



# FEDERAL ELECTION COMMISSION

1325 K STREET NW  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 1953

Date Filmed 5/7/86 Camera No. --- 2

Cameraman SPC

36040561175

MEMORANDUM

TO: RETHA DIXON

TO: JOAN HARRIS

FROM: JOAN HARRIS

FROM: RETHA DIXON

CHECK NO. 15-800 (a copy of which is attached) RELATING  
TO MUR 1953 AND NAME Timothy S. Lacey  
WAS RECEIVED ON 9-24-85. PLEASE INDICATE THE ACCOUNT INTO  
WHICH IT SHOULD BE DEPOSITED:

/ / BUDGET CLEARING ACCOUNT (#95F3873.16)

~~/~~ / CIVIL PENALTIES ACCOUNT (#95-1089.160)

/ / OTHER

SIGNATURE

Robert M. Bishop

DATE

9-24-85

UNITED STATES OF AMERICA MONEY ORDER

34194152463 850923

106020

175\*08

PAY TO FEDERAL ELECTIONS COMMISSION  
STREET 1325 K ST., N.W.  
CITY WASHINGTON STATE D.C. ZIP 20463



POST OFFICE  
FROM TIMOTHY S. CAREY  
STREET 175 SUNSET BLVD  
CITY MONTROSE STATE NY ZIP 10548  
MUR-1959

10000080021

34194152463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 1953  
Fund to Keep America #1 )  
Timothy S. Carey, as treasurer )  
 )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 3, 1985, the Commission decided by a vote of 5-0 to take the following actions in MUR 1953:

1. Approve the conciliation agreement submitted with the General Counsel's Report signed July 29, 1985.
2. Approve the letter attached to the General Counsel's Report signed July 29, 1985.
3. Close the file in this matter.

Commissioners Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter; Commissioner Aikens did not cast a vote.

Attest:

8/5/85

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary:  
Circulated on 48 hour tally basis:

7-30-85, 5:45  
7-31-85, 4:00

85040361178

Q GCC# 7948

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Fund to Keep America #1 ) MUR 1953  
Timothy S. Carey, as treasurer )

15 JUL 8  
P 2:04  
COMM. FILED

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Fund to Keep America #1 and Timothy S. Carey, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(4)(B) by failing to file a 12 Day Pre-General Election Report.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent Fund to Keep America #1 is a political committee registered with the Commission.

9 6 0 4 0 5 8 1 1 7 9

2. Respondent Timothy S. Carey is treasurer of the Fund to Keep America #1.

3. During calendar year 1984, Respondents filed reports to the Commission on a monthly basis.

4. Respondents failed to file a 12 Day Pre-General Election Report, due on October 25, 1984.

5. Section 434(a)(4)(B) of Title 2 states that a monthly filer shall file a pre-general election report, instead of a November monthly report, during a regularly scheduled general election year.

V. By failing to file a pre-general election report, Respondents violated 2 U.S.C. § 434(a)(4)(B).

VI. Respondents collectively will pay a civil penalty to the Treasurer of the United States in the amount of one hundred seventy five dollars (\$175) pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. Respondents agree that they shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date all parties hereto have executed the same and the Commission has approved the entire agreement.

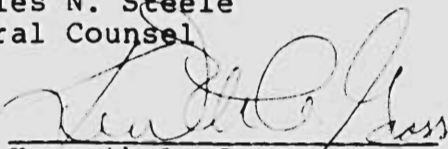
X. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XI. This Conciliation Agreement constitutes the entire agreement between the Commission and the Respondents on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by any party or by agents of any party, that is not contained in this written agreement, shall be valid.

FOR THE COMMISSION:

Charles N. Steele  
General Counsel

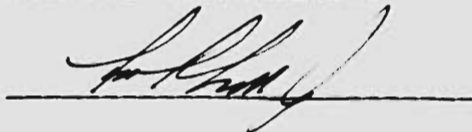
BY:

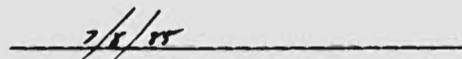
  
Kenneth A. Gross  
Associate General Counsel

Date

  
August 12, 1985

FOR THE RESPONDENTS:



  
2/8/85

36040781131



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 14, 1985

Frank Trotta, Jr. Esquire  
24 North Avenue  
New Rochelle, New York 10805

RE: MUR 1953  
Fund to Keep America #1  
Timothy S. Carey, Treasurer

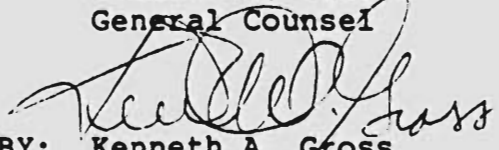
Dear Mr. Trotta:

