

REPORTS ANALYSIS REFERRAL  
TO  
OFFICE OF GENERAL COUNSEL

DATE: February 22, 1999

ANALYST: Andrew Dodson

- I. COMMITTEE: Pepsi-Cola Bottlers Association-PAC  
(C00122671)  
Allen Fleischer, Treasurer  
(March 4, 1997 - Present)  
Walter Wilkinson, Treasurer  
(February 8, 1996 - March 3, 1997)  
251 O'Connor Ridge Blvd.  
Irving, TX 75038
- II. RELEVANT STATUTE: 2 U.S.C. §434(a)(4)(A)(i)  
11 CFR §104.5(c)(1)(i)(A)

III. BACKGROUND:

Failure to Timely File the 1998 October Quarterly Report

The Pepsi-Cola Bottlers Association-PAC ("the Committee") failed to timely file the 1998 October Quarterly Report of Receipts and Disbursements covering the period July 1, 1998 to September 30, 1998. On December 29, 1997 and September 18, 1998, Prior Notices were sent to the Committee informing it that the 1998 October Quarterly Report was due on October 15, 1998 (Attachment 2). A Non-Filer Notice was sent to the Committee via mailgram on November 4, 1998 (Attachment 3).

On December 7, 1998, the Reports Analysis Division ("RAD") analyst contacted the Committee Controller, Ms. Nancy Martinez. Ms. Martinez stated

that she had attempted to electronically file the October Quarterly Report and had assumed that the filing had been received by the Commission. The RAD analyst stated that the Commission had no record of receiving the 1998 October Quarterly Report and Ms. Martinez agreed to file the October Quarterly Report as soon as possible (Attachment 4).

The Committee filed the 1998 October Quarterly Report on December 11, 1998 (Attachment 5). Ms. Martinez enclosed a cover letter with the report which stated the following: "As we discussed, it was filed electronically, and I apparently failed to print out the acknowledgment, which I received from the FEC via e-mail. However, I do have the validation information, which I printed just prior to e-mailing the report."\*

\*The Federal Election Commission's electronic filing system does not maintain documentation or records of unsuccessful attempts to file reports, but the system does record successful transmissions. No record could be found of a successful transmission of the Committee's 1998 October Quarterly Report.

COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	# OF COVERAGE DATES	PAGE TYPE OF FILER	IMAGE LOCATION
PEPSI-COLA BOTTLERS ASSOCIATION-PAC						ID #C00122671 NON-PARTY QUALIFIED
CONNECTED ORGANIZATION: PEPSI-COLA BOTTLERS ASSOCIATION INC						
	1997 STATEMENT OF ORGANIZATION - AMENDMENT			31MAR97	2	97FEC/187/3747
	STATEMENT OF ORGANIZATION - AMENDMENT			31MAR97	3	97FEC/187/4849
	MID-YEAR REPORT	18,966	4,293	1JAN97 -30JUN97	10	97FEC/216/1689
	YEAR-END	8,462	9,000	1JUL97 -31DEC97	7	98FEC/259/1827
1998	APRIL QUARTERLY	1,567	4,750	1JAN98 -31MAR98	5	98FEC/304/1599
	JULY QUARTERLY	16,000	4,643	1APR98 -30JUN98	8	98F99/002/0700
	OCTOBER QUARTERLY	4,170	15,000	1JUL98 -30SEP98	8	98FEC/411/2170
	NOTICE OF FAILURE TO FILE			1JUL98 -30SEP98	2	98FEC/391/2286
	PRE-GENERAL	0	500	1OCT98 -14OCT98	3	98F99/002/8275
	POST-GENERAL	6,000	2,000	15OCT98 -23NOV98	4	98F99/003/0180
	POST-GENERAL - AMENDMENT	6,022	2,000	15OCT98 -23NOV98	4	98F99/003/2293
	YEAR-END	22	1,037	24NOV98 -31DEC98	4	99F99/001/0679
	YEAR-END - AMENDMENT	43	1,037	24NOV98 -31DEC98	4	99F99/001/0788
	<b>TOTAL</b>	<b>55,230</b>	<b>0</b>	<b>41,223</b>	<b>0</b>	<b>64 TOTAL PAGES</b>

All reports have been reviewed  
Ending Cash on Hand as of 12/31/98: \$27,162  
Debts and Obligations owed by the Committee: \$0.00  
Debts and Obligations owed to the Committee: \$0.00

# REPORT NOTICE

FEDERAL ELECTION COMMISSION

**PARTIES AND PACS**

December 29, 1997

**WHO MUST FILE**

Party committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file a Year-End Report on January 31, 1998.

