



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 27, 2000

William L. Phillips, Esq.  
Brotherhood of Railroad Signalmen  
Political Action Committee  
P.O. Box U  
Mt. Prospect, IL 60058

RE: MUR 5002  
Brotherhood of Railroad Signalmen  
Political Action Committee and  
Walt A. Barrows, as Treasurer

Dear Mr. Phillips:

On June 15, 2000, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(B), 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 questions, please contact me at (202) 694-1650.

Sincerely,

  
Jim Moyer  
Law Clerk

Enclosure  
Conciliation Agreement

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 )  
Brotherhood of Railroad Signalmen ) MUR 5002  
Political Action Committee and )  
Walt A. Barrows, 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 Brotherhood of Railroad Signalmen Political Action Committee and Walt A. Barrows, as treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(4)(B).

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:

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COUNSEL  
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1. Brotherhood of Railroad Signalmen Political Action Committee is a political committee within the meaning of 2 U.S.C. § 431(4) and is not an authorized committee of any candidate.

2. Walt A. Barrows is the current treasurer of Brotherhood of Railroad Signalmen Political Action Committee. Mr. Barrows was not the Committee's treasurer at the time of the events in this matter.

3. a. 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).

b. Committees which choose to file monthly reports are required to file each report no later than the 20<sup>th</sup> day after the last day of the month and shall be complete as of the last day of the month. 2 U.S.C. § 434(a)(4)(B).

c. The Act requires that, in lieu of filing reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general report must be filed in accordance with 2 U.S.C. § 434(a)(2)(A)(i); a post-general election report must be filed no later than the 30<sup>th</sup> day after any general election and must be complete as of the 20<sup>th</sup> day after the general election; and a year end report shall be filed no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(4)(B).

4. Respondents failed to timely file their 1997 May Monthly Report. Respondents were required to file the May Monthly Report no later than May 20, 1997. The 1997 May Monthly Report, which disclosed \$4,959.03 in receipts and \$7,294.05 in disbursements, was not filed until May 30, 1997, 10 days late.

5. Respondents failed to timely file their 1997 June Monthly Report. Respondents were required to file the June Monthly Report no later than June 20, 1997. The 1997 June Monthly Report, which disclosed \$6,556.31 in receipts and \$31.73 in disbursements, was not filed until July 15, 1997, 25 days late.

6. Respondents failed to timely file their 1997 September Monthly Report. Respondents were required to file the 1997 September Monthly Report no later than September 20, 1997. The 1997 September Monthly Report, which disclosed \$5,127.56 in receipts and \$3,537.41 in disbursements, was not filed until October 14, 1997, 24 days late.

7. Respondents failed to timely file their 1997 November Monthly Report. Respondents were required to file the 1997 November Monthly Report no later than November 20, 1997. The 1997 November Monthly Report, which disclosed \$7,361.96 in receipts and \$7,867.01 in disbursements, was not filed until December 18, 1997, 28 days late.

8. Respondents failed to timely file their 1998 February Monthly Report. Respondents were required to file the 1998 February Monthly Report no later than February 20, 1998. The 1998 February Monthly Report, which disclosed \$8,497.12 in receipts and \$6,795.06 in disbursements, was not filed until March 26, 1998, 34 days late.

9. Respondents failed to timely file their 1998 April Monthly Report. Respondents were required to file the 1998 April Monthly Report no later than April 20, 1998. The 1998 April Monthly Report, which disclosed \$5,586.50 in receipts and \$12,532.64 in disbursements, was not received until May 7, 1998, 17 days late.

10. Respondents failed to timely file their 1998 30 Day Post-General Report. Respondents were required to file the 30 Day Post-General Report no later than

December 3, 1998. The 1998 30 Day Post-General Report, which disclosed \$5,172.59 in receipts and \$791.21 in disbursements, was not filed until December 21, 1998, 18 days late.

11. Respondents failed to timely file their 1998 Year End Report. Respondents were required to file the 1998 Year End Report no later than January 31, 1999. The 1998 Year End Report, which disclosed \$2,243.42 in receipts and \$1,036.88 in disbursements, was not filed until February 11, 1999, 11 days late.

12. Respondents contend that the violations derived from inadequate staff training and supervision. Staff responsibility has been transferred to a different staff member, who, along with the Treasurer, have taken Commission training to enable Respondents to comply with all applicable statutes and Commission regulations.

V. Respondents failed to timely file their 1997 May Monthly, 1997 June Monthly, 1997 September Monthly, 1997 November Monthly, 1998 February Monthly, 1998 April Monthly, 1998 30 Day Post-General and 1998 Year End Reports in violation of 2 U.S.C. § 434(a)(4)(B).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Thousand and Eight Hundred dollars (\$1,800), 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 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.


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

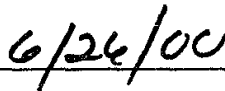
IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

X. 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.

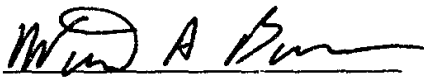
FOR THE COMMISSION:


Lawrence M. Noble  
General Counsel

BY:   
Lois G. Lerner  
Associate General Counsel

  
Date

FOR THE RESPONDENTS:

  
Walt A. Barrows  
Treasurer

  
Date