



AOPA LEGISLATIVE ACTION

500 E Street, SW • Suite 250 • Washington, DC 20024
Telephone (202) 479-4050 • FAX (202) 484-1312

1022 10/11/98

December 17, 1998

MUR 4858

April J. Sands, Attorney
General Counsel's Office
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Dear Ms. Sands:

Thank you for the opportunity to provide additional information to you in support of our position that the AOPA Legislative Action PAC did not violate the Federal Election Campaign Act by filing its 1998 April Monthly Report late.

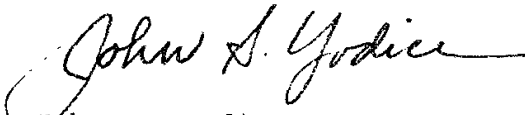
Enclosed please find Mr. James Hurst's affidavit. You will see that he affirms that he placed the AOPALA PAC report in the same envelope as the AOPA PAC report and mailed the envelope to the Commission on April 20, 1998. Mr. Hurst states that he never mailed a second copy of the report to the Commission and so the report the Commission date stamped June 8, 1998 must be the report he mailed on April 20, 1998. And finally, he swears that just prior to mailing the report to the Commission, he made five copies of it and mailed these copies to various state officials in states where the PAC supported candidates. We have confirmed with several of these states that they received the AOPALA PAC report within several of days the April 20th mailing. We were unable to get the other states to confirm by phone or by mail whether they received the report on time. I have enclosed copies of the date stamped state filings where James was able to obtain them and copies of the mailing return receipts.

I suggest these facts establish that the AOPALA PAC 1998 April Monthly Filing was timely filed and received by the Commission on April 24, 1998. It was probably because the AOPALA PAC report was included with the AOPA PAC 1998 April Monthly Report that the proper examiner at the Commission did not receive the report until after April.

April J. Sands
December 17, 1998
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Please let me know if there is any additional information that I may provide to you to assist the Commission in determining that there has been violation of FECA. If you have any questions relating to this matter, please contact me or my associate Caroline Conway at 202-863-1000.

Sincerely,


John S. Yodice

Enclosures

James Hurst's Affidavit
Copy of Date Stamped State Filings
Copy of Certificate of Mailing of April Report to States
Copy of Return Receipt of Mailing of April Report to States

09 JAN 29 1999

AFFIDAVIT OF JAMES HURST

I, James Hurst, hereby declare and state:

1. I am the assistance treasurer of the AOPA Legislative Action (hereinafter "AOPALA") PAC, FEC ID #C00309856. I am an employee of the Aircraft Owners and Pilots Association in its Accounting Department. One of my responsibilities is to maintain the financial records for the AOPALA PAC.

2. It was my duty to compile the data for the AOPALA PAC monthly report that was due on April 20, 1998 (hereinafter "1998 April Monthly Report"), to complete the required report forms, and present the completed report to Treasurer Roger Myers. I completed the AOPALA PAC monthly report and gave it to Roger Myers for review and signature prior to April 20, 1998.

3. It was also my responsibility to complete the required 1998 April Monthly Report for another political action committee, the Aircraft Owners and Pilots Association PAC, FEC ID #C00131185. I accomplished this task simultaneously with the AOPALA PAC report.

4. I received both reports back from Roger Myers and placed both reports along with a cover letter for each report in an envelope addressed to the Federal Election Commission. I then caused the envelope to be delivered to the Frederick, Maryland Post Office. The envelope was sent by certified mail with a return receipt requested. I received the return receipt indicating the Commission received the envelope containing the two 1998 April Monthly Report at 11:34 AM on April 24, 1998.

5. I have no recollection of receiving, nor do AOPALA PAC files show that any notification was received from the Commission indicating that the report was not received until Roger Myers received Mr. Scott Thomas' November 12, 1998 "reason to believe" letter.

6. The Commission alleges that it received the AOPALA PAC's 1998 April Monthly Report via first-class mail on June 8, 1998.

