



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 23/8

DATE FILMED 5/28/87 CAMERA NO. 2

CAMERAMAN AS

87040645386

FEDERAL ELECTION COMMISSION

WV 2310

index sheet to permanent file (12) ⁵; 23 copy initial of letter (5);
6 routing slips (5); 1 staff memo (2); 2 RAD referral
cover memos (2); pg 2-3 of General Counsel's Report
signed 3/19/87; pg 1 of GC dated 3/19/87 (2)

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

- | | |
|--|---|
| <input type="checkbox"/> (1) Classified Information | <input type="checkbox"/> (6) Personal privacy |
| <input checked="" type="checkbox"/> (2) Internal rules and practices | <input type="checkbox"/> (7) Investigatory files |
| <input type="checkbox"/> (3) Exempted by other statute | <input type="checkbox"/> (8) Banking Information |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input checked="" type="checkbox"/> (5) Internal Documents | |

Signed Patty R. Ly
 date 4/3/87

FEC 9-21-77

87040645387



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 25, 1987

R. Laurence Macon
600 N.B.C. Building
San Antonio, Texas 78205

Re: MUR 2318
Bustamante for Congress
Committee and R. Laurence
Macon, as treasurer

Dear Mr. Macon:


On January 9, 1987, the Commission found reason to believe that Bustamante for Congress Committee and R. Laurence Macon, as treasurer, had violated 2 U.S.C. § 434(a)(2)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission determined to take no further action and on March 23, 1987, closed its file as it pertains to you and your committee.

The file will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The Commission reminds you that failing to timely file your 1986 Pre-General Election Report nevertheless appears to be a violation of 2 U.S.C. § 434(a)(2)(A)(i). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Patty Reilly, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,


Lawrence M. Noble
Acting General Counsel

87040645388

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2318
Bustamante for Congress Committee)
and R. Laurence Macon, as)
treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 23, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2318:

1. Take no further action regarding the Bustamante for Congress Committee and R. Laurence Macon, as treasurer, as recommended in the General Counsel's Report signed March 19, 1987.
2. Close the file in this matter.
3. Approve the letter, as recommended in the General Counsel's Report signed March 19, 1987.

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

Attest:

3-24-87

Date

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

Received in the Office of Commission Secretary: Thurs., 3-19-87, 10:4
Circulated on 48 hour tally basis: Thurs., 3-19-87, 4:0
Deadline for vote: Mon., 3-23-87, 4:0

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Bustamante for Congress Committee) MUR 2318
and R. Laurence Macon, as)
treasurer)

GENERAL COUNSEL'S REPORT

On January 9, 1987, the Commission found reason to believe the Bustamante for Congress Committee and R. Laurence Macon, as treasurer, ("the Committee") violated 2 U.S.C. § 434(a)(2)(A)(i) by failing to file its 1986 Pre-General Election Report in a timely manner. Responding to the Commission's reason to believe notification, Respondents assert that its initial report was timely filed but apparently was lost in the mail.

FACTUAL BASIS AND LEGAL ANALYSIS

Two reasons support a recommendation to take no further action. First, the Committee asserts this report was timely filed. It has provided sworn affidavits from the treasurer and his assistant that state the Pre-General Report was signed and mailed on October 20, 1986, and in doing so the Committee followed its established filing procedure. Additionally, upon receiving a notice of a failure to file on November 10, 1986, the Committee states it contacted RAD on that day to inform it that the Pre-General Report had been filed in a timely manner. The Committee asserts it informed RAD that another copy of the report would be mailed on that same day and its response provides the

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Commission with a copy of a Federal Express receipt indicating materials were mailed to the Clerk of the House on November 10, 1986. The Committee also filed a copy of this report in December, 1986, noting that this was the third time the report had been filed.²/ Therefore, the Committee has maintained at all times that its initial report was lost.

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RECOMMENDATIONS

1. Take no further action regarding the Bustamante for Congress Committee and R. Laurence Macon, as treasurer.
2. Close the file in this matter.
3. Approve the attached letter.

Date

3/19/87

By:


Lawrence M. Noble
Acting General Counsel

Attachments

1. Committee response
2. Proposed letter

87040645393

RECEIVED AT THE FEC
HAND DELIVERED

87 FEB 17 AIO: 23
LAW OFFICES OF

COX & SMITH
INCORPORATED

600 NATIONAL BANK OF COMMERCE BUILDING
SAN ANTONIO, TEXAS 78205

TELEPHONE (512) 226-7000

TELEX 767609

ZAP MAIL (512) 271-7310

IN DALLAS

ONE GLEN LAKES
8140 WALNUT HILL LANE
SUITE 425

DALLAS, TEXAS 75231
TELEPHONE (214) 368-4700
ZAP MAIL (214) 360-9244

J. BURLISON SMITH
PAUL M. SMITH
JAMES R. MALE
DAVID C. SPOOR
DAN G. WEBSTER III
RICHARD T. BRADY
JOE P. SMYER
WILLIAM R. SIMCOCK
EUGENE B. LABAY
WAYNE T. WEBER
TERRY S. SICKERTON
DONALD R. COMUZZI
KEITH E. KAISER
R. LAURENCE MACON
LURALEE H. WALLACE
WILLIAM M. LEMONS III
PATRICK K. SHEEHAN
JAMES C. NORMAN
WARD T. BLACKLOCK, JR.
J. MICHAEL WILKES
JON R. RAY
CHARLES W. HANOR
WALTER J. BATLA

