

APR 27 2000

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2000 APR 27 P 12:49

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD REFERRAL: 99NF-13
DATE ACTIVATED: 03/17/00

EXPIRATION OF STATUTE OF
LIMITATIONS: 04/15/03¹
STAFF MEMBERS: Robert M. Knop
Lisa A. Davis

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Sonoma County Republican Central Committee
and Jerd A. Lapham, as treasurer

RELEVANT STATUTE(S): 2 U.S.C. § 434(a)(4)(A)(i) and (iii)
11 C.F.R. § 104.5(c)(1)(i) and (iii)

INTERNAL REPORTS CHECKED: Disclosure Reports
Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the Sonoma County Republican Central Committee ("Committee") and Jerd A. Lapham, as treasurer (collectively "Respondents"), to the Office of the General Counsel on July 1, 1999. The basis for the RAD referral is the failure to file five (5) Reports of Receipts and Disbursements - the 1998 April Quarterly, July Quarterly, October Quarterly, 30 Day Post-General and Year-End reports - in a timely manner for the 1998

¹ The statute of limitations date for the earliest violation in this matter is April 15, 2003, which refers to the 1998 April Quarterly Report due date of April 15, 1998. The statute of limitations date for the most recent reporting violation is January 31, 2004, which refers to the 1998 Year-End Report due date of January 31, 1999.

cycle.² The reports were filed between thirty-two (32) and two hundred and eight (208) calendar days late.³

II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, see Attachment 1, this Office recommends the Commission find reason to believe the Sonoma County Republican Central Committee and Jerd A. Lapham, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) and (iii).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

This Office also recommends that the Commission offer to enter into conciliation with the Respondents prior to a finding of probable cause to believe. Attached for the Commission's approval is a proposed conciliation agreement (Attachment 2).

² On March 4, 1999, in lieu of filing a 1998 30 Day Post-General Report, the Committee filed a Year-End Report covering the period of October 1, 1998 through December 31, 1998.

³ Additionally, to date, the Committee has not filed its 1999 Mid-Year and Year-End reports.

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IV. RECOMMENDATIONS


1. Open a MUR.
2. Find reason to believe Sonoma County Republican Central Committee and Jerd A. Lapham, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) and (iii), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached Factual and Legal Analysis and conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

Date

4/26/00

BY:


Lois G. Lerner
Associate General Counsel

Attachments:

1. Factual and Legal Analysis
2. Proposed agreement



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *KCS*
DATE: April 27, 2000
SUBJECT: 99NF-13-First General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

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