



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

THIS IS THE BEGINNING OF MUR # 2311

DATE FILMED 8/24/90 CAMERA NO. 3

CAMERAMAN AS

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FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE BEGINNING OF MUR # 2311

DATE FILMED 4/27/90 CAMERA NO. 3

CAMERAMAN AS

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68 JUL 18 AM 9:31

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

FEDERAL ELECTION COMMISSION,

Plaintiff,

v.

DIETL FOR CONGRESS, et al.,

Defendants.

Civil Action No. CV-88-1143

CONSENT ORDER

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CONSENT ORDER

WHEREAS, this action for declaratory, injunctive and other appropriate relief was instituted by the plaintiff Federal Election Commission (the "Commission") pursuant to the express authority granted the Commission by sections 307(a)(6) and 309(a)(6)(A) of the Federal Election Campaign Act of 1971, as amended (the "Act"), codified at 2 U.S.C. §§ 437d(a)(6) and 437g(a)(6)(A), against the defendants Dietl For Congress and Alan J. Dietl, as treasurer; and

WHEREAS, this Court has original jurisdiction over this suit pursuant to 28 U.S.C. § 1345 as an action brought by an agency of the United States expressly authorized to sue by an Act of Congress, and venue is properly found in the United States District Court for the Eastern District of New York in accord with 2 U.S.C. § 437g(a)(6)(A), as both defendants can be found, reside or transact business in this district;

NOW, THEREFORE, the parties agree to entry of this Court's judgment and consent to the issuance of this Order, as evidenced by the signatures of Richard "Bo" Dietl, on behalf of his

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principal campaign committee, Dietl For Congress, and its treasurer, Alan J. Dietl, and plaintiff's counsel affixed hereto;

Therefore, it is ORDERED, ADJUDGED AND DECREED as follows:

I. The Commission has met all of the jurisdictional prerequisites to filing Civil Action No. CV-88-1143;

II. Defendant Dietl For Congress ("Dietl Committee") is a "principal campaign committee" within the meaning of 2 U.S.C. § 431(5);

III. Defendant Alan J. Dietl ("Dietl") is the treasurer of the Dietl Committee and responsible for the reporting obligations of the Committee pursuant to 2 U.S.C. §§ 432(a), 432(c) and 434(a)(1);

IV. 2 U.S.C. § 434(a)(2)(A)(iii) requires that the principal campaign committee of a candidate for the House of Representatives file quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter;

V. Defendants Dietl Committee and Dietl, as treasurer, were required to file a 1986 October Quarterly Report no later than October 15, 1986. Defendants Dietl Committee and Dietl, as treasurer, filed the 1986 October Quarterly Report on February 25, 1987 -- 132 days late;

VI. Defendants Dietl Committee and Dietl, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(iii) by failing to file the 1986 October Quarterly Report on time;

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VII. 2 U.S.C. § 434(a)(2)(A)(i) requires that the principal campaign committee of a candidate for the House of Representatives file a pre-election report no later than the 12th day before any election in which such candidate is seeking election, or nomination for election, and which shall be complete as of the 20th day before such election;

VIII. Defendants Dietl Committee and Dietl, as treasurer, were required to file a 1986 12-Day Pre-Election Report by October 23, 1986. Defendants have not yet filed their 12-Day Pre-Election Report.

IX. Defendants Dietl Committee and Dietl, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) by failing to file the 1986 12-Day Pre-Election Report;

X. Defendants Dietl Committee and Dietl, as treasurer, shall file with the Federal Election Commission on the appropriate Commission form, the 1986 12-Day Pre-Election Report required by 2 U.S.C. §§ 434(a)(2)(A)(i), within twenty (20) days of the entry of this Consent Order;

XI. Defendants Dietl Committee and Dietl, as treasurer, shall pay to the Federal Election Commission within twenty (20) days of the entry of this Consent Order a civil penalty of three thousand dollars (\$3,000), pursuant to 2 U.S.C. § 437g(a)(6)(B), for which defendants shall be jointly and severally liable;

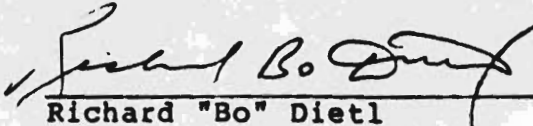
XII. Defendants Dietl Committee and Dietl, as treasurer, are permanently enjoined from similar future violations of the Federal Election Campaign Act of 1971, as amended;

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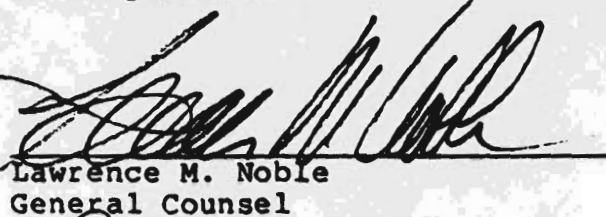
XIII. The parties shall bear their own costs and fees in this matter.

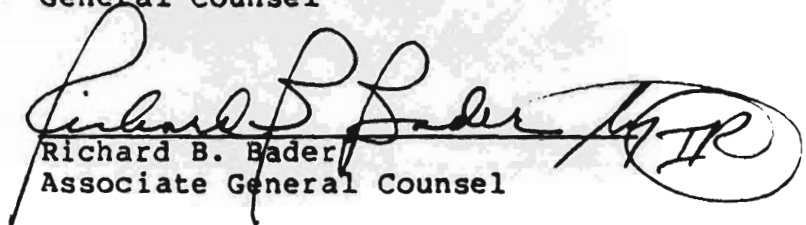
Dated: Brooklyn, New York United States District Judge

So Stipulated:


Richard "Bo" Dietl

FOR DIETL FOR CONGRESS and
ALAN J. DIETL, as Treasurer
107-45 78th Street
Ozone Park, NY 11417


Lawrence M. Noble
General Counsel


Richard B. Bader
Associate General Counsel


Ivan Rivera
Assistant General Counsel


Michael A. Dymersky
Attorney

July 6,
June, 1988

FOR THE PLAINTIFF
FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463
(202) 376-8200

00040793523



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

5 December 1986

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

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

SUBJECT: REFERRAL OF THE DIETL FOR CONGRESS COMMITTEE

This is a referral of the Dietl for Congress Committee ("the Committee") for failure to file a 1986 October Quarterly Report and a 1986 12 Day Pre-General Report as of Election Day, November 4, 1986. The candidate, Richard Dietl, lost the general election with thirty-two percent (32%) of the vote. According to the Reports Analysis Division Review and Referral Procedures for Authorized Committees (Standard 1), further examination is required by your office.