On August 3, 1985, the Commission accepted the conciliation agreement signed by you in settlement of a violation of 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele  
General Counsel

  
BY: Kenneth A. Gross  
Associate General General

Enclosure  
Conciliation Agreement



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Fund to Keep America #1 ) MUR 1953  
Timothy S. Carey, as treasurer )

15 JUL 8  
P 2:04  
GENERAL ELECTION

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Fund to Keep America #1 and Timothy S. Carey, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(4)(B) by failing to file a 12 Day Pre-General Election Report.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent Fund to Keep America #1 is a political committee registered with the Commission.

95040301183

2. Respondent Timothy S. Carey is treasurer of the Fund to Keep America #1.

3. During calendar year 1984, Respondents filed reports to the Commission on a monthly basis.

4. Respondents failed to file a 12 Day Pre-General Election Report, due on October 25, 1984.

5. Section 434(a)(4)(B) of Title 2 states that a monthly filer shall file a pre-general election report, instead of a November monthly report, during a regularly scheduled general election year.

V. By failing to file a pre-general election report, Respondents violated 2 U.S.C. § 434(a)(4)(B).

VI. Respondents collectively will pay a civil penalty to the Treasurer of the United States in the amount of one hundred seventy five dollars (\$175) pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. Respondents agree that they shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

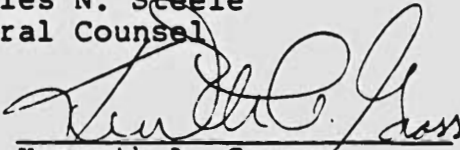
IX. This agreement shall become effective as of the date all parties hereto have executed the same and the Commission has approved the entire agreement.

X. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XI. This Conciliation Agreement constitutes the entire agreement between the Commission and the Respondents on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by any party or by agents of any party, that is not contained in this written agreement, shall be valid.

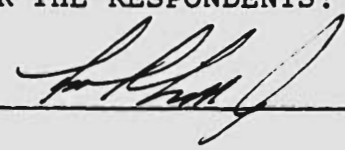
FOR THE COMMISSION:

Charles N. Steele  
General Counsel

BY:   
Kenneth A. Gross  
Associate General Counsel

August 12, 1985  
Date

FOR THE RESPONDENTS:



2/8/85

33040-81185

BEFORE THE FEDERAL ELECTION COMMISSION

**SENSITIVE**

In the Matter of )  
Fund to Keep America #1 ) MUR 1953  
Timothy S. Carey, as treasurer )

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

This matter pertains to the apparent failure of the Fund to Keep America #1 ("the Committee") to file a 12 Day Pre-General Report on October 25, 1984, in violation of 2 U.S.C. § 434(a)(4)(B). Respondent Committee is a non-connected political action committee filing reports on a monthly basis. Respondent Timothy S. Carey is treasurer of the Committee. Respondent filed a report on November 20, 1984, to cover the period from October 1 to October 31, 1984. On March 20, 1985, the Commission found reason to believe that the Committee and Mr. Carey, as its treasurer violated 2 U.S.C. § 434(a)(4)(B). On April 30, 1985, this Office received a letter from counsel for the Committee stating that he "would like to begin discussions with [this Office] on pre-probable cause conciliation." On May 14, this Office received a clarifying letter from counsel, stating that the Committee "requests" pre-probable cause conciliation.

**II. LEGAL ANALYSIS**

As a monthly filer, the Committee, during most months, is required to file a report of the previous month's receipts and disbursements no later than the twentieth day after the last day of that month. According to 2 U.S.C. § 434(a)(4)(B), however, a

pre-general election report, instead of a November monthly report, shall be filed during a regularly scheduled general election year. This report was due on October 25, 1984. The Respondents did not file that report. Because a report was eventually filed covering the pertinent dates, the Committee is to be considered a late filer, not a non-filer.

### III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

### IV. RECOMMENDATIONS

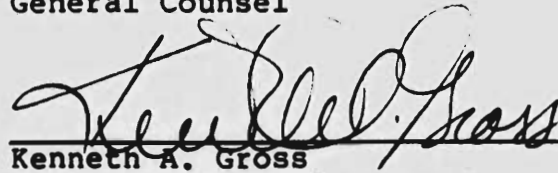
1. Enter into conciliation with the Fund to Keep America #1 and Timothy S. Carey, as its treasurer, prior to a finding of probable cause to believe.
2. Approve the attached proposed conciliation agreement.
3. Approve and send the attached letter.