GALE R. PETERSON
JAMES B. SMITH, JR.
STANLEY E. CRAWFORD, JR.
ANDY A. TSCHOEPE II
CYNTHIA J. WIENS
DIANN M. BARTER
MICHAEL J. SHEARN
LEIF M. CLARK
BARRON W. DOWLING
WILLIAM M. LESTER, JR.
A. MICHAEL FERRILL
C. BENJAMIN MCCALES
DEBORAH D. WILLIAMSON
MARY L. BRENNAN
THOMAS A. COUNTRYMAN
CARY PLOTNIK KAVY
STEPHEN D. SEIDEL
REBECCA SHIMMONS
CHARLES M. HORNBERGER
MARK R. WISNER
RANDALL GAY
ROBERT B. WERNER
DENNIS E. MOLL

DAVID B. WEST
ARTHUR C. NICHOLSON III
KEVIN M. BEITER
G. WADE CALDWELL
JOHN G. FEISEN
JUDITH G. TAYLOR
MARTHA F. MIMS
G. FRANCO MONDINI
CAROL J. MEURER
MARY CLAIRE FISCHER
JAMES L. YOUNG
JESSE R. CASTILLO
PAUL D. ANDREWS
PATRICIA M. REED
TERENCE L. THOMPSON
KATHERINE COMPTON
LEO J. BUCHIGNANI, JR.

OF COUNSEL
JACK GUENTHER
G. GREGORY LETTERMAN

February 16, 1987

Federal Express

87 FEB 17 AIO: 51

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Federal Election Commission
999 E. St. NW
Washington, D.C. 20463

Attn: Patty Reilly

Re: MUR No. 2318

Dear Ms. Reilly:

We enclose copies of the following:

- a. Response Of Respondents Bustamante For Congress Committee
And R. Laurence Macon As Treasurer;
- b. Affidavit Of R. Laurence Macon;
- c. Affidavit Of Karen S. Shafer; and
- d. Designation Of Counsel.

Please call if you have any questions.

Thanks for your help.

Sincerely,

R. Laurence Macon

R. Laurence Macon

RLM/rd:0754n24
Enclosures

ATTACHMENT # 1(1)

FEDERAL ELECTION COMMISSION

RESPONSE OF RESPONDENTS BUSTAMANTE FOR CONGRESS COMMITTEE
AND R. LAURENCE MACON AS TREASURER

MUR NO. 2318
STAFF MEMBER & TEL. NO.

Patty Reilly (202) 376-8200

Bustamante For Congress Committee and R. Laurence Macon, as Treasurer (the "Committee") timely filed its 1986 Pre-General Report (the "Report") and no violation of the Federal Election Code has occurred.

FACTUAL BASIS AND LEGAL ANALYSIS

1.

The General Report was timely filed as it was sent on October 20, 1986 to the Federal Election Commission (the "Commission"), (see the attached Affidavits of R. Laurence Macon and Karen S. Shafer).

2.

When the Committee received a Mailgram at its Post Office Box on Monday, November 10, 1986 from the Commission stating that the Report had not been received, a duplicate of the Report was sent by Federal Express. The Report was apparently received at the address specified in the Mailgram on November 11, 1986 within the four business days specified in the Mailgram.

3.

There was no actual violation or intent to violate the Federal Election Code. The Committee has timely filed all prior reports. Further, Congressman Bustamante had no Republican opponent in the

1986 General Election and the Report did not show any significant or unusual contributions or expenditures.

4.

At all times R. Laurence Macon and the Committee have acted in good faith and attempted to comply with both the spirit and the letter of the Federal Election Code.

5.

Because this problem is based upon lost mail, we request pre-probable cause conciliation.

R. Laurence Macon
R. Laurence Macon

Attorneys For Bustamante For
Congress Committee and R. Laurence
Macon, as Treasurer

87040645396

AFFIDAVIT OF R. LAURENCE MACON

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

BEFORE ME, the undersigned authority, on this day personally appeared R. Laurence Macon, who being by me duly sworn did depose and state as follows:

1.

My name is R. Laurence Macon. I am of sound mind and over the age of twenty-one (21) years. I am fully qualified and competent in all respects to make this Affidavit, and have never been convicted of a felony. I am personally acquainted with the facts stated in this Affidavit, and it is based upon my personal knowledge.

2.

As Treasurer for Bustamante For Congress Committee (the "Committee") I have been responsible for the timely filing of all the Reports with the Federal Election Commission (the "Commission").

3.

The 1986 Pre-General Report ("the Report"), as all of the Committee's reports, were prepared by our accountants Donald Cormie of the Accounting Firm of Grant Thornton, and returned to my office on October 20, 1986. Pursuant to our established procedure, when the Report was received on October 20, 1986, it was immediately signed and sent to the Commission.

