




FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

August 8, 2000

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

THROUGH: JAMES A. PEHRKON
STAFF DIRECTOR

FROM:  JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: REFERRAL OF HISPANIC PAC USA, INC.

This is a referral of Hispanic PAC USA, Inc. for failure to timely file a complete 1999 Mid Year Report within thirty (30) calendar days from the date of the Non-Filer Notice. According to the 1999-2000 Reports Analysis Division Review and Referral Procedures for Unauthorized Committees further examination is required by your office.

This Committee was referred September 30, 1999, for a possible 2 U.S.C. §438(b) audit covering the 1997-1998 election cycle. On October 19, 1999, the Commission voted not to audit the Committee (see RAD Referral A99-86).

This Committee was previously referred to your office in November 1999 for the chronic late filing of four (4) Reports of Receipts and Disbursements for the 1997-1998 election cycle (see RAD Referral 99NF-26).

If you have any questions regarding this matter, please contact Andrea Wilkens at 694-1130.

Attachment

21-04-105-1250

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: August 8, 2000

ANALYST: Andrea Wilkens

I. COMMITTEE: Hispanic PAC USA, Inc.
(C00250217)
Esteban Torres, Treasurer
(Unknown - present)
Ada Pena, Treasurer
(05/20/98 - 06/15/99)¹
601 S. Glenoaks Boulevard #208
Burbank, CA 91502

II. RELEVANT STATUTE: 2 U.S.C. 434(a)(4)(A)(iv)
11 CFR 104.5(c)(2)(i)(A)

III. BACKGROUND:

Failure to Timely File the 1999 Mid Year Report

Hispanic PAC USA, Inc. ("the Committee") failed to timely file a complete 1999 Mid-Year Report of Receipts and Disbursements covering the period from January 1, 1999 to June 30, 1999.²

The Committee was notified on December 30, 1998 and June 25, 1999, that the 1999 Mid-Year Report was due on July 31, 1999 (Attachments 2). A Non-

¹ The Committee notified the Commission, in a letter dated June 22, 1999 of Ms. Pena's resignation and that Mr. Torres would appoint an interim treasurer. Mr. Torres stated in a letter dated September 27, 1999 that he had assumed the treasurer's position, but did not state when that had occurred.

² The Committee filed a 1999 April Quarterly Report covering January 1, 1999 to March 31, 1999 on April 15, 1999.

HISPANIC PAC USA, INC.
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

Filer Notice for the 1999 Mid-Year Report, covering the period from April 1, 1999 through June 30, 1999, was sent via mailgram to the Committee on August 25, 1999 (Attachment 3).

On September 20, 1999, the Reports Analysis Division ("RAD") analyst called the Committee and left a message for the treasurer on his answering machine. The analyst stated that the Commission had not yet received a complete 1999 Mid-Year Report and that the omitted portion should be filed as quickly as possible to avoid legal action. The analyst also asked the treasurer to call him at his earliest convenience to discuss the matter (Attachment 4).

On September 22, 1999, the treasurer returned the call and explained that he was out of the country and would file the omitted portion of the 1999 Mid Year Report once he returned from his business trip (Attachment 5).

The remaining portion of the 1999 Mid-Year Report (April 1, 1999 through June 30, 1999) was filed on September 27, 1999. A cover letter submitted with the report explained that the report was late "due to the untimely resignation of Hispanic PAC USA's Treasurer." Furthermore, the committee cited administrative problems and recent relocation of their office from Washington, D.C. to the West Coast as additional reasons for the delay (Attachment 6).

21.04.405.1252

FEDERAL ELECTION COMMISSION
1999-2000
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 8/04/2000

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	IMAGE LOCATION
					TYPE OF FILER	
HISPANIC PAC USA INC				ID #C00250217	NON-PARTY QUALIFIED	
CONNECTED ORGANIZATION:	NONE					
1999	STATEMENT OF ORGANIZATION - AMENDMENT			22JUN99	2	99FEC/453/2775
	APRIL QUARTERLY	53,020	5,041	1JAN99 -31MAR99	8	99FEC/444/0528
	APRIL QUARTERLY - AMENDMENT	53,020	5,041	1JAN99 -31MAR99	9	20FEC/553/4242
	APRIL QUARTERLY - AMENDMENT			1JAN99 -31MAR99	2	20FEC/553/4229
	REQUEST FOR ADDITIONAL INFORMATION			1JAN99 -31MAR99	4	20FEC/501/3616
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN99 -31MAR99	4	20FEC/521/4975
	JULY QUARTERLY	12,843	19,837	1APR99 -30JUN99	10	99FEC/483/3089
	JULY QUARTERLY - AMENDMENT	12,843	19,837	1APR99 -30JUN99	11	99FEC/483/3099
	JULY QUARTERLY - AMENDMENT	12,843	19,837	1APR99 -30JUN99	11	20FEC/553/4231
	REQUEST FOR ADDITIONAL INFORMATION			1APR99 -30JUN99	4	20FEC/501/3620
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1APR99 -30JUN99	5	20FEC/521/4979
	NOTICE OF FAILURE TO FILE			1APR99 -30JUN99	2	99FEC/479/3400
	YEAR-END	0	0	1JUL99 -31DEC99	3	20FEC/527/2883
	YEAR-END - AMENDMENT	0	40,690	1JUL99 -31DEC99	5	20FEC/558/2389
	REQUEST FOR ADDITIONAL INFORMATION			1JUL99 -31DEC99	3	20FEC/562/0546
2000	MISCELLANEOUS NOTICE FROM FEC			17MAR00	3	20FEC/535/2907
	APRIL QUARTERLY	0	1,785	1JAN00 -31MAR00	3	20FEC/553/4251
	1ST LETTER INFORMATIONAL NOTICE			1JAN00 -31MAR00	3	20FEC/562/3629
	JULY QUARTERLY	0	0	1APR00 -30JUN00	3	20FEC/588/3185
	TOTAL	65,863	0	67,353	0	95 TOTAL PAGES