Charles N. Steele  
General Counsel

Date

May 24, 1985

BY:

  
Kenneth A. Gross  
Associate General Counsel

### Attachments

1. Request for pre-probable cause conciliation.
2. Proposed letter to counsel for the Committee.
3. Proposed conciliation agreement.

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Lew Lehrman  
Honorary Chairman

Carla L. Saunders  
Vice Chairman



RECEIVED THE FEC  
GCC #7450  
85 MAY 14 P12:20

May 8, 1985

Jon Levin, Esq.  
Federal Election Commission  
Washington, D.C. 20463

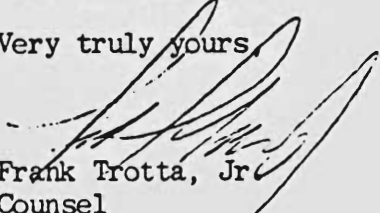
RE: MUR 1953

Dear Mr. Levin:

This is to amend and clarify prior correspondence on this matter. The Fund to Keep America #1 requests pre-probably cause concililation.

Thank you.

Very truly yours

  
Frank Trotta, Jr.  
Counsel

FTjr/sy

Attachment 1

3 5 0 4 0 5 0 1 1 9 8



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Frank Trotta, Jr., Esquire  
24 North Avenue  
New Rochelle, New York 10805

RE: MUR 1953  
Fund to Keep America #1  
Timothy S. Carey, as treasurer

Dear Mr. Trotta:

On March 20, 1985, the Commission found reason to believe that the Fund to Keep America #1 and Timothy S. Carey, as treasurer, violated 2 U.S.C. § 434(a)(4)(B). At your request, the Commission determined on , 1985, 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 in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, 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. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Jonathan Levin, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

Enclosures  
Proposed Conciliation Agreement

Attachment 2



Lew Lehrman  
Honorary Chairman

Carla L. Saunders  
Vice Chairman

Fund to Keep America #1

RECEIVED AT THE FEC  
GCC #7450  
85 MAY 14 P12:28

May 8, 1985

Jon Levin, Esq.  
Federal Election Commission  
Washington, D.C. 20463

RE: MUR 1953

Dear Mr. Levin:

This is to amend and clarify prior correspondence on this matter. The Fund to Keep America #1 requests pre-probably cause concillitation.

Thank you.

Very truly yours

Frank Trotta, Jr.  
Counsel

FTjr/sy



Find to Keep #1  
America 1

214 Massachusetts Avenue, N.E., Suite 205  
Washington, D.C. 20002 • (202) 543-7555

Jon Levin, Esq.  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20465

National Flag Day

02:20  
5:10 PM



**SENSITIVE**

FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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COM  
ED  
SEC  
ARY  
MAR 25 4 9: 03

March 25, 1985

MEMORANDUM TO: The Commission

FROM: Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

SUBJECT: RAD Referral 85NF-16

On March 20, 1985 the Commission approved the recommendation that RAD Referral 85NF-16 should become a MUR. Therefore, all documents which had previously been contained in RAD Referral 85NF-16 should now become MUR 1953.

Attachment  
Copy of Certification

95010131192

BEFORE THE FEDERAL ELECTION COMMISSION

M 1953  
J. Levin

In the Matter of )  
 )  
Fund to Keep America #1 ) RAD Referral 85NF-16  
Timothy S. Carey, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 20, 1985, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral 85NF-16:

1. Open a MUR.
2. Find reason to believe that Fund to Keep America #1 and Timothy S. Carey, as treasurer, violated 2 U.S.C. § 434(a)(4)(B).
3. Approve the letter with the General Counsel's Factual and Legal Analysis attached to the First General Counsel's Report signed March 15, 1985.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

3-21-85

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary: 3-18-85, 9:57  
Circulated on 48 hour tally basis: 3-18-85, 4:00

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Fund to Keep America #1 ) RAD Referral 85NF-16  
Timothy S. Carey, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 20, 1985, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral 85NF-16:

1. Open a MUR.
2. Find reason to believe that Fund to Keep America #1 and Timothy S. Carey, as treasurer, violated 2 U.S.C. § 434(a)(4)(B).
3. Approve the letter with the General Counsel's Factual and Legal Analysis attached to the First General Counsel's Report signed March 15, 1985.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

3-21-85

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary: 3-18-85, 9:57  
Circulated on 48 hour tally basis: 3-18-85, 4:00

85040781194



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 1, 1985

Timothy S. Carey, Treasurer  
Fund to Keep America #1  
216 Massachusetts Avenue, N.E.  
Washington, D.C.