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4.

When on Monday, November 10, 1986, I received the Mailgram at the Committee's Post Office Box stating that the Commission had not received the Report, a duplicate of the Report was immediately signed and sent by Federal Express on the same day.

5.

There was no violation of the Federal Election Code as the Report was timely sent and there was no intent to violate the Election Code as the Committee has timely filed all of its other Reports. Further, Congressman Bustamante had no Republican opponent in the 1986 General Election and the Report did not show any significant or unusual contributions or expenditures.

6.

At all times I and the Committee have acted in good faith and attempted to comply with both the spirit and the letter of the Federal Election Code.

R. Laurence Macon
R. Laurence Macon

SWORN TO AND SUBSCRIBED TO BEFORE ME on this 16th day of February, 1987 to which witness my hand and seal of office.

Maria R. Druck
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

PRINTED NAME: Maria R. Druck

MY COMMISSION EXPIRES: 9-8-89

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2318

NAME OF COUNSEL: R. Laurence Macon

ADDRESS: 600 N.B.C. Bldg.

San Antonio, Texas 78205

TELEPHONE: (512) 226-7000

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

February 16, 1987
Date

R. Laurence Macon
Signature

RESPONDENT'S NAME: Bustamante For Congress Committee and
R. Laurence Macon

ADDRESS: 600 N.B.C. Bldg.

San Antonio, Texas 78205

HOME PHONE: (512) 734-2217

BUSINESS PHONE: (512) 226-7000

AFFIDAVIT OF KAREN S. SHAFER

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

BEFORE ME, the undersigned authority, on this day personally appeared Karen S. Shafer, who being by me duly sworn did depose and state as follows:

1.

My name is Karen S. Shafer. I am of sound mind and over the age of twenty-one (21) years. I am fully qualified and competent in all respects to make this Affidavit, and have never been convicted of a felony. I am personally acquainted with the facts stated in this Affidavit, and it is based upon my personal knowledge.

2.

As Secretary to R. Laurence Macon, I have been responsible for the mailing of Reports to the Federal Election Commission on behalf of Mr. Macon and the Bustamante For Congress Committee (the "Committee") since 1984.

3.

We have timely filed all the prior Reports for the Committee, and I take pride in conscientiously performing this task.

4.

Our standard procedure is to have Mr. Macon sign the Reports and sent them to the Commission on the day that they are received from our Accountants, Donald Cormie of the accounting firm of Grant Thornton.

5.

On October 20, 1986, we received the 1986 Pre-General Election Report (the "Report") from the Accountants. I then had the Report signed by Mr. Macon and sent the Report to the Commission on the same day.

6.

On Monday, November 10, 1986, I received a Mailgram from the Commission with Mr. Macon's note attached. A copy of the Mailgram is attached. Immediately I called John Gibson of the Commission and told him that I already sent one Report but would send another by Federal Express immediately and asked that a notation be made so that we would not be penalized. We then sent the Report by Federal Express on the same day. A copy of the Federal Express receipt is attached.

7.

Linda Tanganey of the Commission told me that she has a notation in her book that this is the third time that the Report was sent.

8.

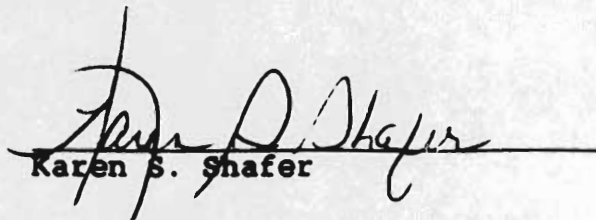
I have had this job for three years and never have I had this happened. I am very concerned that this may hurt the reputation of Congressman Bustamante and Mr. Macon. Mr. Macon signed the Report on October 20, 1986 and there is no possible way that it could have sat on my desk until November 10, 1986.

9.

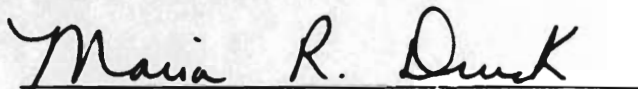
There is absolute nothing we are trying to hide by this error or lost piece of mail. Our Reports are open for anyone to inspect.

10.

I am willing to come to Washington to tell this story, because the reputations of Congressman Bustamante and Mr. Macon are very important to me.


Karen S. Shafer

SWORN TO AND SUBSCRIBED TO BEFORE ME on this 16th day of February, 1987 to which witness my hand and seal of office.


NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

PRINTED NAME: Maria R. Druck

MY COMMISSION EXPIRES: 9-8-89

FEDERAL ELECTION COMMISSION
999 E ST. NW
WASHINGTON DC 20542-24AM

Western Union Mailgram



1-120103U297025 10/24/86 ICS WA12915
00131 MLTN VA 10/24/86 JN72037

SNTA

Remailed

NOV 6 1986

86 OCT 28

48:55

FEC

Bustamante for Congress Committee
R. Laurence Macon
PO BOX 20010
San Antonio TX 78212

Did we File This?

