



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 2, 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gloria Simmons, Treasurer
Friends of Corrine Brown
3109 River Bend Court, D-102
Laurel, MD 20724

RE: MUR 5023
Friends of Corrine Brown

Dear Ms. Simmons:

On May 31, 2000, the Federal Election Commission found that there is reason to believe that Friends of Corrine Brown (the "Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), which is a provision 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 finding, 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

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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 Delbert K. Rigsby, the 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

cc: Congresswoman Corrine Brown

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

MUR: 5023

RESPONDENT: Friends of Corrine Brown and Gloria Simmons, as treasurer

I. GENERATION OF MATTER

This matter was generated by an audit of Friends of Corrine Brown (the "Committee") and Gloria Simmons, as treasurer, undertaken in accordance with 2 U.S.C. § 438(b). The audit covered the period from January 1, 1997 to December 31, 1998.

II. FACTUAL AND LEGAL ANALYSIS

A. Law

The principal campaign committee of a candidate shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution of \$1,000 or more received by any authorized committee of such candidate after the 20th day, but more than 48 hours before, any election. 2 U.S.C. § 434(a)(6)(A). This notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the candidate and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution. 2 U.S.C. § 434(a)(6)(A).

B. Analysis

Friends of Corrine Brown was the principal campaign committee of the candidate, Corrine Brown, during the 1998 election cycle for her candidacy for the United States House of Representatives from the Third District of Florida. The primary election was held on September 1, 1998. The Audit staff identified four contributions totaling \$7,500, deposited between August 13, 1998 and August 29, 1998, requiring 48-hour notices. The Committee failed

to file 48-hour notices on those contributions. Moreover, the general election was held on November 3, 1998. The Audit staff identified 56 contributions totaling \$94,750 deposited between October 15, 1998 and October 31, 1998 requiring 48-hour notices. Of those 56 contributions, the Committee failed to file the required notices for 23 contributions totaling \$33,500. In the Interim Audit Report, the Audit staff recommended that the Committee submit evidence that all required 48-hour notices had been filed or submit written comments regarding this issue. In a written response to the Interim Audit Report, the Committee argued that:

[The candidate's] campaigns have always emphasized volunteer and grassroots-based efforts, and her 1998 campaign was no exception. The political culture of the district requires less emphasis on paid professional staff, and more on help from volunteers. The Committee's recordkeeping and reporting functions have suffered somewhat as result. The Committee has taken significant steps during recent election cycles to address its internal compliance procedures. Nonetheless, some problems have persisted and the Committee has moved to correct them.

See Attachment 1. Moreover, the Committee stated that it "is unable to document that it filed all required 48-hour notices." *Id.*

Therefore, the Commission found reason to believe that Friends of Corrine Brown and Gloria Simmons, as treasurer, failed to file 48-hour notices on four contributions totaling \$7,500 during the primary election, and on 23 contributions totaling \$33,500 during the general election in violation of 2 U.S.C. § 434(a)(6)(A).