



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 24, 1999

Neil Reiff, Esq.
Sandler & Reiff, P.C.
6 E Street SE
Washington, DC 20436

Re: MUR 4752
Democratic Party of New Mexico
Thomas Atcitty, as treasurer

Dear Mr. Reiff:

On June 15, 1999, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of violations of 2 U.S.C. §§ 434(a)(4)(A)(i), provisions of the Federal Election Campaign Act of 1971, as amended. 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.

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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) 694-1650.

Sincerely,



Donald E. Campbell
Paralegal Specialist

Enclosure
Conciliation Agreement

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FEDERAL ELECTION
COMMISSION
OFFICE OF FEDERAL
COUNSEL

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Democratic Party of New Mexico)
and Thomas Atcitty, as treasurer)

JUN 7 4 23 PM '99
MUR 4752

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by John Dendahl, Chairman of the Republican Party of New Mexico. The Commission found reason to believe that the Democratic Party of New Mexico and Thomas Atcitty, as treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(4)(A)(i).

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. The Democratic Party of New Mexico is a political committee within the meaning of 2 U.S.C. § 431(4), and is not an authorized committee of any candidate. It has elected to report on a quarterly basis.

2. Thomas Atcitty is the treasurer of the Democratic Party of New Mexico.

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3. The Federal Election Campaign Act of 1971, as amended, requires treasurers of political committees, other than authorized committees of a candidate, to file periodic reports of receipts and disbursements. In any calendar year in which a regularly scheduled election is held, all political committees that choose not to file on a monthly basis shall file quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter.

2 U.S.C. § 434(a)(4)(A)(i).

4. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), the due date for the DPNM's 1998 April Quarterly Report was April 15, 1998. The DPNM filed the Report on June 2, 1998, 48 days late, disclosing receipts totaling \$65,820 and disbursements of \$53,431. The DPNM subsequently amended these figures, listing total receipts of \$72,030 and disbursements of \$83,059.

V. Respondents failed to timely file their 1998 April Quarterly Report, in violation of 2 U.S.C. § 434(a)(4)(A)(i).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of one-thousand five-hundred dollars (\$1,500), 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 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.

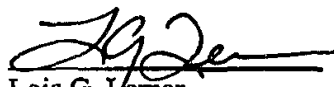
IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

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

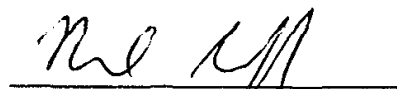
BY:


Lois G. Lerner
Associate General Counsel

Date

6/23/99

FOR THE RESPONDENTS:


(Name) Neil Ruff
(Position) Counsel

Date

6/4/99