In addition, the Committee was published for failure to file the 1986 12 Day Pre-Primary Report. This report was due on August 28, 1986 and was not received until September 23, 1986.

If you have any questions regarding this matter, please contact Thomas White at 376-2480.

Attachment

90040793524

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 5 December 1986

ANALYST: Thomas White

I. COMMITTEE: Dietl for Congress
(C00207183)
Alan J. Dietl, Treasurer
(August 14, 1986 - present)
Thomas J. Spargo, Treasurer
(May 27, 1986 - August 14, 1986)
97-01 101 Avenue¹/₁
Ozone Park, NY 11416

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(2)(A)(i) and (iii)
11 CFR 104.5(a)(1)(i)(A) and (iii)(A)

III. BACKGROUND:

Failure to File Required Reports as of Election Day

The Dietl for Congress Committee ("the Committee") failed to file the 1986 October Quarterly and the 1986 12 Day Pre-General Reports of Receipts and Disbursements as of Election Day, November 4, 1986. The Committee was notified on September 19, 1986 that the October Quarterly Report was due on October 15, 1986 (Attachment 2). The Committee was notified on September 29, 1986 that the 12 Day Pre-General Report was due on October 23, 1986 (Attachment 3). Mailgrams were sent to the Committee on October 22, 1986 and October 24, 1986 for failure to file the October Quarterly and 12 Day Pre-General Reports, respectively (Attachments 4 and 5). The mailgrams informed the Committee that failure to file the reports within four (4) business days might result in publication, audit or legal enforcement action.

On October 28, 1986, the Committee's treasurer, Alan Dietl, called the Reports Analysis Division analyst to ask why the Committee had been sent the mailgrams (Attachment 6). The analyst explained that the October Quarterly and 12 Day Pre-General Reports had not been received. Mr. Dietl stated that he had already filed the reports. The analyst repeated that the reports had not yet been received and informed Mr. Dietl that he should file the reports covering the periods from September 10-30 and October 1-15, 1986. Mr. Dietl said he would send another copy of the reports to the Clerk of the House.

¹/ The Committee notified the Commission of a change of address on September 23, 1986.

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DIETL FOR CONGRESS
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

As the reports had not been received, the name of the Committee was published on October 30, 1986 for failure to file the October Quarterly Report, and on October 31, 1986 for failure to file the 12 Day Pre-General Report (Attachments 7 and 8).

On November 4 and 6, 1986, the Commission received two (2) 1986 30 Day Post-General Reports from the Committee, covering the periods October 15-27 and October 27-29, 1986, respectively. The analyst attempted to contact the Committee by phone on November 25, 1986 to discuss the non-filing of the October Quarterly and 12 Day Pre-General Reports, but was unable to reach the treasurer (Attachment 9). To date, these reports have not been filed.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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FEDERAL ELECTION COMMISSION
1985-1986

DATE 3DEC86

CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

PAGE 2

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			

DIETL, RICHARD A	HOUSE 06	REPUBLICAN PARTY			NEW YORK		1986 ELECTION	ID# H6NY06083	

1. STATEMENT OF CANDIDATE							27MAY86	1	86HSE/304/4143
1986 STATEMENT OF CANDIDATE									
2. PRINCIPAL CAMPAIGN COMMITTEE									
DIETL FOR CONGRESS COMMITTEE									
1986 STATEMENT OF ORGANIZATION							ID# C00207183 HOUSE		
STATEMENT OF ORGANIZATION - AMENDMENT							27MAY86	1	86HSE/304/4145
JULY QUARTERLY			41,379		41,379		14AUG86	1	86HSE/312/0036
JULY QUARTERLY - AMENDMENT			-		-		15MAY86 -30JUN86	13	86HSE/311/1302
REQUEST FOR ADDITIONAL INFORMATION							18MAY86 -30JUN86	4	86HSE/314/2774
REQUEST FOR ADDITIONAL INFORMATION 2ND							15MAY86 -30JUN86	4	86FEC/426/4808
NOTICE OF FAILURE TO FILE							15MAY86 -30JUN86	5	86FEC/429/4725
PRE-PRIMARY				3,350			1JUL86 -20AUG86	1	86FEC/429/3813
NOTICE OF FAILURE TO FILE							1JUL86 - 9SEP86	4	86HSE/314/2800
NOTICE OF FAILURE TO FILE							30SEP86	1	86FEC/441/2615
POST-GENERAL				7,805			10CT86 -150CT86	1	86FEC/443/1572
POST-GENERAL				8,508			17,003 150CT86 -270CT86	5	86HSE/323/2906
							859 270CT86 -290CT86	4	86HSE/323/3368
TOTAL			41,379	11,858	41,379	3,980		44	TOTAL PAGES
3. AUTHORIZED COMMITTEES									
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN									

All reports have been reviewed with the
exception of the 1986 30 Day Post-General Report

Cash on hand as of 10/29/86: \$8626

Debts owed by the Committee: \$0

ATTACHMENT 1

QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CANDIDATE COMMITTEES

September 19, 1986

WHO MUST FILE

The principal campaign committee of each Congressional candidate seeking election in 1986 must file a quarterly report by October 15, 1986. All other candidate committees should see below (Semiannual Filers) for their reporting schedule.

WHAT MUST BE REPORTED

The report must disclose all financial activity that occurred from the close of books for the last report through September 30, 1986. Political committees that have not previously filed a financial disclosure report should report all financial activity through September 30, 1986.* NOTE: In addition, if the campaign has more than one committee, the principal campaign committee must also file a consolidated report (FEC Form 32). For details, see page 14 of the Campaign Guide For Congressional Candidates and Committees, or 11 CFR 104.3(f).

