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FILE NUMBER _____

December 9, 1998

F. Andrew Turley, Esq.
Supervisory Attorney
Control Enforcement Docket
General Counsel's Office
Federal Election Commission
999 East Street NW
Washington, DC 20463

RE: MUR 4862

Dear Mr. Turley:

This communication is submitted in response to your November 25, 1998, letter to "Treasurer, Henderson Police Officer's Association ("HPOA") PAF" under your number MUR 4862. Les Beckman, Treasurer, received the letter December 1, 1998, so any response is due on or before December 16, 1998. A Statement of Designation of Counsel is enclosed for this matter, MUR 4862.

MUR 4862 refers to a possible violation by the HPOA and its Treasurer, Les Beckman. The violation asserted is the making of a \$1,000 primary election campaign contribution to the Friends of Don Chairez for Congress Campaign committee when not registered with the FEC as a PAC.

First, the \$1,000 campaign contribution in question has been returned at this date. See enclosed (1) copy of check #1057 from the Friends of Don Chairez For Congress Primary Election dated December 1, 1998, in the amount of \$1,000 payable to the Henderson Police Officer's Association and (2) copy of transmittal letter from the Chairez U.S. Congress manager.

Second, the HPOA is a non-profit corporation organized under Nevada law. It is the recognized collective bargaining representative under Nevada Revised Statutes Chapter 288 for the police officers employed by the City of Henderson, Nevada. It is comprised of individual police officers who are employees of the City of Henderson. Those individuals made a decision to earmark funds for political campaign contributions, through the association.

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Third, the Department and the Association are relatively small. No provision is made by contract or statute for "released time" for Association officers. Accordingly, while elected by their fellow Association members, the Association officers such as Treasurer Les Beckman, perform their Association duties as volunteers, after and in addition to their regular duties.

Fourth, the HPOA and its individuals are interested almost exclusively in local elections. In the case of the \$1,000 now returned by the Chairez U.S. Congress Campaign, the funds were apparently given because of the decision to support a person whom they had previously supported in local elections.

As near as we can determine, there has never been any interest in contributing to, or actual contribution for, any other federal campaign by the HPOA PAF or other entity. In fact, in the last several local and municipal elections, probably only six or seven total campaign contributions have been made and all to local (including local state legislative) races.

Apparently, however, the HPOA Political Action Fund would be a "political committee" as that term is defined in 2 U.S.C. §431(4) but neither the individual officer serving as treasurer at this time nor the other officers within the organization were aware of the apparent requirement of registration under 2 U.S.C. §433. It would also appear that no officer member of the HPOA was aware of the federal registration requirements and that the campaign contribution which has now been returned was simply a mistake in the first instance.

It should be noted that no other campaign contributions were made to any other federal candidate during this election and, as I have noted above, apparently there has never before been a federal election campaign contribution by this organization to anyone.

In this case it would appear that the salutary effects of federal campaign law have already been achieved: a number of persons have been forcibly and clearly educated in the technical yet necessary requirements for our system to function; the apparent mistaken "contribution" has already been returned; and the non-profit corporation functioning on behalf of its individual officers has, at this point, corrected any error which occurred.

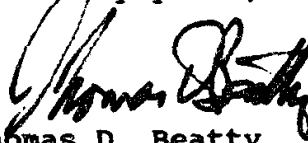
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Accordingly, on behalf of the HPOA Political Action Fund, Les Beckman as Treasurer, and the individual members of the Association, I respectfully urge that, even if a technical violation of these important rules is found, that the Commission take no further action in these particular facts and circumstances.

Thank you for your attention to this response.

Sincerely yours,



Thomas D. Beatty

TDB:mad

Enclosures

cc: Les Beckman (w/enclosures)

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4862

NAME OF COUNSEL: Thomas D. Beatty

FIRM: Law Offices of Thomas D. Beatty

ADDRESS: 601 East Bridger Avenue

Las Vegas, NV 89101

TELEPHONE: (702) 382-5111

FAX: (702) 382-2892

The above-named individual is hereby designated as my counsel
and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

12/9/98
Date

[Signature]
Signature

RESPONDENT'S NAME: Henderson Police Officers' Association
PAF and Les Beckman, Treasurer

ADDRESS: 243 Water Street

Henderson, NV 89015

TELEPHONE: HOME()

BUSINESS(702) 565-1805

**FRIENDS OF DON CHAIRES
FOR CONGRESS**

PRIMARY ELECTION ACCOUNT
187 SPRINGFIELD ST.
HENDERSON, NV 89014

1057

94-177/1224
02

Date 1 Dec 1998

Pay to the
Order of

Henderson Police Officers Ass'n PAC \$ 1,000.00
One thousand and 00/100ths Dollars

BankWest
OF NEVADA

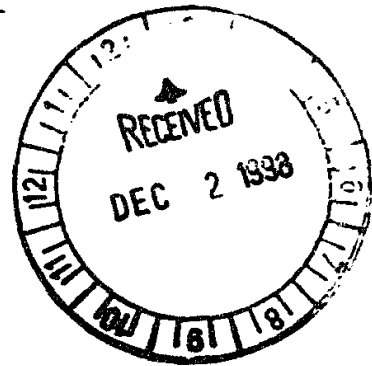
2890 N. Green Valley Parkway
Henderson NV 89014

For

refund

[Signature]

GUARDIAN SAFETY BLUE INK



December 1, 1998

BY HAND DELIVERY

Thomas D. Beatty, Esq.
601 Bridger Avenue
Las Vegas, Nevada 89101

RE: Henderson Police Officers Association

Dear Mr. Beatty:

This is to respond to your recent telephone call regarding the complaint that was recently filed with the Federal Elections Commission ("FEC") in regard to a political contribution made by the Henderson Police Officers Association Political Action Committee.

Please find enclosed a check for \$1,000.00, payable to the Henderson Police Officers Association Political Action Committee. This amount represents a full refund for a contribution by this political action committee to the Friends of Don Chairez for Congress, the campaign committee for Don Chairez in his bid for the United States House of Representatives.

At the time we received the check, we believed that it was proper for this organization's political action committee to make this contribution. However, recent discussions with members of this organization, in response to the recent complaint, have led me to now believe that this campaign committee should not retain this contribution. Therefore, in an abundance of caution, I am refunding the full amount this political action committee contributed to the Don Chairez campaign.

Please call me at 383-8824 if you have any further questions.

Yours truly,

Bob Spretnak
Campaign Manager

RPS:bs
enclosure

Fairness, Not Favors!