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE 1986 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 1986 PRE-GENERAL REPORT. THE REPORT SHOULD BE FILED WITH THE CLERK OF THE HOUSE, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH MOB, 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. A 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

TO REPLY BY MAILGRAM MESSAGE, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

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5241 (R7/82)

FEDERAL
EXPRESS

QUESTIONS? CALL 800-238-5355 TOLL FREE

STANDARD FORM NO. 3812

812

62103M

11/10/86

From (Your Name) **LAURENCE WACON** Your Phone Number (Very Important) **(512) 2267000**
 Company **CLX & SMITH INC** Department/Floor No.
 Street Address **470 SOLEDAD**
 City **SAN ANTONIO** State **TX** ZIP Code Required For Correct Mailing **78203 1537**

To (Recipient's Name) **BENJAMIN J. GUTHRIE** Recipient's Phone Number (Very Important) **()**
 Company **CONGRESS** Department/Floor No.
 Exact Street Address (Use of P.O. Boxes or R.F. Zip Codes Will Delay Delivery And Result In Extra Charge)
U.S. HOUSE OF REPRESENTATIVES
 City **WASHINGTON** State **D.C.** ZIP Code Required **20515-6001**

YOUR BILLING REFERENCE INFORMATION (FIRST 24 CHARACTERS WILL APPEAR ON INVOICE)
A-821.01

PAYMENT ☒ Bill Me ☐ Bill Recipient's Profile Ass. No. ☐ Bill 3rd Party Profile Ass. No. ☐ Bill Credit Card
☒ Cash ☐ Check

DELIVERY
 CHECK ONLY ONE BOX
 1 ☒ **PRIORITY 2** ☐ **OVERNIGHT**
 2 ☐ **STANDARD DELIVERY**
 3 ☐ **STANDARD AIR**
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DELIVERY AND SPECIAL HANDLING
 CHECK SERVICES REQUIRED
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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

R. Laurence Macon
600 N.B.C. Building
San Antonio, Texas 78205

Re: MUR 2318
Bustamante for Congress
Committee and R. Laurence
Macon, as treasurer

Dear Mr. Macon:

On January 9, 1987, the Commission found reason to believe that Bustamante for Congress Committee and R. Laurence Macon, as treasurer, had violated 2 U.S.C. § 434(a)(2)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission determined to take no further action and on , 1987, closed its file as it pertains to you and your committee.

The file will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The Commission reminds you that failing to timely file your 1986 Pre-General Election Report nevertheless appears to be a violation of 2 U.S.C. § 434(a)(2)(A)(i). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Patty Reilly, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

ATTACHMENT #2(1)

87040545406

HAND DELIVERED

87 FEB 17 AIO: 23

LAW OFFICES OF

COX & SMITH

INCORPORATED

600 NATIONAL BANK OF COMMERCE BUILDING

SAN ANTONIO, TEXAS 78205

TELEPHONE (512) 226-7000

TELEX 767609

ZAP MAIL (512) 271-7310

IN DALLAS

ONE GLEN LAKES

8140 WALNUT HILL LANE

SUITE 425

DALLAS, TEXAS 75231

TELEPHONE (214) 368-4700

ZAP MAIL (214) 360-9244

J. BURLESON SMITH
PAUL H. SMITH
JAMES R. HALE
DAVID C. SPOOR
DAN G. WEBSTER III
RICHARD T. BRADY
JOE P. SMYER
WILLIAM R. SIMCOCK
EUGENE B. LABAY
WAYNE T. WEBER
TERRY S. BICKERTON
DONALD R. COMUZZI
KEITH E. KAISER
R. LAURENCE MACON
LURALEE H. WALLACE
WILLIAM H. LEMONS III
PATRICK K. SHEEHAN
JAMES C. NORMAN
WARD T. BLACKLOCK, JR.
J. MICHAEL WILKES
JON R. RAY
CHARLES W. HANOR
WALTER J. BATLA

GALE R. PETERSON
JAMES B. SMITH, JR.
STANLEY E. CRAWFORD, JR.
ANDY A. TSCHOEPE II
CYNTHIA J. WIENS
DIANN M. BARTEK
MICHAEL J. SHEARN
LEIF M. CLARK
BARRON W. DOWLING
WILLIAM H. LESTER, JR.
A. MICHAEL FERRILL
C. BENJAMIN MCCALED
DEBORAH D. WILLIAMSON
MARY L. BRENNAN
THOMAS A. COUNTRYMAN
CARY PLOTKIN KAVY
STEPHEN D. SEIDEL
REBECCA SIMMONS
CHARLES M. HORNBERGER
MARK R. WISNER
RANDALL GAY
ROBERT B. WERNER
DENNIS E. NOLL

DAVID B. WEST
ARTHUR C. NICHOLSON III
KEVIN M. BEITER
G. WADE CALDWELL
JOHN G. PEISEN
JUDITH G. TAYLOR
MARTHA F. MIMS
G. FRANCO MONDINI
CAROL J. MEURER
MARY CLAIRE FISCHER
JAMES L. YOUNG
JESSE R. CASTILLO
PAUL D. ANDREWS
PATRICIA M. REED
TERENCE L. THOMPSON
KATHERINE COMPTON
LEO J. BUCHIGNANI, JR.