**I. Semi-annual Filers**

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Year-End	07/01/97 - 12/31/97	01/31/98	01/31/98

**II. Monthly Filers**

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Year-End	12/01/97 - 12/31/97	01/31/98	01/31/98

**LABEL**

Committees should affix the peel-off label from the envelope to line 1 of the report. Corrections should be made on the label.

**COMPLIANCE**

Treasurers of political committees are responsible for filing all reports on time. Failure to do so is subject to enforcement action. Committees filing illegible reports or using non-FEC forms (except for FEC approved computer generated forms) will be required to refile.

**ELECTRONIC FILING**

For reports covering activity occurring in 1997 (and later), political committees have the option of filing electronically. If you are interested in this option, review the enclosed handout entitled "Electronic Filing Gets Underway at FEC," and call the Data Division at (800) 424-9530 or (202) 219-3730.

\*These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

\*\* Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

(over)

## 1998 FILING SCHEDULE

**I. QUARTERLY FILERS**

REPORT	REPORTING PERIOD*	REG./CERT.	
		MAILING DATE**	FILING DATE
April Quarterly	01/01/98 - 03/31/98	04/15/98	04/15/98
July Quarterly	04/01/98 - 06/30/98	07/15/98	07/15/98
October Quarterly	07/01/98 - 09/30/98	10/15/98	10/15/98
Pre-General	10/01/98 - 10/14/98	10/19/98	10/22/98
Post-General	10/15/98 - 11/23/98	12/03/98	12/03/98
Year-End	11/24/98 - 12/31/98	01/31/99	01/31/99

**II. MONTHLY FILERS**

REPORT	REPORTING PERIOD*	REG./CERT.	
		MAILING DATE**	FILING DATE
February	01/01/98 - 01/31/98	02/20/98	02/20/98
March	02/01/98 - 02/28/98	03/20/98	03/20/98
April	03/01/98 - 03/31/98	04/20/98	04/20/98
May	04/01/98 - 04/30/98	05/20/98	05/20/98
June	05/01/98 - 05/31/98	06/20/98	06/20/98
July	06/01/98 - 06/30/98	07/20/98	07/20/98
August	07/01/98 - 07/31/98	08/20/98	08/20/98
September	08/01/98 - 08/31/98	09/20/98	09/20/98
October	09/01/98 - 09/30/98	10/20/98	10/20/98
Pre-General	10/01/98 - 10/14/98	10/19/98	10/22/98
Post-General	10/15/98 - 11/23/98	12/03/98	12/03/98
Year-End	11/24/98 - 12/31/98	01/31/99	01/31/99

**24 HOUR REPORT ON INDEPENDENT EXPENDITURES**

Any PAC that makes independent expenditures in connection with an election may have to file a 24 hour report. This reporting requirement is triggered if the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the day of the election.

\*These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

\*\* Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

QUARTERLY  
**REPORT NOTICE**

---

FEDERAL ELECTION COMMISSION

---

**PARTIES AND PACS**

September 18, 1998

**WHO MUST FILE**

Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) filing on a quarterly basis must file a Quarterly Report in October.

---

<b>REPORT</b>	<b>REPORTING PERIOD*</b>	<b>REG./CERT. MAILING DATE**</b>	<b>FILING DATE</b>
October Quarterly	07/01/98 - 09/30/98	10/15/98	10/15/98

---

**24 HOUR REPORT ON INDEPENDENT EXPENDITURES**

Any Party Committee or PAC that makes independent expenditures in connection with an election may have to file a 24 hour report. This reporting requirement will be triggered if the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the day of the election.

**PRE-ELECTION REPORTING**

Committees which make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See the January 1998 Record.

**LABEL**

Committees should affix the peel-off label from the envelope to line 1 of the report. Corrections should be made on the label.

---

\*These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

\*\* Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

(over)

**PARTIES AND PACS**

**October Quarterly**

**CHANGE IN FILING FREQUENCY**

Committees wishing to change their reporting schedule (for example, from quarterly to monthly) must notify the Commission in writing when they file their next report due under their current reporting schedule. Committees may change their filing frequencies no more than once per calendar year.

**ELECTRONIC FILING**

Political committees have the option of filing their reports electronically. If you are interested in this option, review the enclosed handout entitled "Electronic Filing of Disclosure Reports," and call the Data Division at (800) 424-9530 or (202) 694-1250.

**COMPLIANCE**

Treasurers of political committees are responsible for filing all reports on time. Failure to do so is subject to enforcement action. Committees filing illegible reports or using non-FEC forms (except for FEC approved computer generated forms) will be required to refile.