FILING DATE

Reports sent by registered or certified mail must be postmarked no later than midnight October 15, 1986. Reports hand delivered or mailed first class must be received no later than close of business October 15, 1986.

WHERE AND HOW TO FILE

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

SEMIANNUAL FILERS

Political Committees authorized by candidates for a Federal election held prior to 1986 or for a future election (i.e., a year other than 1986) need only file a year-end report by January 31, 1987, covering all financial activity from the last report filed through December 31, 1986.

*The first report filed by a committee shall include all amounts received and disbursed prior to reaching the threshold for candidate registration. Activity which occurred prior to 1986, however, should be disclosed separately. See 11 CFR 101.3; 104.3(a) and (b).



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A REMINDER

FUTURE REPORTS FOR QUARTERLY FILERS

Principal campaign committees participating in a general election must file a pre-and post-general election report. A notice explaining your filing requirements will be sent to you before the general election.

All committees must file the year-end report by January 31, 1987. The notice explaining this filing requirement will be sent to you after the general election.

COMPLIANCE

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

FOR INFORMATION CALL: Information Services Division
800/424-9530 or 202/376-3120

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GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

CANDIDATE COMMITTEES

September 29, 1986

WHO MUST FILE

The principal campaign committees authorized by candidates^{1/} who are seeking election in the 1986 general elections must file the pre-election report due October 23, 1986, and the post-election report due December 4, 1986.

WHAT MUST BE REPORTED

The pre-election report must disclose all financial activity that occurred from the close of books for the last report through October 15, 1986. (Political committees that are filing a report for the first time should report all financial activity through October 15, 1986.)^{2/} The post-election report must cover all financial activity of the campaign from October 16 through November 24, 1986. (See the chart on the reverse side.) NOTE: In addition, if the campaign has more than one committee, the principal campaign committee must also file a consolidated report, (FEC Form 32). For details, see page 14 of the Campaign Guide For Congressional Candidates and Committees or 11 CFR 104.3(f).

WHEN TO FILE

Pre-election reports sent by registered or certified mail must be postmarked no later than midnight October 20, 1986. Reports hand delivered or mailed first class must be received no later than close of business October 23, 1986.

Post-election reports sent by registered or certified mail must be postmarked no later than midnight December 4, 1986. Reports hand delivered or mailed first class must be received no later than close of business December 4, 1986.

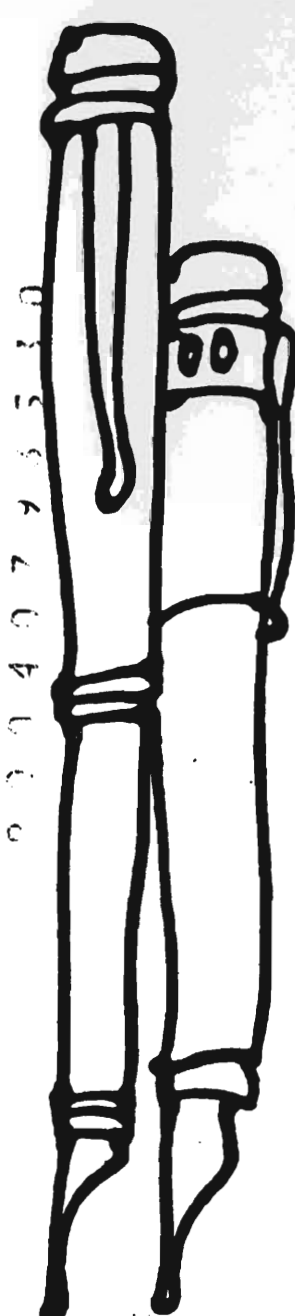
WHERE AND HOW TO FILE

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

^{1/}Individuals should refer to the enclosed brochure for the definition of the term "candidate," and the registration requirements. If you determine that you meet the definition of candidate, your principal campaign committee should comply with the above reporting requirements. Appropriate forms are enclosed.

^{2/}The first report filed by a committee shall include all amounts received or disbursed prior to reaching the threshold for candidate registration. See 11 CFR 101.3; 104.3(a) and (b). Activity which occurred prior to 1986, however, should be disclosed separately.

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REPORTS DUE DURING OCTOBER, DECEMBER AND JANUARY

<u>Name of Report</u>	<u>Period Covered</u>	<u>Reg/Cert. Mailing Date</u>	<u>Filing Date</u>
Oct. Quarterly	07/01* - 09/30/86	10/15/86	10/15/86
Pre-General	10/01 - 10/15/86	10/20/86	10/23/86
Post-General	10/16 - 11/24/86	12/04/86	12/04/86
Year-End	11/25 - 12/31/86	01/31/87	01/31/87

NOTE: Last Minute Contributions

Last minute contributions of \$1,000 or more received, by authorized committees, between two and 20 days before the general election, must be reported within 48 hours of their receipt. (See 11 CFR 104.5(f)).

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. Offending committees are subject to enforcement action. Committees must also submit legible reports which can be clearly reproduced. Illegible reports which can not be clearly reproduced and reports submitted on non-FEC forms will not be accepted, and committees filing such documents will be required to refile.

*Committees should use this date, the closing date of the last report filed, or the date of candidate status, whichever is later. See also footnote 2 on page 1.

FOR INFORMATION CALL: Information Services Division
800/424-9530 or 202/376-3120

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ATTACHMENT 4

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(This is a copy of the text of a mailgram sent to the committee listed below on October 22, 1986.)

Alan J. Pictl, Treasurer
Dietsl for Congress Committee
97-01 101 Avenue
Osceola Park, NY 11416

Identification Number: C90207183

Reference: OCTOBER QUARTERLY REPORT (- 9/30/86)

It has come to the attention of the Federal Election Commission that you may have failed to file the 1986 October Quarterly Report of Receipts and Expenditures as required by the Federal Election Campaign Act, as amended. Unless you recently registered, prior notification was sent to you approximately 24 days ago advising you that your report was due on October 15, 1986.

