



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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MEMORANDUM

TO: The Commission

FROM: Lois G. Lerner *LGL (RAB)*
Acting General Counsel

Richard B. Bader *RBB*
Associate General Counsel

Stephen Hershkowitz *SH*
Assistant General Counsel

William S. Shackelford *W.S.S.*
Attorney

SEP 14 2001

SUBJECT: Settlement Proposal in MUR 5077, Golding 98 Congress and William L. Golding, as Treasurer

The Commission found probable cause to believe that William L. Golding and his father's campaign committee Golding 98 Congress ("the respondents") had violated 2 U.S.C. 434(a)(2)(A)(i) for their failure to file their 1998 12 Day Pre General Report.

Upon being threatened with litigation (no complaint has been filed), the respondents have proposed a conciliation agreement. Attachments 1 & 2. For the reasons discussed below, this Office recommends that the Commission accept this conciliation agreement.

BACKGROUND

David Ross Golding ("Mr. Golding") was an unsuccessful candidate for the House of Representatives in Florida's 15th Congressional District, the general election for which was held On November 3, 1998. His campaign committee was Golding 98 Congress, with his son William L. Golding as treasurer. (The respondents designated Mr. Golding as their authorized representative.)

The Federal Election Campaign Act of 1971, as amended, ("the Act") requires treasurers of the principal committee of a candidate for the House of Representatives or for the Senate to file periodic reports of receipts and disbursements. 2 U.S.C. 434(a)(1). Although the

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Commission's suit authorization was based on the respondents' failure to file the 1998 12 Day Pre General Report, to date, the respondents have failed to file the following additional reports:

- 1998 30 Day Post General Report,
- 1998 Year End Report,
- 1999 Mid Year Report,
- 1999 Year End Report,
- 2000 Mid Year Report,
- 2000 Year End Report, and
- 2001 Mid Year Report.

When the Commission authorized suit, it also approved a conciliation agreement

DISCUSSION

the Office of the General Counsel recommends
that the conciliation agreement be accepted.

RECOMMENDATION:

Accept the settlement proposal submitted in MUR 5077, Golding 98 Congress and William L. Golding, as treasurer.

ALTERNATIVE RECOMMENDATION:

If the Commission rejects the settlement proposal, to re-authorize the Office of the General Counsel to file a civil suit for relief in United States District Court against Golding 98 Congress and William L. Golding, as treasurer.

Attachments:

1. Conciliation Agreement submitted by Arthur Joel Levine, Esq., counsel for respondents, dated August 29, 2001.
2. Affidavit signed by David Ross Golding, notarized on August 29, 2001.

01.04.405-2132



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: September 14, 2001

SUBJECT: Memo. To Commission – Settlement Proposal
MUR 5077-Golding 98 Congress

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

Open Session _____

Closed Session _____

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