



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 28, 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Kenneth A. Gross
Attorney-at-Law
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Avenue, N.W.
Washington, D.C. 20005-2111

RE: MUR 4955

Dear Mr. Gross:

On April 25, 2000, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 432(d), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

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.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any further questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in dark ink, appearing to read "Albert R. Veldhuyzen".

Albert R. Veldhuyzen
Attorney

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Metropolitan Life Insurance Company)	
Political Participation Fund A)	MUR 4955
Robert C. Tarnok, as Treasurer)	
)	

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Metropolitan Life Insurance Company Political Participation Fund A ("Metlife"), and Robert C. Tarnok, as Treasurer ("Respondents") violated 2 U.S.C. § 432(d).

NOW, THEREFORE, the Commission and the Respondents, 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 the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. Metlife is a political committee within the meaning of 2 U.S.C. § 431(4).
2. Robert C. Tarnok is the treasurer of Metlife.
3. From January 1, 1995 to December 31, 1996, Metlife received contributions totaling \$353,300, the majority of which were collected through payroll deduction.

4. A political committee is required to file reports with the Commission and to maintain the underlying records upon which the reports are based. 11 C.F.R. § 104.14(b)(1). These records must be kept for three years after the report to which such records and accounts relate is filed. 11 C.F.R. § 102.9(c). A treasurer of a political committee shall use his or her best efforts to obtain, maintain, and submit the required information. If the treasurer does not make at least one written effort to obtain missing records, he or she will not be deemed to have exercised best efforts. 11 C.F.R. § 102.9(d).

5. Metlife failed to maintain some payroll deduction authorization forms prior to 1995 as required by 11 C.F.R. § 102.9(c), thereby making it impossible for the Commission to verify the accuracy and completeness of the contributions and the disclosure reports filed between February 1995 and January 1997.

V. Initially, Respondents failed to preserve some of the payroll deduction authorizations for three years after the report to which such authorizations related was filed, in violation of 2 U.S.C. § 432(d), although Respondents subsequently have submitted documentation to the Commission as a result of their extensive efforts to reconstruct the missing payroll deduction authorization forms.

1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of \$5,000, pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Respondents agree to preserve and maintain all authorization forms as required by law.

VI. 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 agreement. If the Commission believes that this agreement or any requirement thereof

has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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


VIII. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

IX. This Conciliation Agreement 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 or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

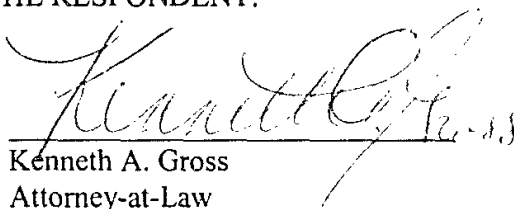
Lawrence M. Noble
General Counsel

BY:


Kim Leslie Bright
Associate General Counsel

4/27/00
Date

FOR THE RESPONDENT:


Kenneth A. Gross
Attorney-at-Law

4/12/00
Date