OF COUNSEL
JACK GUENTHER
G. GREGORY LETTERMAN

February 16, 1987

Federal Express

Federal Election Commission
999 E. St. NW
Washington, D.C. 20463

Attn: Patty Reilly

Re: MUR No. 2318

Dear Ms. Reilly:

We enclose copies of the following:

- Response Of Respondents Bustamante For Congress Committee And R. Laurence Macon As Treasurer;
- Affidavit Of R. Laurence Macon;
- Affidavit Of Karen S. Shafer; and
- Designation Of Counsel.

Please call if you have any questions.

Thanks for your help.

Sincerely,

R. Laurence Macon

R. Laurence Macon

RLM/rd:0754n24
Enclosures

87 FEB 17 AIO: 51

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

87040645407

FEDERAL ELECTION COMMISSION

RESPONSE OF RESPONDENTS BUSTAMANTE FOR CONGRESS COMMITTEE
AND R. LAURENCE MACON AS TREASURER

MUR NO. 2318
STAFF MEMBER & TEL. NO.

Patty Reilly (202) 376-8200

Bustamante For Congress Committee and R. Laurence Macon, as Treasurer (the "Committee") timely filed its 1986 Pre-General Report (the "Report") and no violation of the Federal Election Code has occurred.

FACTUAL BASIS AND LEGAL ANALYSIS

1.

The General Report was timely filed as it was sent on October 20, 1986 to the Federal Election Commission (the "Commission"), (see the attached Affidavits of R. Laurence Macon and Karen S. Shafer).

2.

When the Committee received a Mailgram at its Post Office Box on Monday, November 10, 1986 from the Commission stating that the Report had not been received, a duplicate of the Report was sent by Federal Express. The Report was apparently received at the address specified in the Mailgram on November 11, 1986 within the four business days specified in the Mailgram.

3.

There was no actual violation or intent to violate the Federal Election Code. The Committee has timely filed all prior reports. Further, Congressman Bustamante had no Republican opponent in the

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1986 General Election and the Report did not show any significant or unusual contributions or expenditures.

4.

At all times R. Laurence Macon and the Committee have acted in good faith and attempted to comply with both the spirit and the letter of the Federal Election Code.

5.

Because this problem is based upon lost mail, we request pre-probable cause conciliation.

R. Laurence Macon
R. Laurence Macon

Attorneys For Bustamante For
Congress Committee and R. Laurence
Macon, as Treasurer

87040645409

AFFIDAVIT OF R. LAURENCE MACON

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

BEFORE ME, the undersigned authority, on this day personally appeared R. Laurence Macon, who being by me duly sworn did depose and state as follows:

1.

My name is R. Laurence Macon. I am of sound mind and over the age of twenty-one (21) years. I am fully qualified and competent in all respects to make this Affidavit, and have never been convicted of a felony. I am personally acquainted with the facts stated in this Affidavit, and it is based upon my personal knowledge.

2.

As Treasurer for Bustamante For Congress Committee (the "Committee") I have been responsible for the timely filing of all the Reports with the Federal Election Commission (the "Commission").

3.

The 1986 Pre-General Report ("the Report"), as all of the Committee's reports, were prepared by our accountants Donald Cormie of the Accounting Firm of Grant Thornton, and returned to my office on October 20, 1986. Pursuant to our established procedure, when the Report was received on October 20, 1986, it was immediately signed and sent to the Commission.

97040645410

4.

When on Monday, November 10, 1986, I received the Mailgram at the Committee's Post Office Box stating that the Commission had not received the Report, a duplicate of the Report was immediately signed and sent by Federal Express on the same day.

5.

There was no violation of the Federal Election Code as the Report was timely sent and there was no intent to violate the Election Code as the Committee has timely filed all of its other Reports. Further, Congressman Bustamante had no Republican opponent in the 1986 General Election and the Report did not show any significant or unusual contributions or expenditures.

6.

At all times I and the Committee have acted in good faith and attempted to comply with both the spirit and the letter of the Federal Election Code.

R. Laurence Macon
R. Laurence Macon

SWORN TO AND SUBSCRIBED TO BEFORE ME on this 16th day of February, 1987 to which witness my hand and seal of office.

Maria R. Druck
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

PRINTED NAME: Maria R. Druck

MY COMMISSION EXPIRES: 9-8-89

87040645411

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2318

NAME OF COUNSEL: R. Laurence Macon

ADDRESS: 600 N.B.C. Bldg.

San Antonio, Texas 78205

TELEPHONE: (512) 226-7000

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

February 16, 1987
Date

R. Laurence Macon
Signature

RESPONDENT'S NAME: Bustamante For Congress Committee and
R. Laurence Macon

ADDRESS: 600 N.B.C. Bldg.

San Antonio, Texas 78205

HOME PHONE: (512) 734-2217

BUSINESS PHONE: (512) 226-7000

87040545412

AFFIDAVIT OF KAREN S. SHAFER

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

BEFORE ME, the undersigned authority, on this day personally appeared Karen S. Shafer, who being by me duly sworn did depose and state as follows:

1.

