



FEDERAL ELECTION COMMISSION

Washington, DC 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: March 9, 2000

SUBJECT: MUR 4925-General Counsel's Report #2

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

Open Session _____

Closed Session _____

CIRCULATIONS

SENSITIVE

☒

NON-SENSITIVE

☐

72 Hour TALLY VOTE ☒

24 Hour TALLY VOTE ☐

24 Hour NO OBJECTION ☐

INFORMATION ☐

DISTRIBUTION

COMPLIANCE

☒

Open/Closed Letters ☐

MUR ☐

DSP ☐

STATUS SHEETS ☐

Enforcement ☐

Litigation ☐

PFESP ☐

RATING SHEETS ☐

AUDIT MATTERS ☐

LITIGATION ☐

ADVISORY OPINIONS ☐

REGULATIONS ☐

OTHER ☐

MAR 09 2000

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

MUR 4925

Heather Wilson for Congress and)
David A. Archuleta, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT #2

I. ACTIONS RECOMMENDED

Make an additional reason to believe finding, approve the attached signed
conciliation agreement, and close the file.

II. BACKGROUND

On September 14, 1999, the Commission found reason to believe that Heather Wilson for Congress and David A. Archuleta, as treasurer ("the Committee"), violated 2 U.S.C. § 434(a)(6) by failing to file 71 48 Hour Notices for contributions totaling \$104,000 during New Mexico's 1998 Special General Election.

This Office recommends that the Commission accept the attached concination agreement. A check for the full amount of the penalty has been received. Attachment 2.

III. DISCUSSION

In its response to the Commission's findings, the Committee provided copies of 48 Hour Notices which it claims were timely filed with the Commission. However, the Committee could only document one instance in which it had attempted to send certain of these Notices to the Commission. With respect to this one instance, the Committee provided a facsimile

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confirmation sheet indicating that it attempted to report thirteen contributions to the Commission in a timely manner via facsimile, but that the Commission did not receive some of the pages of the report.¹

¹ The Committee evidently attempted to send a 13 page fax transmission to the Commission consisting of a cover page and 12 numbered pages of "48-Hour Notice" sheets showing "last-minute" contributions. However, as shown by the fax confirmation sheet, only 10 pages of this transmission were actually sent: the cover page and pages 4-12 of the Notice sheets. The 13 contributions that were not reported appeared on pages 1-3 of this attempted transmission.


IV. RECOMMENDATIONS

1. Find reason to believe that Heather Wilson for Congress and David A. Archuleta, as treasurer, violated 2 U.S.C. § 434(b).
2. Accept the attached conciliation agreement with Heather Wilson for Congress and David A. Archuleta, as treasurer.

3. Approve the appropriate letters.
4. Close the file.

Lawrence M. Noble
General Counsel

3/9/00
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments:

1. Conciliation Agreement
2. civil penalty check

Staff Assigned: Thomas J. Andersen

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