



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 4773

DATE FILMED 8/21/98 CAMERA NO. 2

CAMERAMAN EES

98043894785

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: April 8, 1998

ANALYST: SCOTT FRANCIS

I. COMMITTEE: Employees Federal PAC-Duke Power Company
(C00083535)
Phyllis T. Simpson, Treasurer
(1/16/97-present)
Christin Jarvis Juvier, Treasurer
(Pre-1/1/97 - 1/15/97)
422 South Church Street, PB05E
Charlotte, NC 28242

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(4)(B)
11 CFR §104.5(c)(3)

III. BACKGROUND:

Failure to Timely File the 1997 October Monthly Report

The Employees Federal PAC-Duke Power Company ("the Committee") failed to timely file the 1997 October Monthly Report. The Committee was notified of the filing date for the 1997 October Monthly Report in the Prior Notices mailed to the Committee on December 30, 1996 and February 14, 1997 (Attachment 2).

On November 19, 1997, a Non-Filer Notice was sent to the Committee via mailgram for failure to file the 1997 October Monthly Report (Attachment 3).

On January 29, 1998, the Reports Analysis Division ("RAD") analyst called to speak with the Treasurer, Phyllis Simpson. The RAD Analyst explained that the Committee needed to file the October, November and December Monthly Reports.

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EMPLOYEES FEDERAL PAC-DUKE POWER COMPANY
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

The Treasurer stated that the reports had been mailed on time. The Treasurer stated that copies of the reports would be sent (Attachment 4).

The Committee hand-delivered the 1997 October Monthly Report on February 25, 1998 (Attachment 5), with a cover letter stating that the report had been filed previously.

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FEDERAL ELECTION COMMISSION
1997-1998
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

Attachment 1
Page 1 of 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION TYPE OF FILER
EMPLOYEES FEDERAL PAC - DUKE POWER COMPANY				TO 8C0003535		NON-PARTY QUALIFIED
CONNECTED ORGANIZATION: DUKE POWER COMPANY						
	1997 STATEMENT OF ORGANIZATION - ANNUAL			22JAN97	2	97FEC/168/2099
	FEBRUARY MONTHLY	0	0	1JAN97 - 31JAN97	3	97FEC/105/4587
	REQUEST FOR ADDITIONAL INFORMATION			1JAN97 - 31JAN97	2	97FEC/242/4000
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN97 - 31JAN97	2	97FEC/247/2499
	MARCH MONTHLY	6,150	4,900	1FEB97 - 28FEB97	4	97FEC/192/0019
	APRIL MONTHLY	0	5,000	1MAR97 - 31MAR97	4	97FEC/197/4099
	REQUEST FOR ADDITIONAL INFORMATION			1MAR97 - 31MAR97	1	97FEC/242/4005
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1MAR97 - 31MAR97	2	97FEC/247/2496
	MAY MONTHLY	0	3,900	1APR97 - 30APR97	4	97FEC/210/1119
	NOTICE OF FAILURE TO FILE			1APR97 - 30APR97	2	97FEC/230/1303
	REQUEST FOR ADDITIONAL INFORMATION			1APR97 - 30APR97	2	97FEC/242/4006
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1APR97 - 30APR97	2	97FEC/247/2490
	JUNE MONTHLY	0	0	1MAY97 - 31MAY97	4	97FEC/230/1110
	JULY MONTHLY	9,000	7,500	1JUN97 - 30JUN97	4	97FEC/216/3532
	REQUEST FOR ADDITIONAL INFORMATION			1JUN97 - 30JUN97	2	97FEC/242/4700
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUN97 - 30JUN97	3	97FEC/247/2500
	AUGUST MONTHLY	0	0	1JUL97 - 31JUL97	3	97FEC/234/4330
	SEPTEMBER MONTHLY	0	1,750	1AUG97 - 31AUG97	4	97FEC/241/0009
	OCTOBER MONTHLY	0	2,000	1SEP97 - 30SEP97	4	97FEC/204/1309
	NOTICE OF FAILURE TO FILE			1SEP97 - 30SEP97	2	97FEC/251/4393
	NOVEMBER MONTHLY	320	500	1OCT97 - 31OCT97	4	97FEC/204/1300
	NOTICE OF FAILURE TO FILE			1OCT97 - 31OCT97	1	97FEC/256/4403
	DECEMBER MONTHLY	0	2,000	1NOV97 - 30NOV97	4	97FEC/204/1206
	NOTICE OF FAILURE TO FILE			1NOV97 - 30NOV97	2	97FEC/204/1051
	YEAR-END	10,000	0	1DEC97 - 31DEC97	3	97FEC/204/1203
	NOTICE OF FAILURE TO FILE			1JUL97 - 31DEC97	2	97FEC/204/4091
	REQUEST FOR ADDITIONAL INFORMATION			1DEC97 - 31DEC97	2	97FEC/204/1017
1998 MISCELLANEOUS NOTICE FROM FEC				20MAR98	3	97FEC/204/2046
	FEBRUARY MONTHLY	0	0	1JAN98 - 31JAN98	4	97FEC/204/1209
	MARCH MONTHLY	0	0	1FEB98 - 28FEB98	3	97FEC/204/4509
	TOTAL	33,500	0 26,750 0		04	TOTAL PAGES