You will be allowed four (4) business days from the date of this notice to file the October Quarterly Report. The report should be filed with the Clerk of the House, Office of Records and Registration, 1036 Longworth HOB, Washington, D.C. 20515, or the Secretary of the Senate, Office of Public Records, 232 Hart Senate Office Building, Washington, D.C. 20510, as appropriate. Copy of the report should also be filed with the appropriate Secretary of State or equivalent state officer.

If you have filed the report timely by certified or registered mail, please notify us immediately, in writing, of the certified or registered number and the date that the report was sent.

The failure to file this report may result in publication, audit or legal enforcement action.

If you have any questions regarding this matter, please contact the Reports Analysis Division on our toll free number (800) 424-9530 or on our local number (202) 376-2480.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

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(This is a copy of the text of a mailgram sent to the committee listed below on October 24, 1986.)

Alan J. Dietl, Treasurer
Dietl for Congress Committee
97-01 101 Avenue
Ozone Park, NY 11416

Identification Number: C00207183

Reference: 12 DAY PRE-GENERAL REPORT (10/1/86-10/15/86)

It has come to the attention of the Federal Election Commission that you may have failed to file the 1986 12 Day Pre-General Report of Receipts and Expenditures as required by the Federal Election Campaign Act, as amended. Unless you recently registered, prior notification was sent to you approximately 24 days ago advising you that your report was due on October 23, 1986.

You will be allowed four (4) business days from the date of this notice to file the 12 Day Pre-General Report. The report should be filed with the Clerk of the House, Office of Records and Registration, 1036 Longworth HOB, Washington, D.C. 20515, or the Secretary of the Senate, Office of Public Records, 232 Hart Senate Office Building, Washington, D.C. 20510, as appropriate. Copy of the report should also be filed with the appropriate Secretary of State or equivalent state officer.

If you have filed the report timely by certified or registered mail, please notify us immediately, in writing, of the certified or registered number and the date that the report was sent.

The failure to file this report may result in publication, audit or legal enforcement action.

If you have any questions regarding this matter, please contact the Reports Analysis Division on our toll free number (800) 424-9530 or on our local number (202) 376-2480.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

067341:1572

MEMORANDUM FOR FILES: TELECON

SUBJECT: Mailgram for not filing the October Quarterly and 12 Day Pre-General Reports

FROM: Alan J Dietl

TO: Thomas White

NAME OF COMMITTEE: Dietl for Congress Committee NY

DATE: October 28, 1986

Mr. Dietl called to ask why the committee received a mailgram for not filing the October Quarterly and 12 Day Pre-General Reports. I explained to him that we had not received either report and both were past due. He said the committee had already sent in the reports. I emphasized that the Commission needed reports covering the periods from 9/10/86 to 9/30/86 and from 10/1/86 to 10/15/86. He said he would send another copy of the reports to the Clerk of the House.

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FEDERAL ELECTION COMMISSION

Press Office
900 E Street, N.W., Washington, D.C. 20463
Phone: Local 376-3155 Toll Free 800-424-6530



FOR RELEASE:
THURSDAY, OCTOBER 30, 1986

CONTACT: FRED KILAND
SHARON SWYDER
KAREN FIDUCIA

FEC PUBLISHES 3rd QUARTER NON-FILERS

WASHINGTON—The Federal Election Commission today published a list of committees authorized by 1986 Congressional candidates which failed to file the required third quarter financial disclosure reports.

The reports were due October 15th, covering activity from July 1, 1986, (or later for those involved in late primaries) through September 30, 1986. If sent by regular mail, or if hand-delivered, the reports should have been received by close of business on October 15. If sent by registered or certified mail, the reports must have been postmarked by midnight October 15. Committees were notified of their filing requirements on September 19 and those which failed to file were again notified October 22.

As of 5 p.m. October 29, reports from the following committees had not been filed:

AR/04...Keels for Congress Committee...Lamar Keels...Rep.
KY/03...The Holmes Committee...Lee Holmes...Rep.
MI/13...Mary Griffin for Congress...Mary Barrell Griffin...Rep.
IL/06...Dietl for Congress Committee...Richard A. Dietl...Rep.
TX/12...Friends of Don McNiel...Don McNiel...Rep.

The 1979 Amendments to the Federal Election Campaign Act specify that the Commission publish only those committees authorized by candidates to raise and spend money on their behalf. Therefore, this list does not include other types of political committees which may have been required to file.

In addition, individuals register as candidates only after they have raised or spent in excess of \$5,000. Prior to reaching that threshold, no registration or reporting is required. Therefore, some individuals whose names appear on state ballots may have no filing obligations.

Further Commission action against non-filers will be decided on a case-by-case basis. The Federal Election Campaign Act gives the Commission broad authority to initiate enforcement actions, including civil court enforcement and the imposition of civil penalties (\$5,000 for "any violation" and \$10,000 for any "knowing and willful" violation) for infractions of the law, including failure to file required disclosure reports.

FEDERAL ELECTION COMMISSION

ATTACHMENT 8 page 1 of 2



Press Office
999 E Street, N.W., Washington, D.C. 20463
Phone: Local 378-3186 Toll Free 800-434-6830

FOR IMMEDIATE RELEASE:
FRIDAY, OCTOBER 31, 1986

CONTACT: FRED EILAND
SHARON SNYDER
KAREN FINICAN

FEC PUBLINES PRE-GENERAL NON-FILERS

WASHINGTON—The Federal Election Commission today published a list of committees authorized by 1986 Congressional candidates involved in the November 4 general election which failed to file the required 12-day pre-general financial disclosure reports.

The reports were due October 23rd, covering activity from October 1, 1986, through October 15, 1986. If sent by regular mail, or if hand-delivered, the reports should have been received by close of business on October 23. If sent by registered or certified mail, the reports must have been postmarked by midnight October 20. Committees were notified of their filing requirements on September 29 and those which failed to file were again notified October 24.