Re: MUR 1953  
Fund to Keep America #1  
Timothy S. Carey, as treasurer

Dear Mr. Carey:

On March 20, 1985, the Federal Election Commission determined that there is reason to believe that the Fund to Keep America #1 ("the 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 General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form

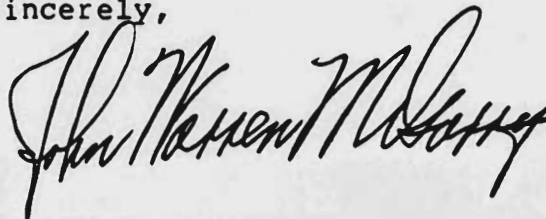
Letter to Timothy S. Carey  
Page 2

stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

The investigation now being conducted will be 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 Jonathan Levin, the attorney assigned to this matter, at (202)523-4000.

Sincerely,



John Warren McGarry  
Chairman

Enclosures

General Counsel's Factual and Legal Analysis  
Procedures  
Designation of Counsel Statement

35040381196

FEDERAL ELECTION COMMISSION  
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 1953  
STAFF MEMBER  
Jonathan Levin

RESPONDENTS      Fund to Keep America #1  
                     Timothy S. Carey, as treasurer

SOURCE OF MUR:      I N T E R N A L L Y   G E N E R A T E D

SUMMARY OF ALLEGATIONS

The Fund to Keep America #1 ("Committee") was referred to the Office of the General Counsel on February 7, 1985. This matter pertains to the failure of the Committee, a monthly filer, to file a 12 Day Pre-General Report in October, 1984, in violation of 2 U.S.C. § 434(a)(4)(B).

FACTUAL BASIS AND LEGAL ANALYSIS

Respondent Committee is a non-connected political action committee filing reports on a monthly basis. Respondent Timothy S. Carey is treasurer of the Committee. Respondents filed a report on November 20, 1984, to cover the period from October 1 to October 31, 1984. The Committee received \$12,815 during this period and disbursed \$27,591.91. The cash-on-hand total at the end of the month was a negative figure of \$11,815.89.

As a monthly filer, the Committee, during most months, is required to file a report of the previous month's receipts and disbursements no later than the twentieth day after the last day of that month. According to 2 U.S.C. § 434(a)(4)(B), however, a pre-general election report, instead of a November monthly report, shall be filed during a regularly scheduled general

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election year. This report was due on October 25, 1984. The Respondents did not file that report.

Based on the foregoing analysis, this Office recommends that the Commission open a Matter Under Review and find reason to believe that the Fund to Keep America #1 and Timothy S. Carey, as treasurer, violated 2 U.S.C. § 434(a)(4)(B).

36040381198





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Timothy S. Carey, Treasurer  
Fund to Keep America #1  
216 Massachusetts Avenue, N.E.  
Washington, D.C.

Re: MUR  
Fund to Keep America #1  
Timothy S. Carey, as treasurer

*JJ 3/26/85*

Dear Mr. Carey:

On March , 1985, the Federal Election Commission determined that there is reason to believe that the Fund to Keep America #1 ("the 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 General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form

36040381199

Letter to Timothy S. Carey  
Page 2

stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Timothy S. Carey, Treasurer  
Fund to Keep America #1  
216 Massachusetts Avenue, N.E.  
Washington, D.C.

Re: MUR  
Fund to Keep America #1  
Timothy S. Carey, as treasurer

Dear Mr. Carey:

On March , 1985, the Federal Election Commission determined that there is reason to believe that the Fund to Keep America #1 ("the 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 General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

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Letter to Timothy S. Carey  
Page 2

stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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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 Jonathan Levin, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

John Warren McGarry  
Chairman

Enclosures

General Counsel's Factual and Legal Analysis  
Procedures  
Designation of Counsel Statement

26040531202

8 6 0 4 0 5 8 1 2 0 3

Frank P. Trotta, Esq.  
24 North Avenue  
New Rochelle, New York 10805

05 APR 30 #12: 08

Jonathan Levin, Esq.  
Office of the General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

CERTIFIED

0 084 322 548

MAIL

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 1953  
Fund to Keep America #1 )  
Timothy S. Carey, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 30, 1985, the Commission decided by a vote of 4-0 to take the following actions in MUR 1953:

1. Enter into conciliation with the Fund to Keep America #1 and Timothy S. Carey, as its treasurer, prior to a finding of probable cause to believe.
2. Approve the proposed conciliation agreement attached to the General Counsel's Report signed May 24, 1985.
3. Approve and send the letter attached to the General Counsel's Report signed May 24, 1985.

