



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

January 13, 2000

Mick Blackistone
National Marine Manufacturers Association
Political Action Committee
1819 L Street, NW, Suite 700
Washington, DC 20036

RE: MUR 4959
National Marine Manufacturers
Association Political Action
Committee and Mick Blackistone,
as Treasurer

Dear Mr. Blackistone:

On January 7, 2000, the Federal Election Commission found that there is reason to believe National Marine Manufacturers Association Political Action Committee ("Committee") and you, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), (ii) and (iv), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's findings, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation, and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be

Mick Blackistone, Treasurer

MUR 4959

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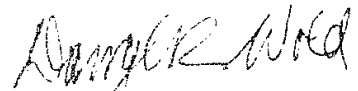
demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Roy Q. Luckett, the staff attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Darryl R. Wold
Chairman

Enclosures

Factual and Legal Analysis

Procedures

Designation of Counsel Form

Conciliation Agreement

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: National Marine Manufacturers Association MUR: 4959
 Political Action Committee and
 Mick Blackistone, as treasurer

I. GENERATION OF MATTER

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2).

II. FACTUAL AND LEGAL ANALYSIS

A. THE LAW

The Federal Election Campaign Act of 1971, as amended, ("the Act") requires treasurers of political committees, other than authorized committees of a candidate, to file periodic reports of receipts and disbursements. 2 U.S.C. § 434(a)(1). Such committees may choose to file reports either on a monthly or a quarterly basis. 2 U.S.C. § 434(a)(4).

In a calendar year in which a regularly scheduled general election is held, committees that choose to file on a quarterly basis shall file quarterly reports no later than the 15th day after the last day of each calendar quarter, except that the report of the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following year. 2 U.S.C. § 434(a)(4)(A)(i).

The Act requires that a pre-election report be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any

election in which the committee makes a contribution to or expenditure on behalf of a candidate; such report shall be complete as of the 20th day before the election. 2 U.S.C. § 434(a)(4)(A)(ii). In any other calendar year in which a report covers the period beginning January 1 and ending June 30, the report shall be filed no later than July 31, and a report covering the period July 1, and ending December 31, shall be filed no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(4)(A)(iv).

B. THE FACTS

The National Marine Manufacturers Association Political Action Committee ("the Committee") is a political committee that is not an authorized committee of a candidate, and has elected to file disclosure reports on a quarterly basis. Mick Blackistone is the treasurer of the Committee.

The Committee was required to file its 1997 Year End Report no later than January 31, 1998. The Committee was also required to file its 1998 April Quarterly Report no later than April 15, 1998. In addition, the Committee was required to file its 1998 12 Day Pre-General Report no later than October 22, 1998. The Committee failed to file these reports by the required due dates.

The Committee's 1997 Year End Report, which disclosed \$38,758 in receipts and \$4,000 in disbursements, was not filed until March 23, 1998, 51 days late. The 1998 April Quarterly Report, which disclosed \$0 in receipts and \$1,000 in disbursements, was not filed until June 2, 1998, 48 days late. The 1998 12 Day Pre-General Report, which

disclosed \$0 in receipts and \$1,000 in disbursements, was not filed until December 1, 1998, 40 days late.

Prior notices were sent to the Committee notifying it of the due dates for filing each of the reports at issue. Following each of the due dates, separate non-filer notices for each of the reports, except for the 1998 12 Day Pre-General Report, were mailed to the Committee stating it failed to file the reports at issue and advising it to file the reports immediately. On October 9, 1998, a Chronic Late Filer Notice was sent to the Committee for failing to file the 1997 Year End and 1998 April Quarterly Reports in a timely manner. The Notice advised the Committee that any additional late filing of reports may result in legal enforcement action. Subsequent to the mailing of the Chronic Late Filer Notice, the Committee failed to file the 1998 12 Day Pre-General Report in a timely manner.

Therefore, there is reason to believe the National Marine Manufacturers Association Political Action Committee and Mick Blackistone, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), (ii) and (iv).

¹ On December 1, 1998, the Committee filed the 1998 30 Day Post-General Report. The Report disclosed a \$1,000 contribution to a federal candidate during the 12 Day Pre-General reporting period (10/01/98-10/14/98).