My name is Karen S. Shafer. I am of sound mind and over the age of twenty-one (21) years. I am fully qualified and competent in all respects to make this Affidavit, and have never been convicted of a felony. I am personally acquainted with the facts stated in this Affidavit, and it is based upon my personal knowledge.

2.

As Secretary to R. Laurence Macon, I have been responsible for the mailing of Reports to the Federal Election Commission on behalf of Mr. Macon and the Bustamante For Congress Committee (the "Committee") since 1984.

3.

We have timely filed all the prior Reports for the Committee, and I take pride in conscientiously performing this task.

4.

Our standard procedure is to have Mr. Macon sign the Reports and sent them to the Commission on the day that they are received from our Accountants, Donald Cormie of the accounting firm of Grant Thornton.

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5.

On October 20, 1986, we received the 1986 Pre-General Election Report (the "Report") from the Accountants. I then had the Report signed by Mr. Macon and sent the Report to the Commission on the same day.

6.

On Monday, November 10, 1986, I received a Mailgram from the Commission with Mr. Macon's note attached. A copy of the Mailgram is attached. Immediately I called John Gibson of the Commission and told him that I already sent one Report but would send another by Federal Express immediately and asked that a notation be made so that we would not be penalized. We then sent the Report by Federal Express on the same day. A copy of the Federal Express receipt is attached.

7.

Linda Tanganey of the Commission told me that she has a notation in her book that this is the third time that the Report was sent.

8.

I have had this job for three years and never have I had this happened. I am very concerned that this may hurt the reputation of Congressman Bustamante and Mr. Macon. Mr. Macon signed the Report on October 20, 1986 and there is no possible way that it could have sat on my desk until November 10, 1986.

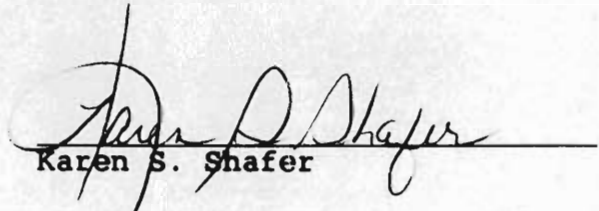
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9.

There is absolute nothing we are trying to hide by this error or lost piece of mail. Our Reports are open for anyone to inspect.

10.

I am willing to come to Washington to tell this story, because the reputations of Congressman Bustamante and Mr. Macon are very important to me.


Karen S. Shafer

SWORN TO AND SUBSCRIBED TO BEFORE ME on this 16th day of February, 1987 to which witness my hand and seal of office.


NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

PRINTED NAME: Maria R. Druck

MY COMMISSION EXPIRES: 9-8-89

87040645415

FEDERAL ELECTION COMMISSION
999 E ST. NW
WASHINGTON DC 20543 24AM

Western Union Mailgram



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Bustamante for Congress Committee
R. Laurence Macon
PO BOX 20010
San Antonio TX 78212

Did we File This?

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE 1986 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 1986 PRE-GENERAL REPORT. THE REPORT SHOULD BE FILED WITH THE CLERK OF THE HOUSE, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH MOB, 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. A 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

TO REPLY BY MAILGRAM MESSAGE, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

5241 (R 7/82)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 20, 1987

R. Laurence Macon, Treasurer
Bustamante for Congress Committee
P.O. Box 120010
San Antonio, Texas 78212

RE: MUR 2318
Bustamante for Congress
Committee and
R. Laurence Macon, as
treasurer

Dear Mr. Macon:

On January 9, 1987, the Federal Election Commission determined that there is reason to believe the Bustamante for Congress Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i), 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 fifteen 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.

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

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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.

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 Patty Reilly, 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

cc: Albert B. Bustamante

87040545419

FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO.
STAFF MEMBER & TEL. NO.

Patty Reilly (202) 376-8200

RESPONDENTS: Bustamante for Congress Committee
and R. Laurence Macon, as
treasurer

SUMMARY OF ALLEGATIONS

It is alleged the Bustamante for Congress Committee and R. Laurence Macon, as treasurer, ("the Committee") failed to file its 1986 Pre-General Report in a timely manner in violation of 2 U.S.C. § 434(a)(2)(A)(i).

FACTUAL BASIS AND LEGAL ANALYSIS

The Act requires the principal campaign committee of a candidate for the House of Representatives to file a pre-election report in any calendar year during which there is a regularly scheduled election. 2 U.S.C. § 434(a)(2)(A)(i). This report shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election. Id. Thus, the Committee's Pre-General Report was due on October 23, 1986.

The Commission's Reports Analysis Division ("RAD") notified the Committee on September 29, 1986, of its obligation to file a Pre-General Report. Additionally, RAD sent the Committee a mailgram on October 24, 1986, informing the Committee of its failure to file this report. When this mailgram was returned due

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- 2 -

to a lack of an address caused by a computer error, RAD resent the mailgram on November 6, 1986. Nevertheless, the Committee did not file its 1986 Pre-General Report until November 12, 1986. Therefore, this Office recommends that the Commission open a MUR and find reason to believe that the Bustamante for Congress Committee and R. Laurence Macon, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i).

