



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 15, 2000

Bobby L. Harnage, Treasurer
American Federation of Government
Employees' Political Action Committee
80 F Street NW
Washington, DC 20001

RE: MUR 5095
American Federation of Government
Employees' Political Action Committee and
Bobby L. Harnage, as treasurer

Dear Mr. Harnage:

On September 11, 2000, the Federal Election Commission ("the Commission") found that there is reason to believe American Federation of Government Employees' Political Action Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), 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 probable 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.

11/15/00 10:40:02

Bobby L. Harnage
MUR 5095
Page 2

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 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 Michael E. Scurry, the staff member 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

2025-04-10 10:00

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: American Federation of Government Employees' Political Action Committee
Bobby L. Harnage, as treasurer MUR: 5095

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

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. All political committees, other than authorized committees of a candidate, must file monthly reports, which shall be filed no later than the 20th day after the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election, post-general election, and year end report shall be filed. 2 U.S.C. § 434(a)(4)(B). The American Federation of Government Employees' Political Action Committee ("Committee") is a political committee that is not an authorized committee of a candidate. Bobby L. Harnage is the treasurer of the American Federation of Government Employees' Political Action Committee.

The Respondents failed to file their 1999 December Monthly Report in a timely manner. The Committee's 1999 December Monthly Report was due on December 20, 1999. On December 30, 1998 and February 12, 1999, Prior Notices were sent to the Committee notifying it of the report filing date. A Non-Filer Notice for the 1999 December Monthly Report was sent to the Committee via mailgram on January 14, 2000. The Reports Analysis Division ("RAD")

analyst attempted to contact the Committee on February 10, 2000. A Committee representative stated that Sandra Choate was responsible for filing the reports. The RAD analyst left a message informing Ms. Choate that failure to file the 1999 December Monthly Report could result in legal action. On February 14, 2000, Ms. Choate contacted the RAD analyst and stated the reason for the Committee's failure to file was due to a computer error. Ms. Choate stated the report would be hand delivered the next day. However, the report was not filed until February 16, 2000, fifty-eight calendar days late.

Therefore, there is reason to believe that the American Federation of Government Employees' Political Action Committee and Bobby L. Harnage, as treasurer, violated 2 U.S.C. § 434(a)(4)(B) by failing to timely file their 1999 December Monthly Report.

2000 FEB 14 10 44 AM