However the report was never mailed to the Commission independently of the AOPA PAC's 1998 April Monthly Report except as an enclosure to John Yodice's November 23, 1998 response to the Commission. It would have been my responsibility to mail a second copy of this report and I never mailed the 1998 April Monthly Report to the Commission except on April 20, 1998.

7. It was also my responsibility to simultaneously mail copies of the 1998 April Monthly Report to the appropriate state officials of each state where a federal candidate supported by the Committee was running. After completing the report and obtaining Roger Myers' approval and signature but prior to mailing it to the Commission, I made several copies of the entire AOPALA PAC 1998 April Monthly Report. I put a copy of the AOPALA PAC report (and not the AOPA PAC report) in each of five envelopes and mailed each envelope via by certified mail with a return receipt requested to the appropriate officials in California, Illinois, Louisiana, Mississippi, and Virginia. Within approximately one week of the April 20 mailing, I received return receipts from each of these five states indicating that they received the envelope containing the report.

8. As a result of the Commission investigating this matter, I have attempted to contact each state to verify that their records show that they received the report at issue on time. Virginia and Illinois have confirmed to me that they received AOPALA PAC's 1998 April Monthly Report on time. I have enclosed date stamped copies I requested and received from Illinois and Virginia. Since the states received copies of the AOPALA PAC 1998 Monthly April Report on April 22nd (Virginia) and 23rd (Illinois), it follows that the report was completed in time to timely file the report with the Commission. I was unable to get any person from California, Louisiana, or Mississippi to review the state's records to determine whether the state received the 1998 April Monthly Report on time.


9. Based upon my independent recollection and a thorough review of the AOPALA PAC files, I am certain that I filed the AOPALA PAC's 1998 April Monthly Report on time. It was my pattern of practice to mail the AOPALA PAC report and the AOPA PAC report to the Commission in the same envelope. I followed this practice for the 1998 April Monthly Report. The Commission acknowledges receiving AOPA PAC's report on time. Additionally,

James Hurst Affidavit
December 18, 1998
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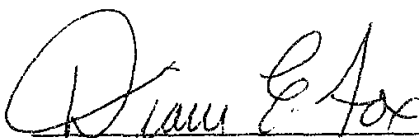
the Commission acknowledges receiving the AOPALA PAC report at issue on June 8, 1998. Since that report or a copy of that report was not mailed independently to the Commission (except as enclosure to John Yodice's November 23, 1998 letter), the report the Commission received in June must have been the report I mailed on April 20, 1998.

I SOLEMNLY AFFIRM under the penalties of perjury that the contents of the foregoing Affidavit are true to the best of my knowledge, information and belief.

Dated this 18th day of December, 1998


James Hurst
421 Aviation Way
Frederick, Maryland 21701

Sworn to and subscribed before me this 18th day of December, 1998.


Notary Public, State of Maryland
My commission expires 9/1/2000.



AIRCRAFT OWNERS AND PILOTS ASSOCIATION

421 Aviation Way • Frederick, MD 21701-4798
Telephone (301) 695-2000 • FAX (301) 695-2375
www.aopa.org

April 20, 1998

AOPA Legislative Action Political Action Committee
421 Aviation Way
Frederick, Maryland 21701

FEDERAL ID # C 00309856

Public Records Office
Federal Election Commission
999 E Street, NW.
Washington, D.C. 20463State Board of Election
Chicago, IL

Dear Sir/Madam:

Enclosed you will find the AOPA Legislative Action Political Action Committee FEC Monthly Report for March 1998. Also, attached are copies of letters that were sent out to contributors who did not supply the necessary information requested by the FEC.

If you have any question pertaining to this report, please call me at (301) 695-2066.