**WESTERN  
UNION**

WESTERN UNION COMMERCIAL SERVICES

CONFIRMATION OF MAILGRAM TO: ALLEN FLEISCHER  
PEPSI-COLA BOTTLERS ASSOCIATION-PAC  
251 O'CONNOR RIDGE BLVD.  
IRVING TX 75038

FEDERAL ELECTION COMMISSION  
SHAWN WERTH  
999 E ST. NW.  
WASHINGTON DC 204630001

NOVEMBER 4, 1998

IDENTIFICATION NUMBER: C00122671

REFERENCE: OCTOBER QUARTERLY (07/01/1998 - 09/30/1998)

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED. YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATE FOR THIS REPORT.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. A COPY OF THE REPORT OR RELEVANT PORTIONS SHOULD ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER.

ALTHOUGH THE COMMISSION MAY INITIATE AN AUDIT OR LEGAL ENFORCEMENT ACTION CONCERNING THIS MATTER, YOUR PROMPT RESPONSE AND A LETTER OF EXPLANATION WILL BE TAKEN INTO CONSIDERATION.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT ANDREW DODSON ON OUR TOLL FREE NUMBER (800)424-9530. OUR LOCAL NUMBER IS (202)694-1130.

SINCERELY,

JOHN D. GIBSON  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION



TELECON

ANALYST: Andrew Dodson

CONVERSATION WITH: Nancy Martinez, Controller

COMMITTEE: Pepsi-Cola Bottlers Association-PAC

DATE: December 7, 1998

SUBJECT: Failure to file the 1998 October Quarterly Report

On December 7, 1998 I called Nancy Martinez, Controller for the Pepsi-Cola Bottlers Association-PAC, and informed Ms Martinez that the Pepsi-Cola Bottlers Association-PAC had failed to file the 1998 October Quarterly report. Ms Martinez stated that she had attempted to electronically file the October Quarterly report and that she had assumed that the filing had been successful. Ms Martinez stated that she would file the October Quarterly report as soon as possible.



RECEIVED  
FEDERAL ELECTION  
COMMISSION MAIL ROOM

DEC 11 12 26 PM '98

December 7, 1998

Mr. Andy Dodson, Reports Analysis Div.  
Federal Election Commission  
999 E. Street, NW  
Washington, DC 20463

Re: 3Q Report

Dear Mr. Dodson

Per our telephone conversation, I am enclosing a copy of our 3Q report, which was filed on October 2, 1998. As we discussed, it was filed electronically, and I apparently failed to print out the acknowledgement, which I received from the FEC via e-mail. However, I do have the validation information, which I printed just prior to e-mailing the report.

If you require further information, I will be happy to help in any way.

Sincerely,

Nancy Martinez  
Controller

Enc.

98034112170

# REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee  
(Summary Page)

RECEIVED  
FEDERAL ELECTION  
COMMISSION MAIL ROOM

**1. NAME OF COMMITTEE (in full)**  
Pepsi-Cola Bottlers' Association Political Action Committee

**ADDRESS (number and street)**  Check if different than previously reported  
251 O'Connor Ridge Blvd., Ste #250

**CITY, STATE, and ZIP CODE**  
Irving TX 75038

**2. FEC IDENTIFICATION NUMBER** 00122671  
DEC 17 12 26 PM '98

**3.**  This committee has qualified as a multi-candidate 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:
- |                                      |                                       |                                      |
|--------------------------------------|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> February 20 | <input type="checkbox"/> June 20      | <input type="checkbox"/> October 20  |
| <input type="checkbox"/> March 20    | <input type="checkbox"/> July 20      | <input type="checkbox"/> November 20 |
| <input type="checkbox"/> April 20    | <input type="checkbox"/> August 20    | <input type="checkbox"/> December 20 |
| <input type="checkbox"/> May 20      | <input type="checkbox"/> September 20 | <input type="checkbox"/> January 31  |
- Twelfth day report preceding \_\_\_\_\_ (election type) \_\_\_\_\_  
election on \_\_\_\_\_ in the State of \_\_\_\_\_
- Thirtieth day 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 <u>07/01/1998</u> through <u>09/30/1998</u>		
6. (a) Cash on Hand, January 1, <u>1998</u> .....		27288.35
(b) Cash on Hand at Beginning of Reporting Period .....	35462.50	
(c) Total Receipts (from line 19) .....	4170.43	21738.11
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B) .....	39832.93	49026.46
7. Total Disbursements (from line 30) .....	15000.00	24393.53
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)) .....	24632.93	24632.93
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) .....	0.00	For further information contact : Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-219-3420
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) .....	0.00	
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 Electronically Filed by Mr. David Doherty		
Signature of Treasurer		Date 10/02/1998

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 5437g.