87040345421

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

RAD Ref. 86NF-35

Bustamante for Congress Committee)
and R. Laurence Macon, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 9, 1987, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 86NF-35.

1. Open a MUR.
2. Find reason to believe the Bustamante for Congress Committee and R. Laurence Macon, as treasurer, violated 2 U.S.C. § 434(a) (2)(A)(i).
3. Approve the letter and factual and legal analysis, as recommended in the First General Counsel's Report signed January 7, 1987.

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

Attest:

1-9-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Wed., 1-7-87, 12:32
Circulated on 48 hour tally basis: Wed., 1-7-87, 4:00
Deadline for vote: Fri., 1-9-87, 4:00

870405422

SENSITIVE

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

FIRST GENERAL COUNSEL'S REPORT

87 JAN 7 12:32

Date and Time of Transmittal by
BY OGC to the Commission _____

RAD # 86NF-35
Staff Member:
Reilly

RESPONDENTS' NAMES: Bustamante for Congress Committee and
R. Laurence Macon, as treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(2)(A)(i)

INTERNAL REPORTS
CHECKED: Disclosure Reports

FEDERAL AGENCIES
CHECKED: None

GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the Bustamante for Congress Committee and R. Laurence Macon, as treasurer, ("the Committee") to the Office of the General Counsel on December 12, 1986. The basis of the attached referral is the Committee's failure to file its 1986 Pre-General Report in a timely manner.

FACTUAL AND LEGAL ANALYSIS

The Act requires the principal campaign committee of a candidate for the House of Representatives to file a pre-election report in any calendar year during which there is a regularly scheduled election. 2 U.S.C. § 434(a)(2)(A)(i). This report shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election. Id. Thus, the Committee's 1986 Pre-General Report was due on October 23, 1986.

870405423

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: December 11, 1986

ANALYST: Linda Tangney

I. COMMITTEE: Bustamante for Congress Committee
(C00176370)
R. Laurence Macon, Treasurer
(February 1, 1986 - present)
Charles W. Pope, Sr., Treasurer
(January 1, 1985 - January 31, 1986)
P.O. Box 120010
San Antonio, TX 78212

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

III. BACKGROUND:

Failure to File a Required Report as of Election Day

The Bustamante for Congress Committee (the "Committee") failed to file the 1986 12 Day Pre-General Report of Receipts and Disbursements as of Election Day, November 4, 1986. Prior Notice was sent on September 29, 1986, informing the Committee that the 12 Day Pre-General Report was due on October 23, 1986 (Attachment 2). A mailgram was sent to the Committee on October 24, 1986, for failure to file the 12 Day Pre-General Report; however, due to a computer error the mailgram did not include a street address, and was returned to the Federal Election Commission (the "Commission"). The mailgram was remailed on November 6, 1986, reflecting the Committee's complete and correct address (Attachment 3). The mailgram had informed the Committee that failure to file the report within four (4) business days might result in publication, audit, or legal enforcement action.^{1/}

^{1/}The Committee's name was not published for failure to file the 1986 12 Day Pre-General Report because the remailing of the Non-Filer Notice (mailgram) was after the Commission's October 31, 1986 publication date.

**BUSTAMANTE FOR CONGRESS COMMITTEE
REPORTS ANALYSIS OGC REFERRAL
PAGE 2**

The Committee filed the 1986 12 Day Pre-General Report
on November 12, 1986 (Attachment 4).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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8 7 FEDERAL ELECTION COMMISSION 2 0
1985-1986
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

