



FEDERAL ELECTION COMMISSION

Washington, DC 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: February 15, 2000

SUBJECT: MUR 4912- General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

DISTRIBUTION

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72 Hour TALLY VOTE ☒

24 Hour TALLY VOTE ☐

24 Hour NO OBJECTION ☐

INFORMATION ☐

COMPLIANCE

☒

Open/Closed Letters ☐

MUR ☐

DSP ☐

STATUS SHEETS ☐

Enforcement ☐

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FEB 15 2000

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BEFORE THE FEDERAL ELECTION COMMISSION

2000 FEB 15 P 2:10

In the Matter of)
)
Mid-America Conservative Political Action) MUR 4912
Committee and Les Borsay, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT # 2

I. ACTION RECOMMENDED

Take no further action and close the file.

II. BACKGROUND

On July 30, 1999, the Commission found reason to believe that Mid-America Conservative Political Action Committee and its treasurer¹ ("MACPAC"), violated 2 U.S.C. § 434(a)(4)(A)(iii). By letter dated August 3, 1999, MACPAC was notified of the Commission's reason to believe findings. MACPAC was also notified that the Commission may decide to initiate civil contempt proceedings in U.S. District Court if it determines that MACPAC's failure to file a post-election report is a violation of the 1992 court order permanently enjoining MACPAC from failing to file timely post-election reports. (See First General Counsel's Report, dated July 26, 1999, page 4)

III. DISCUSSION

In a letter dated August 16, 1999, MACPAC's treasurer responded to the reason to believe findings stating "I have checked our files and find that we do have a photocopy of this report so we are making an additional copy and are sending it to the FEC for re-filing."

¹ Leroy Dale Corey, MACPAC's treasurer at the time of the violation, was killed in an automobile accident on November 17, 1999. As of December 16, 1999, Les Borsay was designated to act as treasurer.

Attachment 1. In a reply dated August 26, 1999, this Office stated that additional evidence would be needed from MACPAC showing that the report was filed timely. Attachment 2. MACPAC responded on the same day by facsimile and furnished this Office with a copy of a Receipt for Certified Mail as well as a Return Receipt, which shows a stamp date of December 6, 1998, by the Federal Election Commission's mailroom. Attachment 3. MACPAC also submitted correspondence discussing the outstanding civil penalty of \$1,440.00 from the 1992 court order. The Litigation division will be advising the Commission on that matter.

This Office reviewed MACPAC's report indices as well as other FEC records but was unable to find any materials corresponding to the December 6, 1998 return receipt. Subsequently, the death of MACPAC's treasurer has placed Mr. Borsay in the process of dissolving MACPAC. Attachment 4. MACPAC appears to have no other personnel besides Mr. Corey and Mr. Borsay has no knowledge of MACPAC's finances. After a review of the materials submitted by MACPAC regarding the filing of the report and given the death of Mr. Corey as well as Mr. Borsay's desire to dissolve the PAC, this Office recommends that the Commission take no further action and close the file.

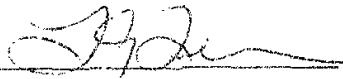
IV. RECOMMENDATIONS

1. Take no further action against Mid-America Conservative Political Action Committee and Les Borsay, as treasurer.
2. Close the file.

3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

2/14/00
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments:

1. Letter from MACPAC, dated August 16, 1999
2. Letter from OGC to MACPAC, dated August 26, 1999
3. Facsimile from MACPAC with copy of return receipt, dated August 26, 1999
4. Letter from Les Borsay, new treasurer of MACPAC, dated December 16, 1999
5. Other correspondence to and from MACPAC

Staff assigned: Dominique Dillenseger
 Lisa A. Davis