



FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 27, 1998

Linas K. Cesonis, Treasurer
Kansas City Southern Industries, Inc.
Employees Political Action Committee
114 West 11th Street
Kansas City, MO 64105

RE: MUR 4832

Dear Mr. Cesonis:

On October 23, 1998, the Federal Election Commission found that there is reason to believe that the Kansas City Southern Industries, Inc. Employees Political Action Committee (the "Committee") 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"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation, and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

Linus K. Cesonis, Treasurer
Kansas City Southern Industries, Inc.
Employees Political Action Committee
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If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Robert Knop, the staff member assigned to this matter, at (202) 694-1650.

Sincerely,



Scott E. Thomas
Acting Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Kansas City Southern Industries, Inc.
 Employees Political Action Committee and
 Linas K. Cesonis, as treasurer

MUR: 4832

This matter was generated based on information ascertained by the Federal Election Commission (the "Commission") in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2).

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, all political committees that choose to file on a monthly basis shall file monthly reports which shall be filed no later than the 20th day after the last day of the calendar month. 2 U.S.C. § 434(a)(4)(B).

The Kansas City Southern Industries, Inc. Employees Political Action Committee (the "Committee") is a political committee not authorized by any candidate and has elected to report on a monthly basis. Pursuant to 2 U.S.C. § 434(a)(4)(B), the due date for the Committee's 1998 March Monthly Report was March 20, 1998; the due date for the Committee's 1998 April Monthly Report was April 20, 1998; and the due date for the Committee's 1998 May Monthly Report was May 20, 1998.

The Committee was notified on December 29, 1997, and February 13, 1998, that the 1998 March Monthly Report was due on March 20, 1998. On June 16, 1998, the Committee

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filed its 1998 March Monthly Report, eighty-eight (88) days late, disclosing receipts totaling \$139.69 and disbursements totaling \$3,000.

The Committee was notified on December 29, 1997, and February 13, 1998, that the 1998 April Monthly Report was due April 20, 1998. On June 16, 1998, the Committee filed its 1998 April Monthly Report, fifty-seven (57) days late, disclosing receipts totaling \$15,265 and disbursements totaling \$5,250.

The Committee was notified on December 29, 1997, and February 13, 1998, that the 1998 May Monthly Report was due May 20, 1998. On June 16, 1998, the Committee filed its 1998 May Monthly Report, twenty-seven (27) days late, disclosing receipts totaling \$15,049.46 and disbursements totaling \$9,500.

Therefore, there is reason to believe that the Kansas City Southern Industries, Inc. Employees Political Action Committee and Linas K. Cesonis, as treasurer, violated 2 U.S.C. § 434(1)(4)(B).