As of 5 p.m. October 30, reports from the following committees had not been filed:

AR/04...Keels for Congress Committee...Lamar Keels...Rep.
AS/00...Friends for Soli...Soli Amosualogo Salanca...Rep.
CA/31...Jack McMurray for U.S. Congress...Jackson M. McMurray, II...Rep.
FL/18...Tom Brodie for Congress...Thomas Graham Brodie...Rep.
IL/07...Citizens to Elect Jerald Wilson for Congress...Jerald Wilson...Ind.
IS/02...Kansans for Kline...Phillip Dean Kline...Rep.
IX/03...The Holmes Committee...Lee Holmes...Rep.
LA/03...The Billy Tauzin Committee...Wilbert Joseph Tauzin, II...Dem.
MD/03...Pierpont for Congress...Dr. Ross Zimmerman Pierpont...Rep.
NE/SEN...Peabody for U.S. Senate...Endicott Peabody...Dem.
NJ/07...June S. Fischer for Congress...June S. Fischer...Dem.
NY/06...Dietl for Congress Committee...Richard A. Dietl...Rep. AK
NY/21...Friends of Sam Fish, Jr....Hamilton Fish, Jr....Rep.
NY/12...Congressman Major Owens in '86...Major Robert Owens...Dem.
NY/07...Rodriguez for Congress Committee...Edward N. Rodriguez...Rep.
NY/05...Committee to Elect Michael T. Sullivan...Michael T. Sullivan...Dem.
NY/04...Pat Sullivan for Congress Committee...Patricia Sullivan...Dem.
OH/11...Margaret Mueller for Congress Committee...Margaret R. Mueller...Rep.
SC/06...Committee to Elect Robbie Cunningham to Congress...
Robert Hugh Cunningham, Jr....Rep.
TX/12...Friends of Don McNeil...Don McNeil...Rep.
NY/13...Mary Griffin for Congress...Mary Harrell Griffin...Rep.

The 1979 Amendments to the Federal Election Campaign Act specify that the Commission publish only those committees authorized by candidates to raise and spend money on their behalf. Therefore, this list does not include other types of political committees which may have been required to file.

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In addition, individuals register as candidates only after they have raised or spent in excess of \$5,000. Prior to reaching that threshold, no registration or reporting is required. Therefore, some individuals whose names appear on state ballots may have no filing obligations.

Further Commission action against non-filers will be decided on a case-by-case basis. The Federal Election Campaign Act gives the Commission broad authority to initiate enforcement actions, including civil court enforcement and the imposition of civil penalties (\$5,000 for "any violation" and \$10,000 for any "knowing and willful" violation) for infractions of the law, including failure to file required disclosure reports.

The next report due for general election candidates will be the 30-day post election report, due December 4, covering activity from October 16 through November 24.

20040793537

MEMORANDUM FOR FILES: TELECON

SUBJECT: Non-filing of reports _____

FROM: Thomas White, Analyst

TO: Alan Dietl, Treasurer

NAME OF COMMITTEE: Dietl for Congress

DATE: November 25, 1986

The Reports Analysis Division Analyst attempted to contact the treasurer of the Dietl committee, but was unable to reach him by phone.

00040793530

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
SECRETARY OF THE FEC
COMMISSIONER OF THE FEC
SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

DEC 22 1986 P3:24

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION _____

RAD Referral 86NF-28
Staff Member: John Drury

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

RESPONDENT'S NAME: Dietl for Congress
Alan J. Dietl, Treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(2)(A)(i) and (iii)
11 C.F.R. § 104.5(a)(1)(i)(A) and (iii)(A)

INTERNAL REPORTS CHECKED: C Index

FEDERAL AGENCIES CHECKED: None

GENERATION OF MATTER

The Reports Analysis Division referred this matter to the Office of the General Counsel on December 9, 1986.

SUMMARY OF ALLEGATIONS

It appears that Dietl for Congress and Alan J. Dietl, treasurer, ("the respondent"), violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii) by failing to file its 1986 12 Day Pre-General Election and October Quarterly reports.

FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 434(a)(2)(A)(i), the respondent was obligated to file its 12 Day Pre-General report by October 23, 1986. However, the RAD materials indicate that the respondent has never filed the report.

Pursuant to 2 U.S.C. § 434(a)(2)(A)(iii), in an election year, the principal campaign committee of a federal candidate shall file quarterly reports. Thus, the respondent was obligated

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to file a 1986 October Quarterly report.

Under the statute, the report was due on October 15, 1986. However, according to the RAD referral at Attachment I, no such report has been filed.

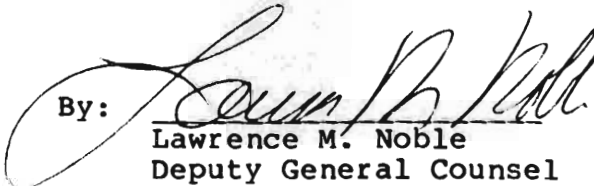
Under the circumstances discussed above, this Office recommends that the Commission find reason to believe the respondent violated 2 U.S.C. § 434.

RECOMMENDATION

1. Open a MUR.
2. Find reason to believe that Dietl for Congress and Alan J. Dietl, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and 434(a)(2)(A)(iii).
3. Approve the attached Letter and Factual and Legal Analysis.

Charles N. Steele
General Counsel

12/19/86
Date

By: 
Lawrence M. Noble
Deputy General Counsel

Attachments
RAD Referral
Proposed Letter
Factual and Legal Analysis

90040793540



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO:

**CHARLES N. STEELE
GENERAL COUNSEL**

FROM:

MARJORIE EMMONS/JOSHUA MCFADDEN *Jm*

DATE:

JANUARY 2, 1987

SUBJECT:

**COMMENTS ON-RAD Ref. 86NF-28 - First General
Counsel's Report
Signed December 19, 1986**

Attached is a copy of Commissioner Thomas's
vote sheet with comments regarding the above-captioned matter.

ATTACHMENT:
Copy of Vote Sheet

90040743541

BALLOT



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

DATE & TIME TRANSMITTED: Tuesday, December 23, 1986 11:00

COMMISSIONER: AIKENS, ELLIOTT, JOSEFIK, McDONALD, McGARRY, THOMAS

RETURN TO COMMISSION SECRETARY BY Monday, January 5, 1987 4:00

SUBJECT: RAD Ref. 86NF-28 - First General Counsel's Report
Signed December 19, 1986

DEC 31 10:04

- (✓) I approve the recommendation
() I object to the recommendation

COMMENTS: In the letter, 3rd T, 2nd line, delete "you". Also, change
signature.

