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May 11, 1999

VIA FACSIMILE AND FIRST CLASS MAIL

Donald E. Campbell, Esq.
Attorney
Federal Election Commission
Office of the General Counsel
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 4752

Dear Mr. Campbell:

I am writing on behalf of my client, the Democratic Party of New Mexico ("DPNM"), and Thomas Atcitty, as Treasurer, in the above referenced MUR. In this matter, the Republican Party of New Mexico filed a complaint with the Commission alleging that the DPNM "knowingly and willfully failed to file disclosure reports required by law..." Specifically, the DPNM was alleged to have failed to file its 1998 April Quarterly Report and a 1998 Pre-Primary Report. The Commission has found reason to believe that the DPNM violated 2 § 434(a)(4)(A)(i) by filing its April Quarterly Report 48 days late. The Commission found no reason to believe that the DPNM violated 2 U.S.C. § 434(a)(4)(A)(ii).

The DPNM does not dispute the facts in this matter. The committee has acknowledged that it had not filed its Quarterly Report by April 15, 1998. However, the DPNM vehemently disputes the complainant's accusations that this failure to file the report was "knowing and willful." The DPNM takes its reporting obligations with the FEC very seriously. Other than this report, the DPNM has not failed to meet any other filing deadline for any other regularly scheduled report required by the FEC.

Furthermore, under the leadership of its current and former Chairs, Diane Denish and Senator Fred Harris, the party has expended significant funds to retain the services of a professional certified public accountant who has received special training with respect to the requirements of the Federal Election Campaign Act in order to ensure accurate, professional and timely reporting by the DPNM. Indeed, Mr. Atcitty's explanation for not filing the 1998 Quarterly Report reflects no intention to purposefully thwart the Act's disclosure requirements. Once Mr. Atcitty became aware of the problem, steps were taken to immediately rectify the situation. As stated above, the DPNM has considerably upgraded its FEC compliance operations and are committed to timely and accurate reporting.

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The DPNM has already undertaken great expense to rectify any problems that may have been the cause of the late filing of the April, 1998 report.

I look forward to discussing this matter with you.

Sincerely,


Neil Reiff