Commissioners Elliott, Harris, McGarry and Reiche voted affirmatively in this matter; Commissioners Aikens and McDonald did not cast a vote.

Attest:

5-31-85

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary:  
Circulated on 48 hour tally basis:

5-28-85, 10:32  
5-28-85, 4:00

95040581204



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Frank Trotta, Jr., Esquire  
24 North Avenue  
New Rochelle, New York 10805

RE: MUR 1953  
Fund to Keep America #1  
Timothy S. Carey, as treasurer

Dear Mr. Trotta:

On March 20, 1985, the Commission found reason to believe that the Fund to Keep America #1 and Timothy S. Carey, as treasurer, violated 2 U.S.C. § 434(a)(4)(B). At your request, the Commission determined on , 1985, 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 in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, 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. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Jonathan Levin, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

*JZ*  
6/3/85

By: Kenneth A. Gross  
Associate General Counsel

Enclosures  
Proposed Conciliation Agreement



Frank Trotta, Jr.  
ATTORNEY AT LAW

900 #1328  
85 APR 30 12:00

TWENTY-FOUR NORTH AVENUE  
NEW ROCHELLE, NEW YORK 10805  
TELEPHONE: (914) NE 2-7069

April 23, 1985

Jonathan Levin, Esq.  
Office of the General Counsel  
Federal Election Commission  
Washington, D.C. 20463

RE: MUR 1953  
On Behalf of Timothy S. Carey, Treasurer,  
Fund to Keep America Number One

Dear Mr. Levin:

I would like to begin discussions with you on pre-probable cause conciliation in the above captioned matter.

I can be reached at the address and telephone number listed above.

Thank you for your consideration in this matter.

Very truly yours,

  
FRANK TROTTA, JR.

FT:mm

05040381206

10:45 05/01/85



**SENSITIVE**

**FEDERAL ELECTION COMMISSION**  
1325 K Street, N.W.  
Washington, D.C. 20463

**FIRST GENERAL COUNSEL'S REPORT**

DATE AND TIME OF TRANSMITTAL 3/18/85-9:55 RAD REFERRAL 85NF-16  
BY OGC TO THE COMMISSION STAFF MEMBER  
Jonathan Levin

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

RESPONDENTS' NAMES: Fund to Keep America #1  
Timothy S. Carey, as treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(4)(B)

INTERNAL REPORTS CHECKED: Public Records

FEDERAL AGENCIES CHECKED: None

**SUMMARY OF ALLEGATIONS**

The Fund to Keep America #1 ("Committee") was referred to the Office of the General Counsel on February 7, 1985. This matter pertains to the failure of the Committee, a monthly filer, to file a 12 Day Pre-General Report in October, 1984, in violation of 2 U.S.C. § 434(a)(4)(B).

**FACTUAL AND LEGAL ANALYSIS**

Respondent Committee is a non-connected political action committee filing reports on a monthly basis. Respondent Timothy S. Carey is treasurer of the Committee. Respondents filed a report on November 20, 1984, to cover the period from October 1 to October 31, 1984. The Committee received \$12,815 during this period and disbursed \$27,591.91. The cash-on-hand total at the end of the month was a negative figure of \$11,815.89.

As a monthly filer, the Committee, during most months, is required to file a report of the previous month's receipts and

95040781207

disbursements no later than the twentieth day after the last day of that month. According to 2 U.S.C. § 434(a)(4)(B), however, a pre-general election report, instead of a November monthly report, shall be filed during a regularly scheduled general election year. This report was due on October 25, 1984. The Respondents did not file that report.

Based on the foregoing analysis, this Office recommends that the Commission open a Matter Under Review and find reason to believe that the Fund to Keep America #1 and Timothy S. Carey, as treasurer violated 2 U.S.C. § 434(a)(4)(B).

#### RECOMMENDATIONS

1. Open a Matter Under Review.
2. Find reason to believe that Fund to Keep America #1 and Timothy S. Carey, as treasurer, violated 2 U.S.C. § 434(a)(4)(B).
3. Approve the attached letter with the General Counsel's Factual and Legal Analysis.