Sincerely,

James Hurst
Assistant Treasurer57
APR 23 1998

REPORT OF RECEIPTS AND DISBURSEMENTSFor Other Than An Authorized Committee
(Summary Page)#2
10:55USE FEC MAILING LABEL
OR
TYPE OF PRINT

1. NAME OF COMMITTEE (in full) AOPA/Legislative Action Political Action Committee		2. FEC IDENTIFICATION NUMBER C00309856
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported 421 Aviation Way		
CITY, STATE and ZIP CODE Frederick, MD 21701		
		3. <input checked="" type="checkbox"/> 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☐ March 20☒ April 20☐ May 20☐ June 20☐ July 20☐ August 20☐ September 20☐ October 20☐ November 20☐ December 20☐ January 31☐ 12-Day Pre-Election Report for the _____
(Type of Election)

election on _____ in the State of _____

☐ 30-Day Post-Election 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	3/1/98 through 3/31/98		
6. (a) Cash on Hand January 1, 1998			\$ 314,055.15
(b) Cash on Hand at Beginning of Reporting Period		\$ 342,790.91	
(c) Total Receipts (from Line 18)		\$ 23,054.42	\$ 119,748.80
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ 365,845.33	\$ 433,803.95
7. Total Disbursements (from Line 30)		\$ 65,357.24	\$ 133,315.86
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 300,488.09	\$ 300,488.09
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		\$ 1,244.00	For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-218-5420
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)		\$ 28,002.73	
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

Roger C. Myers, Jr. - Treasurer

Signature of Treasurer

Roger C. Myers, Jr.

Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

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FEC FORM 3X
(revised 9/93)

PS Form 3811, December 1991

PS Form 3811, December 1991 U.S. GPO: 1990-302-714

Domestic Return Receipt

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: *State Board of Elections*
100 West Randolph Street
STE 14-100
Chicago, Illinois
60601

4a. Article Number: *7324 872 354*

4b. Service Type: ☐ Registered ☒ Certified ☐ Insured ☐ Express Mail ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery: *APR 23 1998*

8. Addressee's Address (Only if requested and fee is paid):

5. Received By: (Print Name) *X Marie Holtz*

6. Signature: (Addressee or Agent) *X Marie Holtz*

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 U.S. GPO: 1990-302-714

Domestic Return Receipt

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: *Elections Division*
Office of the Secretary of State
PO Box 94125
Baton Rouge, LA
70804-94125

4a. Article Number: *7324 872 350*

4b. Service Type: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise ☐ Merchandise

7. Date of Delivery: *APR 23 1998*

8. Addressee's Address (Only if requested and fee is paid):

5. Signature (Addressee) *[Signature]*

6. Signature (Agent) *[Signature]*

PS Form 3811, December 1991 U.S. GPO: 1990-302-714

Domestic Return Receipt

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: *State Board of Elections*
200 North Ninth Street, Suite 101
Richmond VA 23219 3497

4a. Article Number: *7324 872 352*

4b. Service Type: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery: *APR 23 1998*

8. Addressee's Address (Only if requested and fee is paid):

5. Signature (Addressee) *[Signature]*

6. Signature (Agent) *[Signature]*

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 U.S. GPO: 1990-302-714

Domestic Return Receipt

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: *Political Research Division*
Office of the Secretary of State
1500 11th Street Room 4951
Sacramento, CA 95834

4a. Article Number: *7324 872 351*

4b. Service Type: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery: *APR 23 1998*

8. Addressee's Address (Only if requested and fee is paid):

5. Signature (Addressee) *[Signature]*

6. Signature (Agent) *[Signature]*

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Secretary of State
401 Mississippi Street
P.O. Box 136
Jackson, MS 39205-0136

4a. Article Number

Z 324 872 145

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery APR 13 1998

5. Received By: (Print Name)

Zynda Adams

6. Signature: (Addressee or Agent)

X [Signature]

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3841, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

Mississippi date stamped 4/13/98 but mailing not made until 4/20/98. Day of month must be incorrect. Received receipt within approximately one week of April 20.

Is your RETURN ADDRESS indicated on the reverse side?

