commission, would cause statutorily-mandated conciliation efforts to progress past the time when the statute of limitations would expire. Respondents requests for an extension, absent any waiver of the statute of limitations, would also potentially affect civil enforcement of the Committee's 1994 reporting violations. As noted above, there are no statute of limitations concerns with respect to 1996 election cycle activity involving the same Respondents.

reject the request for an extension of time of Respondents New York Republican Federal Campaign Committee and Michael Avella, as treasurer; William D. Powers; and Jeffrey T. Buley to file a responsive brief in this matter.

RECOMMENDATIONS

Deny the Request for an Extension of Time of Respondents New York Republican Federal Campaign Committee and Michael Avella, as treasurer; William D. Powers; and Jeffrey T. Buley and approve the appropriate letter.

Attachment

1. Request for Extension of Time

Staff Assigned: Tony Buckley