DATE: 12/31/86 SIGNATURE [Signature]

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.
PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.
PLEASE RETURN BALLOT NO LATER THAN DATE AND TIME SHOWN ABOVE.

90040793542

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Dietl for Congress)
Alan J. Dietl, Treasurer)

RAD Ref. 86NF-28

(MUR 2311)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 5, 1987, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 86NF-28:

1. Open a MUR.
2. Find reason to believe that Dietl for Congress and Alan J. Dietl, as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(i) and 434(a)(2)(A)(iii).
3. Approve the letter and factual and legal analysis, as recommended in the First General Counsel's Report signed December 19, 1986.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

1-6-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: Mon., 12-22-86, 3:24
Circulated on 48 hour tally basis: Tues., 12-23-86, 11:00
Deadline for vote: Mon., 1-5-87, 11:00

20040793543



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 13, 1987

Alan J. Dietl, Treasurer
Dietl for Congress
97-01 101 Avenue
Ozone Park, NY 11416

RE: MUR 2311
Dietl for Congress
Alan J. Dietl, Treasurer

Dear Mr. Dietl:

On January 5, 1987, the Federal Election Commission determined that there is reason to believe Dietl for Congress and you, as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (iii), provisions 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 fifteen days of your receipt of this letter.

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.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

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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 General Counsel is not authorized to 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 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 John Drury, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Scott E. Thomas
Chairman

Enclosures

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

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RECEIVED AT THE FEC

87 FEB 24 4 8: 35

RICHARD "BO"

DIETL

87 FEB 24 P 3: 35

U.S. CONGRESS

RECEIVED
OFFICE OF THE
GENERAL COUNSEL



GEORGE L. CLARK JR.
HONORARY CAMPAIGN CHAIRMAN

JOHN F. HAGGERTY
CAMPAIGN CHAIRMAN

WILLIAM SAMPOL
CAMPAIGN DIRECTOR

February 19, 1987

THOMAS J. SPARGO
TREASURER

CAMPAIGN COMMITTEE
Alan J. Dietl, Treasurer
Dietl For Congress

BARRY ASNESS
JEROME BECKER
MIRON BELDOCK
GERRY BORIELLO
FELIX BRINKMAN
TIBBI CASILLO
THOMAS COLLERAN
CHARLES CUMELLA
BRUCE CUTLER
1019 Elizabeth Street
Baldwin New York 11510

ALAN DIETL
RUTH DI GENNARO
BUDDY DENTATO
VINCENT DOWNING
THOMAS D'NATILE
JOE FAMAGETTI
RAOUL FELDER
ROBERT GARCIA
ROY GOODMAN
ROCCO MARSELLI
ANTHONY PALUMBO
NICHOLAS PILEGGI
JOHN REIDE
BEN RIVERA
JILLY RIZZO
ANDREW ROHMAN
EVA SAFIRE
BARRY SLOTNICK
MEL STEIR
TOM SULLIVAN
JAMES C. TROMBETTA
ROY ZINKIEWICZ

Dear Mr. Drury:

I am requesting preprobable cause conciliation in settling this matter as soon as possible. Please feel free to contact me, for any missing information. You have my complete corporation.

Respectfully Yours

Alan J. Dietl

Alan J. Dietl

Treasurer:

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Dietl for Congress)
Alan J. Dietl, Treasurer .)

MUR 2311

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On January 13, 1987, the respondents were informed that the Commission had found reason to believe they had violated 2 U.S.C. §§ 434(a)(2)(A)(i) and 434(a)(2)(A)(iii) by failing to file the 1986 12 Day Pre-General Election and October Quarterly Reports. On February 24, this Office received a request for pre-probable cause conciliation from the respondents.

II. LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 434(a)(2)(A)(i), the respondents were required to file a 12 Day Pre-General Election Report by October 22, 1986. Pursuant to 2 U.S.C. § 434(a)(2)(A)(iii), they were required to file an October Quarterly report by October 15, 1986. According to FEC records, as of April 16, 1987, the respondents have not filed the 12 Day Pre-General Election Report. On February 25, the respondents' 1986 October Quarterly Report was filed at the Commission, 132 days late.

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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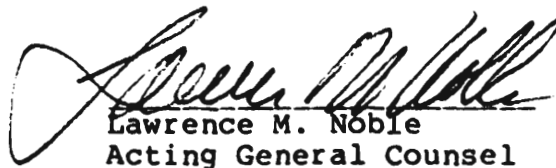
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IV. RECOMMENDATIONS

1. Enter into conciliation with Dietl for Congress and Alan J. Dietl, as treasurer, prior to a finding of probable cause to believe.
2. Approve the attached proposed conciliation agreement.
3. Approve and send the attached letter and conciliation agreement.

4/24/87
Date _____


Lawrence M. Noble
Acting General Counsel

Attachments

1. Proposed Conciliation Agreement
2. Letter to Respondents
3. Request for Pre-probable Cause Conciliation
4. 1986 October Quarterly Report



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

FROM: MARJORIE W. EMMONS / JOSHUA MCFADDEN *JM*

DATE: APRIL 29, 1987

SUBJECT: OBJECTIONS TO MUR 2311 - GENERAL COUNSEL'S REPORT
SIGNED APRIL 24, 1987

The above-captioned document was circulated to the Commission on Monday, April 27, 1987 at 4:00 P.M.

Objections have been received from the Commissioners as indicated by the name(s) checked:

Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner Josefiak	_____
Commissioner McDonald	_____ X _____
Commissioner McGarry	_____
Commissioner Thomas	_____ X _____

This matter will be placed on the Executive Session agenda for May 5, 1987.