All reports reviewed, except 1998 March Monthly Report.
Ending cash-on-hand as of 2/28/98: \$19,524.29
Outstanding debts owed to the Committee: \$0.00
Outstanding debts owed by the Committee: \$0.00

YEAR-END REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

December 30, 1996

QUARTERLY AND MONTHLY FILERS

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Year-End	11/26/96 - 12/31/96	01/31/97	01/31/97

WHO MUST FILE

All party committees and PACs (nonconnected committees and separate segregated funds) must file a Year-End Report.

LABEL

Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

COMPLIANCE

Treasurers of political committees are responsible for filing all reports on time. Failure to do so is subject to enforcement action. Committees filing illegible reports or using non-FEC forms (except for FEC approved computer generated forms) will be required to refile.

*These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the mailing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

**Reports sent registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

(over)

PARTIES AND PACS

YEAR-END

1997 REPORTING SCHEDULE
PARTIES AND PACS*

I. SEMIANNUAL FILERS**

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE***	FILING DATE
Mid-Year	01/01/97 - 06/30/97	07/31/97	07/31/97
Year-End	07/01/97 - 12/31/97	01/31/98	01/31/98

II. MONTHLY FILERS

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE***	FILING DATE
February	01/01/97 - 01/31/97	02/20/97	02/20/97
March	02/01/97 - 02/28/97	03/20/97	03/20/97
April	03/01/97 - 03/31/97	04/20/97	04/20/97
May	04/01/97 - 04/30/97	05/20/97	05/20/97
June	05/01/97 - 05/31/97	06/20/97	06/20/97
July	06/01/97 - 06/30/97	07/20/97	07/20/97
August	07/01/97 - 07/31/97	08/20/97	08/20/97
September	08/01/97 - 08/31/97	09/20/97	09/20/97
October	09/01/97 - 09/30/97	10/20/97	10/20/97
November	10/01/97 - 10/31/97	11/20/97	11/20/97
December	11/01/97 - 11/30/97	12/20/97	12/20/97
Year-End	12/01/97 - 12/31/97	01/31/98	01/31/98

*Committees that wish to change their filing status must notify the Commission in writing when they file their next report due under their current reporting schedule.

**Committees that filed quarterly reports in 1996 are only required to file semiannually in 1997.

***Reports sent registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

FOR MORE INFORMATION CALL: 800/424-9530 OR 202/219-3420

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MONTHLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

February 14, 1997

WHO MUST FILE

Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) filing on a monthly basis must file **Monthly Reports** in 1997.

REPORTING DATES

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
February	01/01/97 - 01/31/97	02/20/97	02/20/97
March	02/01/97 - 02/28/97	03/20/97	03/20/97
April	03/01/97 - 03/31/97	04/20/97	04/20/97
May	04/01/97 - 04/30/97	05/20/97	05/20/97
June	05/01/97 - 05/31/97	06/20/97	06/20/97
July	06/01/97 - 06/30/97	07/20/97	07/20/97
August	07/01/97 - 07/31/97	08/20/97	08/20/97
September	08/01/97 - 08/31/97	09/20/97	09/20/97
October	09/01/97 - 09/30/97	10/20/97	10/20/97
November	10/01/97 - 10/31/97	11/20/97	11/20/97
December	11/01/97 - 11/30/97	12/20/97	12/20/97
Year-End	12/01/97 - 12/31/97	01/31/98	01/31/98

24 HOUR REPORT ON INDEPENDENT EXPENDITURES

Any PAC that makes independent expenditures in connection with a special election may have to file a 24 hour report. This reporting requirement will be triggered if the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 25 days before the election.

*These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

** Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

(over)

CHANGE IN FILING FREQUENCY

Committees wishing to change their reporting schedule (for example, from monthly semiannual) must notify the Commission in writing when they file their next report their current reporting schedule. Committees may change their filing frequencies no more than once per calendar year.

LABEL

Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

ELECTRONIC FILING

As of January 1, 1997, political committees have the option of filing their reports electronically. If you are interested in this option, review the enclosed handout entitled "Electronic Filing Gets Underway at FEC," and call the Data Division at (800) 424-9530 or (202) 219-3730.

COMPLIANCE

Treasurers of political committees are responsible for filing all reports on time. Failure to do so is subject to enforcement action. Committees filing illegible reports or using non-FEC forms (except for FEC approved computer generated forms) will be required to refile.

9 8 0 4 3 8 9 4 7 9 2

NOV 19 1997

CONFIRMATION OF MAILGRAM

ELECTRONIC MAIL SERVICES
TO: EMPLOYEES FEDERAL PAC - DUKE POWER CO.
PHYLLIS T SIMPSON
422 S CHURCH ST # P805E
CHARLOTTE NC 28242-0001

FEDERAL ELECTION COMMISSION
SHAWN WERTH
999 E ST. NW.
WASHINGTON DC 204630001

IDENTIFICATION NUMBER: C00083535

REFERENCE: OCTOBER MONTHLY (09/01/1997 - 09/30/1997)

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED. YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATE FOR THIS REPORT.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. A COPY OF THE REPORT OR RELEVANT PORTIONS SHOULD ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER.

ALTHOUGH THE COMMISSION MAY INITIATE AN AUDIT OR LEGAL ENFORCEMENT ACTION CONCERNING THIS MATTER, YOUR PROMPT RESPONSE AND A LETTER OF EXPLANATION WILL BE TAKEN INTO CONSIDERATION.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT SCOTT A. FRANCIS ON OUR TOLL FREE NUMBER (800)424-9530. OUR LOCAL NUMBER IS (202)219-3580.

SINCERELY,

JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

TELECON

ANALYST: Scott Francis

CONVERSATION WITH: Phyllis Simpson

COMMITTEE: Employees Federal PAC - Duke Power Company

DATE: 1/29/98

SUBJECT: Informed the treasurer that the October, November, and December Monthly reports had not been filed with the FEC. The Treasurer stated that they had been sending the reports. She said she would send copies of the missing reports.

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REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)Attachment 5
Page 1 of 2REC
FEDERAL
COMMISSION

FEB 25 9 16 AM '98

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) Employees Federal PAC - Duke Power Co		2. FEC IDENTIFICATION NUMBER C00021535
ADDRESS (number and street) ☐ Check if different than previously reported 422 S. Church St.		
CITY, STATE and ZIP CODE Charlotte, NC 28242		
3. ☒ This committee has qualified as a multicandidate committee. (see FEC FORM 1M)		

4. TYPE OF REPORT

(a) ☐ April 15 Quarterly Report☐ July 15 Quarterly Report☐ October 15 Quarterly Report☐ January 31 Year End Report☐ July 31 Mid Year Report (Non-election Year Only)☐ Termination Report

Monthly Report Due On:

☐ February 20	☐ June 20	☒ October 20
☐ March 20	☐ July 20	☐ November 20
☐ April 20	☐ August 20	☐ December 20
☐ May 20	☐ September 20	☐ January 31

☐ Twelfth day report preceding _____
(Type of Election)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election on _____
in the State of _____

(b) Is this Report an Amendment?

☐ YES ☒ NO

SUMMARY	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>9/1/97</u> through <u>9/30/97</u>		
6. (a) Cash on Hand January 1, 19 <u>97</u>		\$ 12,724.29
(b) Cash on Hand at Beginning of Reporting Period	\$ 5,704.29	
(c) Total Receipts (from Line 10)	\$ 0	\$ 15,230.00
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(d) for Column B)	\$ 5,704.29	\$ 27,954.29
7. Total Disbursements (from Line 20)	\$ 2,000.00	\$ 24,250.00
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 3,704.29	\$ 3,704.29
9. Debts and Obligations Owed TO the Committee (Report all on Schedule C and/or Schedule D)	\$ —	
10. Debts and Obligations Owed BY the Committee (Report all on Schedule C and/or Schedule D)	\$ —	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer
Phyllis T. Simpson

Signature of Treasurer
Phyllis T. Simpson

Date
10/10/97

For further information contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20545
Toll Free 800-426-6520
Local 202-693-6420

WARNING: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 1901.

RECEIVED
FEDERAL ELECTION
COMMISSION : FEB 20 1998

February 24, 1998

FEB 25 9 16 AM '98

Public Records Office
Federal Election Commission
999 E Street NW
Washington, DC 20463

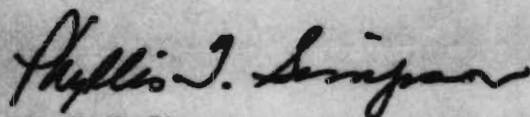
Re: Employees Federal PAC - Duke Power Company

Enclosed are reports for September, October, November, December 1997 (duplicate originals with original signature). Also enclosed is the report for January 1998.

The September, October and November reports were mailed earlier and I made duplicate originals for this mailing since they weren't received by you.

The PAC is in the process of searching for someone to replace me as Treasurer and we will notify you as soon as that happens.

If you have questions about these reports, please call me at 704/382-7229, FAX: 704/382-5600 or address to: Phyllis T. Simpson, Duke Energy Corporation, (PB03D), P. O. Box 1244, Charlotte, NC 28201-1244.



Phyllis T. Simpson
Treasurer

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

JUL 10 12 03 PM '98

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD REFERRAL: 98NF-06
DATE ACTIVATED: 5/26/98

STAFF MEMBER: JC Scott

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Employees Federal PAC - Duke Power Co.

RELEVANT STATUTE(S): 2 U.S.C. § 434(a)(4)(B)
11 CFR § 104.5(e)(3)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD") on April 8, 1998. The basis for the referral is the failure of Employees Federal PAC-Duke Power Company ("the Committee") and Phyllis T. Simpson, Treasurer, to timely file the 1997 October Monthly Report.

II. FACTUAL AND LEGAL ANALYSIS

This Office recommends the Commission find reason to believe the respondents violated 2 U.S.C. § 434(a)(4)(B). Additionally, this Office recommends that the Commission admonish respondents and take no further action with respect to their violations.

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires all political committees other than authorized committees of a candidate to file monthly reports in

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all calendar years which 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 in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph 2(A)(ii), 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 Employees Federal PAC-Duke Power Company 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.

Respondents failed to timely file the October 1997 Monthly Report. They were required to file the October Monthly Report no later than October 20, 1997. Their October Monthly Report was filed 129 days late on February 25, 1998, and disclosed \$0 in receipts and \$2000.00 in disbursements. Respondents had been mailed prior notices on December 30, 1996 and February 14, 1997 notifying them of the filing date for the 1997 October Monthly Report. Respondents claim that they mailed the October Monthly Report on time. However, although respondents were mailed a non-filer notice on November 19, 1997 indicating that the October Report had not been received, they did not offer any explanation for the delayed submission until contacted by phone by the Reports Analysis Division, and did not submit the October Monthly Report until February 25, 1998. Therefore, there is reason to believe respondents violated 2 U.S.C. § 434(a)(4)(B).

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III. RECOMMENDATIONS

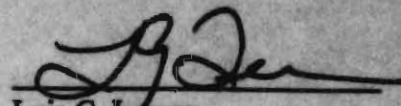
1. Open a MUR.
2. Find reason to believe Employees Federal PAC-Duke Power Company and Phyllis T. Simpson, as treasurer, violated 2 U.S.C. § 434(a)(4)(B).
3. Take no further action and close the file.
4. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date

7/10/98

BY:


Lois G. Lerner
Associate General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Employees Federal PAC - Duke Power Co.

)
) RAD Referral
) #98NF-06

MUR 4773

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 15, 1998, the Commission decided by a vote of 5-0 to take the following actions in RAD Referral #98NF-06:

1. Open a MUR.
2. Find reason to believe Employees Federal PAC-Duke Power Company and Phyllis T. Simpson, as treasurer, violated 2 U.S.C. § 434(a)(4)(B).
3. Take no further action and close the file.
4. Approve the appropriate letter, as recommended in the General Counsel's Report dated July 10, 1998.

Commissioners Aikens, Elliott, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

7-16-98
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Fri., July 10, 1998 12:03 p.m.
Circulated to the Commission: Mon., July 13, 1998 11:00 a.m.
Deadline for vote: Thurs., July 16, 1998 4:00 p.m.

lrd



FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 31, 1998

Employees Federal PAC - Duke Power Co.
Phyllis T. Simpson, Treasurer
422 S. Church St. PB05E
Charlotte, NC 28242-0001

RE: MUR 4773

Dear Ms. Simpson:

On July 15, 1998, the Federal Election Commission found reason to believe that Employees Federal PAC-Duke Power Company and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file.

The Commission reminds you that failure to timely file monthly reports is a violation of 2 U.S.C. § 434(a)(4)(B). You should take steps to ensure that this activity does not occur in the future.

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.

If you have any questions, please contact JC Scott, the staff member assigned to this matter, at (202) 694-1650.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosure
First General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

THIS IS THE END OF MUR # 4773

DATE FILMED 7/21/98 CAMERA NO. 2

CAMERAMAN SES

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