All reports have been reviewed except the 1999 Year End Amendment and the 2000 July Quarterly Report.

Cash on hand as of 06/30/00: \$9

Debts owed to the Committee: \$0

Debts owed by the Committee: \$0

21.04.405.1253

REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

December 30, 1998

WHO MUST FILE

Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file a Year-End Report.

QUARTERLY AND MONTHLY FILERS

REPORT	REPORTING PERIOD*	REG./CERT.	FILING
		MAILING DATE**	DATE
Year-End	11/24/98 - 12/31/98	01/31/99	01/31/99

LABEL

Committees should affix the peel-off label from the envelope to line 1 of the report. Corrections should be made on the label.

CHANGE IN FILING FREQUENCY

Committees wishing to change their reporting schedule (for example, from monthly to quarterly) must notify the Commission in writing when they file their next report due under their current reporting schedule. Committees may change their filing frequencies no more than once per calendar year.

ELECTRONIC FILING

Political committees have the option of filing electronically. If you are interested in this option, review the enclosed handout entitled "Electronic Filing of Disclosure Reports," and call the Data Division at (800) 424-9530 or (202) 694-1250.

COMPLIANCE

Treasurers of political committees are responsible for filing all reports on time. Failure to do so is subject to enforcement action. Committees filing illegible reports or using non-FEC forms (except for FEC approved computer generated forms) will be required to refile.

*These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

** Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

(over)

I. SEMIANNUAL FILERS

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Mid-Year	01/01/99 - 06/30/99	07/31/99	07/31/99
Year-End	07/01/99 - 12/31/99	01/31/00	01/31/00

II. MONTHLY FILERS

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
February	01/01/99 - 01/31/99	02/20/99	02/20/99
March	02/01/99 - 02/28/99	03/20/99	03/20/99
April	03/01/99 - 03/31/99	04/20/99	04/20/99
May	04/01/99 - 04/30/99	05/20/99	05/20/99
June	05/01/99 - 05/31/99	06/20/99	06/20/99
July	06/01/99 - 06/30/99	07/20/99	07/20/99
August	07/01/99 - 07/31/99	08/20/99	08/20/99
September	08/01/99 - 08/31/99	09/20/99	09/20/99
October	09/01/99 - 09/30/99	10/20/99	10/20/99
November	10/01/99 - 10/31/99	11/20/99	11/20/99
December	11/01/99 - 11/30/99	12/20/99	12/20/99
Year-End	12/01/99 - 12/31/99	01/31/00	01/31/00

*These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

** Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

5521 504 40 1255
21 04 405 1255

MID-YEAR REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

June 25, 1999

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either a mid-year or monthly report in July.

I. Quarterly Filers

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Mid-Year	01/01/99 - 06/30/99	07/31/99	07/31/99

II. Monthly Filers

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
July Monthly	06/01/99 - 06/30/99	07/20/99	07/20/99

24 HOUR REPORT ON INDEPENDENT EXPENDITURES

Any Party Committee or PAC that makes independent expenditures in connection with a special election may have to file a 24 hour report. This reporting requirement will be triggered if the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the day of the election. This report is *not* required when a Party Committee or PAC makes a contribution directly to a candidate.

LABEL

Committees should affix the peel-off label from the envelope to line 1 of the report. Corrections should be made on the label.

*These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

** Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

(over)

CHANGE IN FILING FREQUENCY

Committees wishing to change their reporting schedule (for example, from monthly to semiannual) must notify the Commission in writing when they file their next report due under their current reporting schedule. Committees may change their filing frequencies no more than once per calendar year.

ELECTRONIC FILING

Political committees have the option of filing electronically. If you are interested in this option, review the enclosed handout entitled "Electronic Filing of Disclosure Reports," and call the Data Division at (800) 424-9530 or (202) 694-1250.

COMPLIANCE

Treasurers of political committees are responsible for filing all reports on time. Failure to do so is subject to enforcement action. Committees filing illegible reports or using non-FEC forms (except for FEC approved computer generated forms) will be required to refile.