Please notify us who will represent your Division before the Commission on this matter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Dietl for Congress) MUR 2311
Alan J. Dietl, Treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of May 5, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2311:

1. Enter into conciliation with Dietl for Congress and Alan J. Dietl, as treasurer, prior to a finding of probable cause to believe.
2. Approve the proposed conciliation agreement attached to the General Counsel's report dated April 24, 1987,
3. Approve and send the letter attached to the General Counsel's report dated April 24, 1987.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

5-6-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 8, 1987

Alan J. Dietl, Treasurer
Dietl for Congress
1019 Elizabeth Street
Baldwin Harbor, NY 11510

RE: MUR 2311
Dietl for Congress
Alan J. Dietl, as
treasurer

Dear Mr. Dietl:

On January 5, 1987, the Commission found reason to believe that Dietl for Congress and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii). At your request, the Commission determined on May 5, 1987, 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 you 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 John Drury, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

A handwritten signature in cursive script, reading "Lawrence M. Noble".
Lawrence M. Noble
Acting General Counsel

Enclosures

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Dietl for Congress)

Alan J. Dietl, as treasurer)

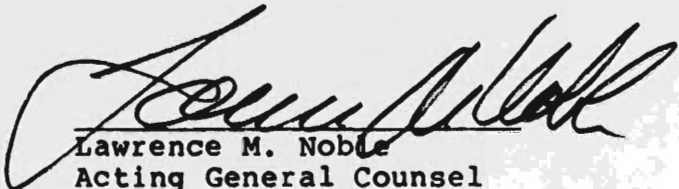
MUR 2311

GENERAL COUNSEL'S REPORT

The Office of the General Counsel is prepared to close its investigation in this matter as to Dietl for Congress and Alan J. Dietl, as treasurer, based on the assessment of the information presently available.

Date

7/21/87


Lawrence M. Noble
Acting General Counsel

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7 JUL 22 4 3: 58



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

87 JUL 31 P 3:07

July 31, 1987

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble *lmn (192)*
Acting General Counsel

SUBJECT: MUR #2311

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondents of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on July 31, 1987. Following receipt of the respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments

- 1-Brief
- 2-Letter to respondents

9004079354



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 31, 1987

Alan J. Dietl, Treasurer
Dietl for Congress
1019 Elizabeth Street
Baldwin Harbor, NY 11510

RE: MUR 2311
Dietl for Congress
Alan J. Dietl, as
treasurer

Dear Mr. Dietl:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by you, the Federal Election Commission, on January 5, 1987, found reason to believe that Dietl for Congress and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii) and instituted an investigation in this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that violations have occurred.

The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact John Drury, the attorney assigned to handle this matter, at (202) 376-8200.

Sincerely,

Lawrence M Noble (LFT)
Lawrence M. Noble
Acting General Counsel

Enclosure
Brief

00040743556

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Dietl for Congress)

Alan J. Dietl, as treasurer)

MUR 2311

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On January 5, 1987, the Commission found reason to believe Dietl for Congress (the "Committee") and Alan J. Dietl, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii). On May 5, 1987, the Commission approved the respondents' request for pre-probable cause conciliation. The respondents were informed of this by letter dated May 8, 1987. The respondents state that they received this letter on May 15, 1987. Accompanying the letter was a conciliation agreement approved by the Commission for settlement of this matter.

II. ANALYSIS

Pursuant to 2 U.S.C. § 434(a)(2)(A)(i), the respondents were required to file a 12 Day Pre-General Election Report by October 22, 1986. Pursuant to 2 U.S.C. § 434(a)(2)(A)(iii), they were required to file an October Quarterly Report by

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October 15, 1986. According to FEC records, the respondents have not filed the 12 Day Pre-General Election Report. On February 25, 1987, the respondents' 1986 October Quarterly Report was filed at the Commission, 132 days late. Therefore, this Office recommends that the Commission find probable cause to believe Dietl for Congress and Alan J. Dietl, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii).

III. GENERAL COUNSEL'S RECOMMENDATION

1. Find probable cause to believe that Dietl for Congress and Alan J. Dietl, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii).

Date

7/31/87

Lawrence M. Noble (LMS)
Lawrence M. Noble
Acting General Counsel

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FEDERAL ELECTION COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

87 OCT 28 PM 1:10

In the Matter of)

Dietl for Congress)

Alan J. Dietl, as treasurer)

MUR 2311

**SUBMITTED LATE
EXECUTIVE SESSION
NOV 03 1987**

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On January 5, 1987, the Commission found reason to believe Dietl for Congress (the "Committee") and Alan J. Dietl, as treasurer, (the "respondents"), violated 2 U.S.C.

§§ 434(a)(2)(A)(i) and (iii). On July 31, 1987, this Office forwarded its brief in this matter to the respondents. No response has been received from the Committee.

II. ANALYSIS

As stated in the General Counsel's Brief, pursuant to 2 U.S.C. § 434(a)(2)(A)(i), respondents were required to file a 12 Day Pre-General Election Report by October 22, 1986. Pursuant to 2 U.S.C. § 434(a)(2)(A)(iii), they were required to file an October Quarterly Report by October 15, 1986. According to FEC records, the respondents have not filed the 12 Day Pre-General Election Report. On February 25, 1987, the respondents' 1986 October Quarterly Report was filed at the Commission, 132 days late. Therefore, this Office recommends that the Commission find probable cause to believe Dietl for Congress and Alan J. Dietl, as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (iii).

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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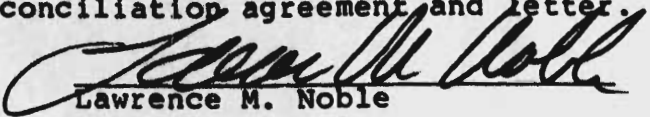
IV. RECOMMENDATIONS

1. Find probable cause to believe that Dietl for Congress and Alan J. Dietl, as treasurer, violated 2 U.S.C. SS 434(a)(2)(A)(i) and (iii).

