



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 7, 1999

John Dougherty, Treasurer  
IBEW Local 98 COPE  
1719 Spring Garden Street,  
Philadelphia, PA. 19130

RE: MUR 4888

Dear Mr. Dougherty:

On April 2, 1999, the Federal Election Commission found reason to believe that the IBEW Local 98 Committee on Political Education ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that failing to timely file a Quarterly Report is a violation of 2 U.S.C. § 434(a)(4)(A)(i). You should take steps to ensure that this activity does not occur in the future.

The confidentiality provisions at 2 U.S.C. §437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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John Dougherty

If you have any questions, please contact Kamau Philbert, the attorney assigned to this matter, at (202)694-1650.

Sincerely,

A handwritten signature in dark ink, appearing to read "Scott E. Thomas", written in a cursive style.

Scott E. Thomas  
Chairman

Enclosure  
Factual and Legal Analysis

## **FEDERAL ELECTION COMMISSION**

### **FACTUAL AND LEGAL ANALYSIS**

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

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

#### **I. THE LAW**

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that all political committees other than authorized committees of a candidate shall file quarterly reports in a calendar year in which a regularly scheduled general election is held, which shall be filed no later than the 15<sup>th</sup> day after the last day of each calendar quarter; except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(4)(A)(i).

#### **II. THE FACTS**

The International Brotherhood of Electrical Workers ("IBEW") Local 98 Committee on Political Education ("the Committee") is a political committee that is not an authorized committee of a candidate. John J. Dougherty<sup>1</sup> is the treasurer of the Committee.

The Committee failed to timely file the 1998 April Quarterly Report of Receipts and Disbursements covering the period from January 1, 1998 to March 30, 1998. On December 29, 1997 and March 20, 1998, the Commission's Report Analysis Division ("RAD") sent notices to

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<sup>1</sup> John J. Dougherty became treasurer of the Committee on January 29, 1999, prior to that time James F. Mackin was treasurer.

the Committee reminding them that the 1998 April Quarterly Report was due on April 15, 1998. A Non-Filer Notice was sent to the Committee via mailgram on May 7, 1998 for failure to file the 1998 April Quarterly Report.

On June 1, 1998, an analyst from RAD attempted to contact Mr. Mackin, treasurer of the Committee. The analyst spoke with Mr. Francis Walsh, who stated that the Committee had sent the original report on April 9, 1998 and had sent a follow-up report on May 11, 1998. The Committee faxed copies of the mail receipts showing that the reports were received by the Commission. RAD conducted a search for the documents in question and discovered that the Committee had mistakenly sent its State campaign expense report to the Commission instead of the 1998 April Quarterly Report. RAD informed the Committee of the discrepancy, and the Committee explained that the incorrect filing resulted from problems in the Committee's Audit Department during April and May of 1998.

The Committee filed the 1998 April Quarterly Report on June 8, 1998, 54 days late. The report disclosed \$2,604.00 in receipts and \$25,280.00 in disbursements.

Therefore, there is reason to believe IBEW Local 98 Committee on Political Education and John J. Dougherty, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).