Charles N. Steele  
General Counsel

March 15, 1985  
Date

By: Kenneth A. Gross

Kenneth A. Gross  
Associate General Counsel

#### Attachments

1. Referral from RAD
2. Proposed letter and General Counsel's Factual and Legal Analysis.

86040701208



## FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 1, 1984

GENERAL ELECTION FILING NOTICE  
FOR UNAUTHORIZED COMMITTEES**WHO MUST FILE THE PRE-GENERAL ELECTION REPORT**

All committees that file monthly reports must file the pre-general election report due October 25, 1984.

In addition all quarterly filing committees that have made contributions or expenditures (including independent expenditures) in connection with the general election must file a pre-election report, if such activity has not previously been reported. See below for post-general filing information.

**WHAT MUST BE REPORTED**

The report must disclose all financial activity of the committee from the later of, the last report filed or the date of registration\* through October 17, 1984. (Monthly filers must disclose all financial activity from the later of October 1 or the date of registration\* through October 17, 1984.)

**WHEN TO FILE**

Pre-general election reports sent registered or certified mail must be postmarked no later than October 22, 1984. Reports hand delivered or mailed first class must be received no later than close of business October 25, 1984.

\* \* \* \* \*

**WHO MUST FILE THE POST-GENERAL ELECTION REPORT**

All committees must file the post-general election report due December 6, 1984, regardless of election activity.

**WHAT MUST BE REPORTED**

The post-general election report must cover all financial activity of the committee from either the date of the last report filed or the date of registration, whichever is later\* through November 26, 1984.

**WHEN TO FILE**

Post-general election reports sent by registered or certified mail must be postmarked no later than December 6, 1984. Reports hand delivered or mailed first class must be received no later than close of business December 6, 1984.

\*The first report filed by a committee shall include all amounts received or disbursed prior to becoming a political committee, even if such amounts were not received during the current reporting period. See 11 CFR 104.3(a) and (b).

-over-

1- p 3 of 10

## WHERE AND HOW TO FILE

Committees should consult the instructions on the enclosed FEC form 3X, for details.

### QUARTERLY FILERS

Name of Report	Period Covered	Reg./Cert. Mailing Date	Filing Date
3rd Q-Report	07/01* - 09/30	10/15/84	10/15/84
Pre-General	10/01 - 10/17	10/22/84	10/25/84
Post-General**	10/18 - 11/26	12/06/84	12/06/84
Year-end	11/27 - 12/31	01/31/85	01/31/85

\*Or from date of registration, or the close of books of the last report filed, whichever is later.

\*\*Reports filed by committees that did not file the pre-General report should cover all financial activity from the last report filed through November 26, 1984.

\* \* \*

### MONTHLY FILERS

Name of Report	Period Covered	Reg./Cert. Mailing Date	Filing Date
Oct. Monthly	09/01 - 09/30	10/20/84	10/20/84
Pre-General	10/01 - 10/17	10/22/84	10/25/84
Post-General	10/18 - 11/26	12/06/84	12/06/84
Year-end	11/27 - 12/31	01/31/85	01/31/85

### COMPLIANCE

Political committees are fully liable for failure to file any report required under the Act. Failure to file in a timely fashion is a serious violation. Committees are subject to enforcement action for late filing. Illegible reports which can not be clearly reproduced and reports submitted on non-FEC forms will not be accepted. Committees filing such documents will be required to refile.

FOR INFORMATION CALL: Office Of Public Communications  
800/424-9530 or 202/523-4068

1 - p. 4 of 10.



FEDERAL ELECTION COMMISSION  
WASHINGTON, DC 20463

RQ-7

November 16, 1984

Identification Number:

Reference: 12 Day Pre-General Report (10/1/84-10/17/84)

Dear

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 Disbursements as required by the Federal Election Campaign Act. 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, 1325 K Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or the relevant portions should also be filed with the Secretary of State or equivalent state officer (see 11 CFR 108.2, 108.3, 108.4).

If the report in question was filed, please submit documentation for the public record. Although the Commission may take further legal steps concerning this matter, your prompt response will be taken into consideration.

If you have any questions, please contact on our toll-free number (800) 424-9530. Our local number is (202) 523-4048.

Sincerely,

A handwritten signature in dark ink, appearing to read "John D. Gibson".