DATE 2DEC86

PAGE 1

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

DUSTAMANTE, ALBERT G	HOUSE 23	DEMOCRATIC PARTY			TEXAS		1986 ELECTION	ID# H4TX23021	
1. STATEMENT OF CANDIDATE							31JAN86	1	86HSE/293/4464
1986 STATEMENT OF CANDIDATE									
2. PRINCIPAL CAMPAIGN COMMITTEE									
DUSTAMANTE FOR CONGRESS COMMITTEE							ID# C00176370	HOUSE	
1985 STATEMENT OF ORGANIZATION - AMENDMENT							25MAR85	1	85HSE/296/0069
MID-YEAR REPORT			107,827		105,307	1JAN85 -30JUN85		33	85HSE/290/4476
MID-YEAR REPORT - AMENDMENT			-		-	1JAN85 -30JUN85		1	85HSE/291/4531
MID-YEAR REPORT - AMENDMENT			107,827		105,307	1JAN85 -30JUN85		33	85HSE/291/4869
MID-YEAR REPORT - AMENDMENT			-		-	1JAN85 -30JUN85		2	86HSE/292/1405
REQUEST FOR ADDITIONAL INFORMATION						1JAN85 -30JUN85		4	85FEC/390/1315
REQUEST FOR ADDITIONAL INFORMATION 2ND						1JAN85 -30JUN85		5	85FEC/391/0413
YEAR-END			43,940		24,678	1JUL85 -31DEC85		21	86HSE/296/1011
YEAR-END - AMENDMENT			43,940		24,678	1JUL85 -31DEC85		22	86HSE/299/4891
YEAR-END - AMENDMENT			43,940		24,678	1JUL85 -31DEC85		22	86HSE/302/0704
REQUEST FOR ADDITIONAL INFORMATION						1JUL85 -31DEC85		1	86FEC/404/4473
REQUEST FOR ADDITIONAL INFORMATION 2ND						1JUL85 -31DEC85		2	86FEC/407/0132
1986 STATEMENT OF ORGANIZATION - AMENDMENT						23JAN86		1	86HSE/293/0875
STATEMENT OF ORGANIZATION - AMENDMENT						23JAN86		1	86HSE/293/1617
STATEMENT OF ORGANIZATION - AMENDMENT						31JAN86		1	86HSE/293/4465
STATEMENT OF ORGANIZATION - AMENDMENT						24MAR86		1	86HSE/298/5012
APRIL QUARTERLY			9,905		12,338	1JAN86 -31MAR86		14	86HSE/299/5086
PRE-PRIMARY			118		400	1APR86 -13APR86		4	86HSE/302/4097
JULY QUARTERLY			3,228		9,514	14APR86 -30JUN86		7	86HSE/309/1535
OCTOBER QUARTERLY				41,010	13,202	1JUL86 -30SEP86		19	86HSE/320/3119
PRE-GENERAL				23,820	2,150	1OCT86 -15OCT86		9	86HSE/323/4021
NOTICE OF FAILURE TO FILE						1OCT86 -15OCT86		1	86FEC/445/3313
TOTAL			13,251	216,597	22,252	145,337		205	TOTAL PAGES
3. AUTHORIZED COMMITTEES									
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN									
MINORITIES ORGANIZED FOR REPRESENTATION IN ELECTIONS IN '86							ID# C00202994	HOUSE	
1986 STATEMENT OF ORGANIZATION						20FEB86		3	86HSE/298/0020
MISCELLANEOUS REPORT FROM FEC						24OCT86		1	86FEC/442/1104
APRIL QUARTERLY						1JAN86 -31MAR86		3	86HSE/302/1988
JULY QUARTERLY						1APR86 -30JUN86		11	86HSE/307/1043
OCTOBER QUARTERLY - TERMINATED						1JUL86 -30SEP86		6	86HSE/315/3693
TERMINATED								24	TOTAL PAGES

ALL REPORTS HAVE BEEN REVIEWED
OUTSTANDING DEBTS AS OF 10/15/86: \$11,732
ENDING CASH-ON-HAND AS OF 10/15/86: \$65,808

ATTACHMENT 1

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.

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

87040545428

RQ-7

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

Remailed 11/06/86

R. Laurence Macon, Treasurer
Bustamante for Congress Committee
P.O. Box 120010
San Antonio, TX 78212

Identification Number: C00176370

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

REGULAR MAIL

NOV 10 1986

Summary Page

1087825

Albert Bustamante for Congress

CDO 876370

8025 Vantage Drive, Suite 600

San Antonio, Texas 78220

TYPE OF REPORT

☐ April 15 Quarterly Report☐ July 15 Quarterly Report☐ October 15 Quarterly Report☐ January 31 Year End Report☐ July 31 Mid Year Report (Non-election Year Only)☒ Thirteenth day report preceding Generalelection on November 4 in the State of Texas☐ Thirteenth day report following the General Election on

_____ in the State of _____

☐ Termination ReportThis report contains activity for - ☐ Primary Election ☒ General Election ☐ Special Election ☐ Runoff Election

SUMMARY		COLUMN A	COLUMN B
Reporting Period		This Period	Calendar Year-to-Date
1. Reporting Period <u>10-1-86</u> through <u>10-15-86</u>			
2. Net Contributions (After than Issued)			
(a) Total Contributions (After than Issued) (From Line 11) (a)		23,820.00	77,445.00
(b) Total Contribution Refunds (From Line 20) (b)			
(c) Net Contributions (After than Issued) (Subtract Line 20 (b) from 11 (a))		23,820.00	77,445.00
3. Net Operating Expenditures			
(a) Total Operating Expenditures (From Line 17)		2,150.66	35,551.75
(b) Total Offset to Operating Expenditures (From Line 18)			
(c) Net Operating Expenditures (Subtract Line 18 (b) from 17 (a))		2,150.66	35,551.75
4. Cash on Hand at Close of Reporting Period (From Line 27)		65,808.56	
5. Debts and Obligations Owed TO The Committee			
(Increase or decrease on Schedule C or Schedule D)			
6. Debts and Obligations Owed BY The Committee			
(Increase or decrease on Schedule C or Schedule D)		11,732.19	

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

For further information, contact:
Federal Election Commission
Toll Free 800-426-6922
Local 202-426-6922

R. Laurence Mason

Type or Print Name of Treasurer

Signature of Treasurer

10/20/86

NOTE: Submission of false or misleading information may subject the person signing this Report to the penalties of 2 U.S.C. § 4370.

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

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FDC 34, Feb 3, 1984

118



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

R. Laurence Macon, Treasurer
Bustamante for Congress Committee
P.O. Box 120010
San Antonio, