

FEB 6 2003

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

) MUR 4789

Democratic Party of New Mexico)

and Judy Baker, as Treasurer)

) MUR 5340

GENERAL COUNSEL'S REPORT #2

I. ACTIONS RECOMMENDED:

Accept the attached conciliation agreement and close the file with respect to all Respondents.

II. BACKGROUND

On December 11, 2002, the Commission found reason to believe in MUR 4789 that the Democratic Party of New Mexico ("Committee") and Judy Baker, as treasurer (together, "Respondents"), violated 2 U.S.C. § 434(b)(8) by failing to accurately report its debt in financial reports that it filed with the Commission.¹ The Commission also found reason to believe in MUR 5340 that the Respondents violated 2 U.S.C. § 441a(f) by accepting contributions in excess of the limitations set forth in the Federal Election Campaign Act of 1971, as amended ("Act").² The Commission approved a proposed conciliation agreement in these matters

¹ MUR 4789 was generated from a complaint filed by the Republican Party of New Mexico on August 14, 1998.

² MUR 5340 was generated from an audit referral.

III. DISCUSSION

For these reasons, this Office recommends that the Commission accept
the attached conciliation agreement and close the file as to all Respondents.⁶

⁶ In the First General Counsel's Report, this Office recommended that the Commission "take no action at this time" with regard to four individual respondents – Thomas Atcitty, Joseph Cervantes, Earl Potter and Ray D. Sena, who

IV. RECOMMENDATIONS

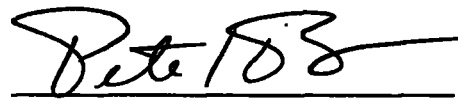
1. Accept the attached conciliation agreement with the Democratic Party of New Mexico, and Judy Baker, as Treasurer;
2. Close the file as to all Respondents; and
3. Approve the appropriate letters.

Lawrence H. Norton
General Counsel

Date: 2/6/83

BY:


Gregory R. Baker
Acting Associate General Counsel


Peter G. Blumberg
Acting Assistant General Counsel


Daniel E. Pollner
Attorney

Attachment:

1. Proposed Conciliation Agreement

were Committee officers when the erroneous reports were filed. This Office made that recommendation so that conciliation efforts could be focused on the Committee and its current treasurer in accordance with Commission practice. Since we have reached on a fair conciliation agreement with the Committee and its current treasurer, this Office recommends that the Commission, upon its acceptance of the attached conciliation agreement, close this matter as to all Respondents, including these four individuals.