



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

November 12, 1998

Roger C. Myers, Jr., Treasurer  
AOPA Legislative Action PAC  
500 E St. SW, Suite 250  
Washington, DC 20024

RE: MUR 4858

Dear Mr. Myers:

On November 4, 1998, the Federal Election Commission found that there is reason to believe the AOPA Legislative Action PAC ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), 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.

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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 Stephanie Watson, the paralegal 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**

RESPONDENT: AOPA Legislative Action PAC and  
Roger C. Myers, Jr., as Treasurer

MUR: 4858

**I. GENERATION OF MATTER**

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 ("the Act"), requires all political committees other than authorized committees of a candidate file monthly reports in all calendar years which shall be filed no later than the 20<sup>th</sup> 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), 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 AOPA Legislative Action PAC ("the Committee") 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.

99-04-391-0576

The respondents failed to timely file the 1998 April Monthly Report. Respondents were required to file the 1998 April Monthly Report no later than April 20, 1998. The 1998 April Monthly Report was filed 49 days late on June 8, 1998, and disclosed \$23,054 in receipts and \$65,357 in disbursements. Respondents were mailed prior notices on December 29, 1997 and February 13, 1998 notifying them of the due date for filing the 1998 April Monthly Report.

Therefore, there is reason to believe that AOPA Legislative Action PAC And Roger C. Myers, Jr., as treasurer, violated 2 U.S.C. § 434(a)(4)(B).

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