**WESTERN
UNION**

CONFIRMATION OF MAILGRAM

WESTERN UNION COMMERCIAL SERVICES

TO: MR ESTEBAN TORRES

HISPANIC PAC USA INC

4201 LINNEAN AVE NW

WASHINGTON DC 20008-3808

FEDERAL ELECTION COMMISSION

SHAWN WERTH

999 E ST. NW.

WASHINGTON DC 204630001

AUGUST 25, 1999

IDENTIFICATION NUMBER: C00250217

REFERENCE: MID-YEAR REPORT (04/01/1999 - 06/30/1999)

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED. YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATE FOR THIS REPORT.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. A COPY OF THE REPORT OR RELEVANT PORTIONS SHOULD ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER.

ALTHOUGH THE COMMISSION MAY INITIATE AN AUDIT OR LEGAL ENFORCEMENT ACTION CONCERNING THIS MATTER, YOUR PROMPT RESPONSE AND A LETTER OF EXPLANATION WILL BE TAKEN INTO CONSIDERATION.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT SCOTT A. FRANCIS ON OUR TOLL FREE NUMBER (800)424-9530. OUR LOCAL NUMBER IS (202)694-1130.

SINCERELY,

JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

MEMORANDUM OF TELECON

DATE: September 20, 1999
ANALYST: Scott Francis
COMMITTEE: Hispanic PAC USA, Inc.

The Reports Analysis Division ("RAD") analyst left a message on the answering machine of the treasurer, Mr. Esteban Torres. The analyst's message explained that the Committee had not filed a complete 1999 Mid Year Report and requested that Mr. Torres return the telephone call at his earliest possible convenience.

21-04-405-1259
6521-504-40-12

MEMORANDUM OF TELECON

DATE: September 22, 1999
ANALYST: Scott Francis
COMMITTEE: Hispanic PAC USA, Inc.

Mr. Esteban Torres returned the RAD analyst's message and explained that he was out of the country but would file the omitted portion of the 1999 Mid Year Report as soon as he returned from his business trip.

0921 504 40 12

Congressman Esteban E. Torres
(Retired)

RECEIVED
FEDERAL ELECTION
COMMISSION MAIL ROOM

1999 SEP 27 P 3 06

Federal Election Commission:

This 1999 Semiannual Report is late due to the untimely resignation of HISPANIC, PAC USA's Treasurer.

I assumed the Treasurer position and encountered a series of administrative problems. The biggest one being my re-location to the West Coast from Washington D.C.

In the interim, there was the problem of reconciling records and tracing paperwork.

I'm sorry for this mis-hap and these are the reasons for delay.

Sincerely,

Esteban E. Torres
Chairman - Treasurer

21-04-405-1261

For Other Than An Authorized Committee
(Summary Page)

RECEIVED
FEDERAL ELECTION
COMMISSION MAIL ROOM

1999 SEP 27 P 3 06

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) HISPANIC PAC USA		2. FEC IDENTIFICATION NUMBER 00250217
ADDRESS (number and street) <input checked="" type="checkbox"/> Check if different than previously reported 1215 17th St. NW		
CITY, STATE and ZIP CODE Washington, DC 20009		
		3. <input type="checkbox"/> This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

4. TYPE OF REPORT

(a) ☐ April 15 Quarterly Report

☒ July 15 Quarterly Report

☐ October 15 Quarterly Report

☐ January 31 Year End Report

☐ July 31 Mid Year Report (Non-election Year Only)

☐ Termination Report

Monthly Report Due On:

<input type="checkbox"/> February 20	<input type="checkbox"/> June 20	<input type="checkbox"/> October 20
<input type="checkbox"/> March 20	<input checked="" type="checkbox"/> July 20	<input type="checkbox"/> November 20
<input type="checkbox"/> April 20	<input type="checkbox"/> August 20	<input type="checkbox"/> December 20
<input type="checkbox"/> May 20	<input type="checkbox"/> September 20	<input type="checkbox"/> January 31

☐ 12-Day Pre-Election Report for the _____
(Type of Election)

election on _____ in the State of _____

☐ 30-Day Post-Election Report following the General Election
on _____ in the State of _____

(b) Is this Report an Amendment? ☐ YES ☒ NO

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	<u>04/01/99</u> through <u>06/30/99</u>		
6. (a) Cash on Hand January 1, 19 <u>99</u>			\$ 1,499.21
(b) Cash on Hand at Beginning of Reporting Period		\$ 49,478.21	
(c) Total Receipts (from Line 19)		\$ 12,843.77	\$ 65,864.72
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ 62,321.98	\$ 67,363.93
7. Total Disbursements (from Line 30)		\$ 19,837.54	\$ 24,879.44
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 42,484.44	\$ 42,484.44
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		\$ -0-	For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-694-1100
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)		\$ -0-	
I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.			
Type or Print Name of Treasurer ESTEBAN E. TORRES			
Signature of Treasurer <i>Esteban E. Torres</i>		Date 9-23-99	

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 5437g.

--	--	--	--	--	--	--	--	--	--

FEC FORM 3X
(revised 9/93)