SENDER: <ul style="list-style-type: none">• Complete items 1 and/or 2 for additional services.• Complete items 3, and 4a & b.• Print your name and address on the reverse of this form so that we can return this card to you.• Attach this form to the front of the mailpiece, or on the back if space does not permit.• Write "Return Receipt Requested" on the mailpiece below the article number.• The Return Receipt will show to whom the article was delivered and the date delivered.		<p>I also wish to receive the following services (for an extra fee):</p> <p>1. <input type="checkbox"/> Addressed Address</p> <p>2. <input type="checkbox"/> Restricted Delivery</p> <p>Consult postmaster for fee.</p>	
3. Article Addressed to: Public Records Office Federal Election Commission 999 E Street N W Washington, DC 20463		4a. Article Number 2889 743 925	
		4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise	
5. Signature (Addressee)		7. Date of Delivery	
6. Signature (Agent)		8. Addressee's Address (Only if requested and fee is paid)	

Thank you for using Return Receipt Service.



AOPA
421 AVIATION WAY
FREDERICK, MD 21701

Article Number	Name of Addressee, Street, and Post Office Address	Indicate type of mail			Check appropriate block for Registered Mail:			Affix stamp here if issued as certificate of mailing or for additional copies of this bill.				
		Registered	Insured	COD	Return Receipt For Merchandise	With Postal Insurance	Without Postal Insurance	Due Sender If COD	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee
324872350	Electrons Division											
	Office of the Secretary of State											
	PO Box 94125											
221	Baton Rouge, LA 70804-9125				1.01	1.35					1.10	
324872351	Political Reform Division											
	Office of the Secretary of State											
	1500 11th Street, Room 495											
221	SACRAMENTO, CA 95814				1.01	1.35					1.10	
324872352	STATE BOARD OF ELECTIONS											
	200 North Ninth Street											
	Suite 101											
221	Richmond, VA 23219-3497				1.01	1.35					1.10	



Year of Pieces Sender	Total Number of Pieces Received at Post Office	POSTMASTER, PER (Name of receiving employee)	The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional postal insurance. See Domestic Mail Manual 913 and 914 for limitations of coverage on insured and COD mail. See International Mail Manual for limitations of coverage on international mail. Special handling charges apply only to third and fourth class parcels.
	3		

Name and Address of Sender		Article Number		Name of Addressee, Street, and Post Office Address		Indicate type of mail		Check appropriate block for Registered Mail:		POSTMARK AND DATE OF RECEIPT		Affix stamp here if issued as certificate of mailing or for additional copies of this bill.									
Line						Registered	Insured	COD	Certified	Return Receipt For Merchandise	Int'l Recorded Del.	Express Mail	With Postal Insurance	Without Postal Insurance	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If COD	R. R. Fee	S. D. Fee	S. H. Fee
1	AOA 421 AVIATION WAY FREDERICK, MD 21701	2324812353		Public Records Division																	
2				Office of the Secretary of the Commonwealth																	
3				ONE Ashburton Place Room 1719																	
4		221		Boston MA 02108							1.01					1.35			1.10		
5																					
6		2324812354		STATE BOARD OF ELECTIONS																	
7				100 West Randolph Street Suite 414-100																	
8		221		Chicago, IL 60601							1.01					1.35			1.10		
9																					
10		P 889793915		Public Records Office																	
11				Federal Election Commission																	
12				999 E. STREET, NW																	
13		221		WASHINGTON, DC 20463							1.78					1.35			1.10		
14																					
15																					
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office		POSTMASTER, PER (Name of relieving employee)		APR 1991		FREDERICK MD		The full declaration of value is required on all domestic and international registered mail. The maximum payable for the reconstruction of negotiable documents under Express Mail document reconstruction is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable for Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for registered mail, local postal insurance. See Domestic Mail Manual 913 and 914 for limitations of coverage on insured mail. See International Mail Manual for limitations of coverage on international mail. Special handling only to third and fourth class parcels.											