2. Approve the attached conciliation agreement and letter.

Date

10/28/87


Lawrence M. Noble
General Counsel

Attachments

1. Proposed Conciliation Agreement
2. Letter

00040793562

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Dietl for Congress) MUR 2311
Alan J. Dietl, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of November 3, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2311:

1. Find probable cause to believe that Dietl for Congress and Alan J. Dietl, as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (iii).
2. Approve the conciliation agreement and letter attached to the General Counsel's report dated October 28, 1987.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

11-4-87

Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

10 November 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Alan J. Dietl, Treasurer
Dietl for Congress
1019 Elizabeth Street
Baldwin Harbor, NY 11510

RE: MUR 2311
Dietl for Congress and
Alan J. Dietl, as
treasurer

Dear Mr. Dietl:

On November 3, 1987, the Federal Election Commission found that there is probable cause to believe Dietl for Congress, and you, as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (iii), provisions of the Federal Election Campaign Act of 1971, as amended, in connection with failing to file the 1986 12 Day Pre-General Election Report, and failing to file the 1986 October Quarterly Report in a timely manner.

The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

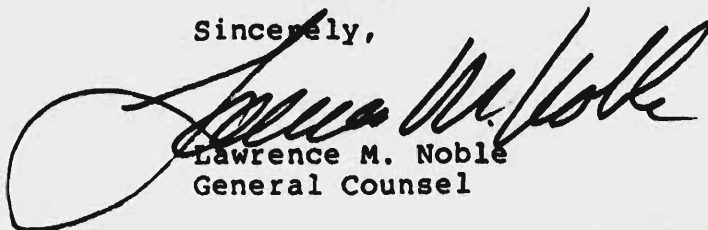
Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within 10 days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

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22m

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact John Drury, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lawrence M. Noble", is written over the typed name and title.

Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

00040743565



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 19, 1988

Alan J. Dietl, Treasurer
Dietl for Congress
1019 Elizabeth Street
Baldwin Harbor, NY 11510

RE: MUR 2311
Dietl for Congress
Alan J. Dietl, as
treasurer

Dear Mr. Dietl:

On November 10, 1987, you were notified that the Federal Election Commission found probable cause to believe that Dietl for Congress and you, as treasurer, violated 2 U.S.C. §§434(a)(2)(A)(i) and (iii). On that same date, you were sent a conciliation agreement offered by the Commission in settlement of this matter.

Please note that pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), the conciliation period in this matter may not extend for more than 90 days, but may cease after 30 days. Insofar as more than 30 days have elapsed without a response from you, a recommendation concerning the filing of civil suit will be made to the Commission by the Office of General Counsel unless we receive a response from you within 10 days.

Should you have any questions, please contact John Drury, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in cursive script, appearing to read "Lois G. Lerner", is written over the typed name.

BY: Lois G. Lerner
Associate General Counsel

00040793566

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION
SECRET

SENSITIVE

88 FEB 23 AM 9:13

MUR 2311

EXECUTIVE SESSION
MAR 01 1988

In the Matter of)
Dietl for Congress)
Alan J. Dietl, as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On November 10, 1987, this Office sent a letter to the respondents notifying them that the Commission had found probable cause to believe that Dietl for Congress and Alan J. Dietl, as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (iii). Enclosed with the letter was a conciliation agreement.

A period of approximately one month elapsed without any response from the respondents. At that point, this Office contacted Alan Dietl by telephone to discuss conciliation of the matter. The respondent replied that he was interested in settling MUR 2311, but required additional time to examine the agreement. Mr. Dietl agreed to contact this Office shortly after reviewing the documents.

When the respondents failed to communicate within the ensuing twenty days, this Office called Alan Dietl, who stated that he had reviewed the agreement, and explained that he needed additional time in which to raise the funds necessary to pay the civil penalty. Mr. Dietl requested additional time in which to arrange for payment of the penalty, agreeing to contact the Commission when he had done so.

When an additional twenty days elapsed without communication by Mr. Dietl, this Office informed him by letter that he had ten days in which to respond to the Commission's conciliation proposal. The letter was dated January 19, 1988 and was sent to

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the respondent's current address. The ten day period expired on January 29, 1988. However, the respondents have not contacted this Office.

The respondents entered into pre-probable cause conciliation in this matter with the Commission. Such conciliation was unsuccessful because the respondents failed to make a reasonable counteroffer. The response which Mr. Dietl made was filed only after several unsuccessful attempts by this Office to engage the respondents in conciliation negotiations. Because of this, the Commission moved on to the probable cause phase of proceedings. During this stage, Mr. Dietl has again delayed the resolution of this matter. Under the circumstances, it does not appear that probable cause conciliation will be successful. Therefore, this Office recommends that the Commission file a civil suit against the respondents.

II. RECOMMENDATIONS

1. Authorize the Office of the General Counsel to file a civil suit for relief in the United States District Court against Dietl for Congress and Alan J. Dietl, as treasurer.
2. Approve the attached letter.

Date

2/22/88


Lawrence M. Noble
General Counsel

Attachments

1. Letter of January 19, 1988
2. Proposed Letter (1)

Staff Person: John Drury

90040793568

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Dietl for Congress) MUR 2311
Alan J. Dietl, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of March 1, 1988, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2311:

1. Authorize the Office of the General Counsel to file a civil suit for relief in the United States District Court against Dietl for Congress and Alan J. Dietl, as treasurer.
2. Approve the letter attached to the General Counsel's report dated February 22, 1988.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

3/1/88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 4, 1988

Alan J. Dietl, Treasurer
Dietl for Congress
1019 Elizabeth Street
Baldwin Harbor, NY 11510

RE: MUR 2311
Dietl for Congress
Alan J. Dietl,
as treasurer

Dear Mr. Dietl:

You were previously notified that on November 10, 1987, the Federal Election Commission found probable cause to believe that Dietl for Congress and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii), provisions of the Federal Election Campaign Act of 1971, as amended, in connection with the above captioned matter.

As a result of our inability to settle this matter through conciliation within the allowable time period, the Commission has authorized the General Counsel to institute a civil action for relief in the United States District Court.

Should you have any questions, or should you wish to settle this matter prior to suit, please contact Ivan Rivera, Assistant General Counsel, at (202) 376-8200 within five days of your receipt of this letter.

Sincerely,

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2311

DATE FILMED 8/27/90 CAMERA NO. 3

CAMERAMAN AS

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