

FEDERAL ELECTION COMMISSION
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FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD REFERRAL: 98NF-14
DATE ACTIVATED: 1/26/99

STAFF MEMBER: Kamau Philbert
Deborah L. Rice

SOURCE: INTERNALLY GENERATED

RESPONDENTS: IBEW Local 98 Committee on Political Education and John J. Dougherty, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(4)(A)(i)
11 CFR § 104.5(c)(1)(i)(A)

INTERNAL REPORTS CHECKED: Disclosure Report

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

On November 4, 1998, the Reports Analysis Division ("RAD") referred the International Brotherhood of Electrical Workers ("IBEW") Local 98 Committee on Political Education and John J. Dougherty, as treasurer ("the Committee") to the Office of the General Counsel based on the Committee's failure to timely file the 1998 April Quarterly Report.

II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, this Office recommends that the Commission find reason to believe the respondents violated 2 U.S.C. § 434(a)(4)(A)(i). Attachment 1. However, as discussed below, this Office also recommends that the Commission take no further action in this matter.

III. DISCUSSION

The violation at issue appears to have resulted from inadvertence. Essentially, the Committee timely filed the wrong report. On April 9, 1998, the Committee erroneously filed its State campaign expense report with the Commission instead of the 1998 April Quarterly Report at issue. The Committee also cooperated with RAD and promptly filed, by hand-delivery, the correct report when RAD confirmed that the Committee had filed the wrong report with the Commission.

Therefore, this Office recommends that the Commission take no further action against respondents in this matter. This Office will prepare a letter admonishing respondents against future violations.

IV. RECOMMENDATIONS


1. Open a MUR.
2. Find reason to believe that IBEW Local 98 Committee on Political Education and John J. Dougherty, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), and take no further action.

3. Approve the attached Factual and Legal Analysis and the appropriate letter.
4. Close the file.

Lawrence M. Noble
General Counsel

3/26/99

Date

BY: 

Lois G. Lerner
Associate General Counsel

Attachment:
Factual and Legal Analysis