John D. Gibson  
Assistant Staff Director  
Reports Analysis Division

1-p. 5 of 10

26340781212

**FUND TO KEEP AMERICA #1**

(Attachments 16a - b)

1 - p. 6 of 10



2 6 0 4 0 5 8 1 2 1 3

FEDERAL ELECTION COMMISSION  
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (83-84)

DATE 11JAN85  
PAGE 1

NON-PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
FUND TO KEEP AMERICA #1 CONNECTED ORGANIZATION: NONE				NON-PARTY QUALIFIED		ID #C00167007
1983	STATEMENT OF ORGANIZATION			3MAY83	2	83FEC/271/2520
	MID-YEAR REPORT	108,646	47,256	6APR83 -30JUN83	29	83FEC/279/4238
	MID-YEAR REPORT - AMENDMENT	-	-	1JAN83 -30JUN83	1	84FEC/315/525
	MID-YEAR REPORT - AMENDMENT	-	-	6APR83 -30JUN83	2	84FEC/318/350
	MID-YEAR REPORT - AMENDMENT	-	-	6APR83 -30JUN83	3	84FEC/322/4443
	REQUEST FOR ADDITIONAL INFORMATION			6APR83 -30JUN83	2	84FEC/308/0041
	REQUEST FOR ADDITIONAL INFORMATION 2ND			6APR83 -30JUN83	3	84FEC/313/2226
	REQUEST FOR ADDITIONAL INFORMATION			6APR83 -30JUN83	2	84FEC/316/2001
	REQUEST FOR ADDITIONAL INFORMATION 2ND			6APR83 -30JUN83	3	84FEC/318/1921
	YEAR-END	3,838	30,843	1JUL83 -31DEC83	9	84FEC/296/1632
	YEAR-END - AMENDMENT	-	-	1JUL83 -31DEC83	2	84FEC/313/3388
	YEAR-END - AMENDMENT	-	-	1JUL83 -31DEC83	1	84FEC/318/5209
	YEAR-END - AMENDMENT	-	-	1JUL83 -31DEC83	1	84FEC/323/2029
	REQUEST FOR ADDITIONAL INFORMATION			1JUL83 -31DEC83	1	84FEC/308/1502
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL83 -31DEC83	1	84FEC/313/2912
	REQUEST FOR ADDITIONAL INFORMATION			1JUL83 -31DEC83	1	84FEC/316/2062
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL83 -31DEC83	1	84FEC/318/1958
1984	FEBRUARY MONTHLY	0	6,154	1JAN84 -31JAN84	4	84FEC/297/2520
	MARCH MONTHLY	2,000	3,000	1FEB84 -29FEB84	5	84FEC/299/3050
	APRIL MONTHLY	0	413	1MAR84 -31MAR84	4	84FEC/312/4433
	MAY MONTHLY	-	1,000	1APR84 -30APR84	4	84FEC/315/0424
	JUNE MONTHLY	-	1,255	1MAY84 -31MAY84	5	84FEC/317/3164
	JULY MONTHLY	0	2,136	1JUN84 -30JUN84	4	84FEC/323/2416
	AUGUST MONTHLY	0	5,643	1JUL84 -31JUL84	4	84FEC/325/387
	SEPTEMBER MONTHLY	13,750	12,489	1AUG84 -31AUG84	8	84FEC/329/399
	OCTOBER MONTHLY	1,105	16,186	1SEP84 -30SEP84	9	84FEC/345/0259
	NOTICE OF FAILURE TO FILE			1OCT84 -17OCT84	1	84FEC/349/0593
	NOVEMBER MONTHLY	12,815	27,591	1OCT84 -31OCT84	10	84FEC/349/2800
	NOVEMBER MONTHLY	25,450	9,093	1NOV84 -30NOV84	8	84FEC/357/3603
	TOTAL	154,789	0 135,468	0	130	TOTAL F
	ENDING CASH (11/30): \$4,540					
	DEBTS: \$ 0					

1 - p 7 of 10

# REPORT OF RECEIPTS AND DISBURSEMENTS

For a Political Committee Other Than an Authorized Committee

RECEIVED: 11-18-84

(Summary Page)

84 NOV 23 11:22 AM

ALION AREA

1. Name of Committee (in Full)

FUND TO KEEP AMERICA 01

Address (Number and Street)

214 Massachusetts Ave., N.E.  
Suite 205

City, State and ZIP Code

Washington, D.C. 20002

☐ Check here if address is different than previously reported2. FEC Identification Number  
C 001670073. ☐ This committee qualified as a multi-state committee during the Reporting Period on \_\_\_\_\_

4. TYPE OF REPORT (Check appropriate boxes)

(a) ☐ April 15 Quarterly Report ☐ October 15 Quarterly Report☐ July 15 Quarterly Report ☐ January 31 Year End Report☐ July 31 Mid Year Report (Non-Election Year Only)☒ Monthly Report for October 1984☐ Twelfth day report preceding \_\_\_\_\_ (Year of Election)

election on \_\_\_\_\_ in the State of \_\_\_\_\_

☐ Thirtieth day report following the General Election

on \_\_\_\_\_ in the State of \_\_\_\_\_

☐ Termination Report

Is this Report an Amendment?

