



# FEDERAL ELECTION COMMISSION

Washington, DC 20463

## MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel *LS*

DATE: November 29, 1999

SUBJECT: 99NF-20-First General Counsel's Report

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 ☐

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Enforcement ☐

Litigation ☐

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RATING SHEETS ☐

AUDIT MATTERS ☐

LITIGATION ☐

ADVISORY OPINIONS ☐

REGULATIONS ☐

OTHER ☐

20.04.398.0774

NOV 29 1999

FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

1999 NOV 29 A 10:41

FIRST GENERAL COUNSEL'S REPORT

RAD REFERRAL: 99NF-20  
DATE ACTIVATED: 9/20/99

EXPIRATION OF STATUTE OF  
LIMITATIONS: August 1, 2002<sup>1</sup>  
STAFF MEMBER: Jim Moye

SOURCE: INTERNALLY GENERATED

**SENSITIVE**

RESPONDENTS: City Political Action Committee and Matthew G. Mitzen, as treasurer

INTERNAL REPORTS CHECKED: Referral Materials  
Disclosure Reports

RELEVANT STATUTES: 2 U.S.C. §§ 434(a)(4)(A)(i), (ii) and (iv)

FEDERAL AGENCIES CHECKED: NONE

**I. GENERATION OF MATTER**

The Reports Analysis Division ("RAD") referred the City Political Action Committee and Matthew G. Mitzen, as treasurer ("the Respondents") to the Office of General Counsel on August 18, 1999. The basis of the RAD referral is the failure of the Committee to timely file the 1997 Mid-Year, 1997 Year End, 1998 April Quarterly, 1998 July Quarterly, 1998 12 Day Pre-General and 1998 Year End Reports.

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<sup>1</sup> The statute of limitations date for the earliest violative activity in this matter is August 1, 2002 for the Committee's first report which it failed to timely file by its July 31, 1997 due date. In addition to this report, the Committee filed five more reports late. The statute of limitations date for the last report filed late in this matter is January 31, 2004.

20.04.398.0775

**II. FACTUAL AND LEGAL ANALYSIS**

Based on the Factual and Legal Analysis, this Office recommends the Federal Election Commission ("the Commission") find reason to believe the Respondents violated 2 U.S.C.

§§ 434(a)(4)(A)(i), (ii) and (iv). See Attachment 1.

**III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY**

2020.04.13 09:40:02

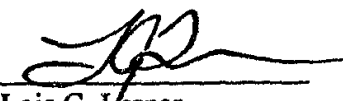
IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe City Political Action Committee and Matthew G. Mitzen, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), (ii) and (iv).
3. Enter into conciliation prior to a finding of probable cause to believe.
4. Approve the attached Factual and Legal Analysis and conciliation agreement, and the appropriate letter.

Lawrence M. Noble  
General Counsel

11/24/99  
Date

BY:

  
Lois G. Lerner  
Associate General Counsel

Attachments:

1. Factual and Legal Analysis
2. Proposed Conciliation Agreement

20:04:398.0777



**FEDERAL ELECTION COMMISSION**

Washington, DC 20463

**MEMORANDUM**

**TO:** Lawrence M. Noble  
General Counsel

**FROM:** Mary W. Dove/  
Acting Commission Secretary

**DATE:** December 1, 1999

**SUBJECT:** RAD Referral 99NF-20 - First General Counsel's Report  
dated November 24, 1999.

The above-captioned document was circulated to the Commission

on Monday, November 29, 1999, 11:00 a.m.

Objection(s) have been received from the Commissioner(s) as

indicated by the name(s) checked below:

Commissioner Elliott	—
Commissioner Mason	—
Commissioner McDonald	—
Commissioner Sandstrom	—
Commissioner Thomas	<u>X</u>
Commissioner Wold	—

This matter will be placed on the meeting agenda for

**TUESDAY, DECEMBER 7, 1999.**

Please notify us who will represent your Division before the Commission on this matter.

20104.398.0776