



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

February 11, 2000

Neil Reiff, Esq.  
Sandler & Reiff  
6 E Street, SE  
Washington, D.C. 20003

RE: MUR 4943  
State Democratic Executive Committee of Alabama  
and Anthony J. Fant, as treasurer

Dear Mr. Reiff:

On February 2, 2000, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 2 U.S.C. §§ 434(a)(4)(A)(i)-(iv), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter. Please be advised that the civil penalty in this agreement reflects unusual factors brought forth during the investigation.

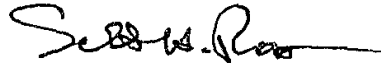
The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any 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.

Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Neil Reiff, Esq.  
MUR 4943  
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Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 90 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Seth H. Row", with a long horizontal flourish extending to the right.

Seth H. Row  
Attorney

Enclosure  
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
State Democratic Executive ) MUR 4943  
Committee of Alabama and )  
Anthony J. Fant, as treasurer )

JAN 18 4 04 PM '00

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
JAN 18 2000

CONCILIATION AGREEMENT

This matter was generated by a sua sponte submission by the State Democratic Executive Committee of Alabama concerning its failure to timely file certain reports during the 1997-98 election cycle. This matter was also generated by the Federal Election Commission ("the Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). The Commission found reason to believe that the State Democratic Executive Committee of Alabama and Anthony J. Fant, as treasurer, (collectively "Respondent") violated 2 U.S.C. § 434(a)(4)(A)(i) – (iv).

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over Respondent and the subject matter of this proceeding, and this Conciliation Agreement has the force and effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent law and facts in this matter are as follows:

1. The State Democratic Executive Committee of Alabama ("SDECA" or

"Respondent") is a political committee within the meaning of 2 U.S.C. § 431(4). SDECA is the federal account of the Democratic Party of Alabama.

2. Anthony J. Fant is the treasurer of SDECA.

3. The Federal Election Campaign Act of 1971, as amended, ("the Act") requires treasurers of political committees to file periodic reports of receipts and disbursements. 2 U.S.C. § 434(a)(1).

4. In any calendar year in which no regularly scheduled elections are held, political committees other than authorized committees of a candidate must file "a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following year". 2 U.S.C. § 434(a)(4)(A)(iv).

5. In any calendar year in which a regularly scheduled election is held, political committees other than authorized candidate committees must file quarterly reports no later than the 15<sup>th</sup> day after the last day of each calendar quarter, except for the quarter ending on December 31, in which case the report must be filed on or by January 31 of the following year. 2 U.S.C. § 434(a)(4)(A)(i).

6. The Act further requires political committees to file a pre-election report no later than the 12<sup>th</sup> day before any primary or general election if a contribution to or an expenditure on behalf of a candidate for federal office is made by a political committee twenty days or more prior to a primary or general election. 2 U.S.C. § 434(a)(4)(A)(ii).

7. In addition, the Act requires political committees to file, in any calendar year in which a regularly scheduled election is held, a post-general election report no later than the 30<sup>th</sup> day after the general election in question. 2 U.S.C. § 434(a)(4)(A)(iii).

8. Respondent was required to file its 1997 Year-End Report on or by January 31, 1998. On March 24, 1998, Respondent filed its 1997 Year-End Report, 52 days late, disclosing receipts totaling \$217,107.32 and disbursements totaling \$235,106.68.

9. Respondent was required to file its 1998 April Quarterly Report on or by April 15, 1998. On April 16, 1999, Respondent filed its 1998 April Quarterly Report, 366 days late, disclosing receipts totaling \$231,317.95 and disbursements totaling \$215,057.65.

10. Respondent was required to file its 1998 July Quarterly Report on or by July 15, 1998. On April 16, 1999, SDECA filed its 1998 July Quarterly Report, 275 days late, disclosing receipts totaling \$132,352.25 and disbursements totaling \$147,680.94.

11. Furthermore, inasmuch as Respondent's 1998 July Quarterly Report disclosed two contributions to a candidate for federal office during the second quarter in question which were reportedly made more than twenty days prior to the June 2, 1998 primary, pursuant to 2 U.S.C. § 434(a)(4)(A)(ii), Respondent was required to file on or by May 21, 1998, a Pre-Primary Election Report for the June 2, 1998 primary. Respondent did not file a 1998 Pre-Primary Report. Given the failure to file, the Commission segregated total receipts and disbursements for the 1998 second quarter (totaling \$132,352.25 and \$147,680.94, respectively) according to the date assigned to the transactions reported. Receipts for the second quarter period between April 1, 1998 to May 13, 1998 (the "Pre-Primary" period) were \$102,889.05 and disbursements totaled \$111,955.64. Receipts between May 14, 1998 to June 30, 1998 (the "Post-Primary" period) were \$29,463.20 and disbursements totaled \$35,725.30.

12. Respondent was required to file its 1998 October Quarterly Report on or by October 15, 1998. On April 26, 1999, SDECA filed its 1998 October Quarterly Report, 193 days late, disclosing receipts totaling \$217,058.85 and disbursements totaling \$213,157.83.

13. Respondent was required to file a 1998 30-Day Post-General Election Report on or by December 3, 1998. On April 30, 1998, SDECA filed its 1998 30-Day Post General Election Report, 148 days late, disclosing receipts totaling \$564,463.20 and disbursements totaling \$562,035.45.

14. Respondent was required to file a 1998 Year-End Report on or by January 31, 1999. On May 5, 1999, SDECA filed its 1998 Year-End Report, 92 days late, disclosing receipts totaling \$132,665.67 and disbursements totaling \$125,689.47.

V. The following violations of the Act occurred:

1. Respondent failed to timely file its 1997 Year End Report, its 1998 April, July and October Quarterly Reports, its 1998 30 Day Post General Election Report, and its 1998 Year-End Report, in violation of 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv).

2. Respondent failed to file a 1998 Pre-Primary Report in violation of 2 U.S.C. § 434(a)(4)(A)(ii).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of twenty-four thousand dollars (\$24,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this Conciliation Agreement. If the Commission believes that this Conciliation Agreement or any requirement hereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This Conciliation Agreement shall become effective as of the date that all parties hereto have executed the same and the Commission has approved the entire agreement.

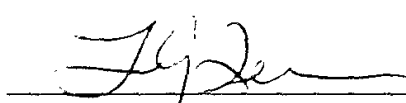
IX. Respondents shall have no more than 90 days from the date this Conciliation Agreement becomes effective to comply with and implement the provisions contained herein and to so notify the Commission.

X. This Conciliation Agreements constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise or agreement, either written or oral, made by either party hereto or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble  
General Counsel

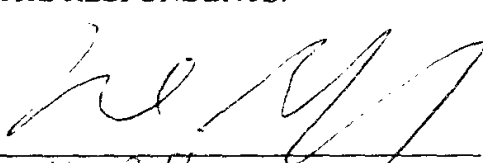
By:

  
Lois G. Lerner  
Associate General Counsel

Date

2/10/00

FOR THE RESPONDENTS:

  
(Name) Neil Ruff  
(Position) Counsel

Date

1/14/2000