☐ YES☐ NO

## SUMMARY

5. Covering Period October 1, 1984 through October 31, 19846. (a) Cash on Hand January 1, 19 84

(b) Cash on Hand at Beginning of Reporting Period

(c) Total Receipts (from Line 18)

(d) Subtotal (add Lines 6(b) and 6(c) for Column A and  
Lines 6(a) and 6(c) for Column B)

7. Total Disbursements (from Line 28)

8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))

9. Debts and Obligations Owed TO The Committee

(Itemize all on Schedule C or Schedule D)

10. Debts and Obligations Owed BY the Committee

(Itemize all on Schedule C or Schedule D)

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Timothy S. Carey  
Type or Print Name of Treasurer

SIGNATURE OF TREASURER

NOTE: Submission of false or misleading or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. § 437.

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

For further information contact:

Federal Election Commission

Toll Free 800 424 9630

Local 202 623 4000

FEC FORM 3 (3/80)

1 - p. 8 of 10



Fund To Keep America #1  
214 Massachusetts Avenue, N.E.  
Suite 205  
Washington, D.C. 20002

84033402000

NOV 20 1984

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Public Records Division  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

CERTIFIED

P 584 188 241

1- p 9 of 10



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Timothy S. Carey, Treasurer  
Fund to Keep America #1  
216 Massachusetts Avenue, N.E.  
Washington, D.C.

Re: MUR  
Fund to Keep America #1  
Timothy S. Carey, as treasurer

Dear Mr. Carey:

On March , 1985, the Federal Election Commission determined that there is reason to believe that the Fund to Keep America #1 ("the 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 General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form

Attachment 2 - p. 1 of 4

Letter to Timothy S. Carey  
Page 2

stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

The investigation now being conducted will be 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 Jonathan Levin, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

John Warren McGarry  
Chairman

Enclosures

General Counsel's Factual and Legal Analysis  
Procedures  
Designation of Counsel Statement

2 - p. 2 of 4

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FEDERAL ELECTION COMMISSION  
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. \_\_\_\_\_  
STAFF MEMBER  
Jonathan Levin

RESPONDENTS      Fund to Keep America #1  
                     Timothy S. Carey, as treasurer

SOURCE OF MUR:      I N T E R N A L L Y   G E N E R A T E D

SUMMARY OF ALLEGATIONS

The Fund to Keep America #1 ("Committee") was referred to the Office of the General Counsel on February 7, 1985. This matter pertains to the failure of the Committee, a monthly filer, to file a 12 Day Pre-General Report in October, 1984, in violation of 2 U.S.C. § 434(a)(4)(B).

FACTUAL BASIS AND LEGAL ANALYSIS

Respondent Committee is a non-connected political action committee filing reports on a monthly basis. Respondent Timothy S. Carey is treasurer of the Committee. Respondents filed a report on November 20, 1984, to cover the period from October 1 to October 31, 1984. The Committee received \$12,815 during this period and disbursed \$27,591.91. The cash-on-hand total at the end of the month was a negative figure of \$11,815.89.

As a monthly filer, the Committee, during most months, is required to file a report of the previous month's receipts and disbursements no later than the twentieth day after the last day of that month. According to 2 U.S.C. § 434(a)(4)(B), however, a pre-general election report, instead of a November monthly report, shall be filed during a regularly scheduled general

2 - p. 3 of 4

election year. This report was due on October 25, 1984. The Respondents did not file that report.

Based on the foregoing analysis, this Office recommends that the Commission open a Matter Under Review and find reason to believe that the Fund to Keep America #1 and Timothy S. Carey, as treasurer, violated 2 U.S.C. § 434(a)(4)(B).

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2-p. 4 of 4



FEDERAL ELECTION COMMISSION

1125 K STREET NW  
WASHINGTON, DC 20463

THIS IS THE BEGINNING OF MUR # 1953

Date Filmed 5/7/86 Camera No. --- 2

Cameraman GPC

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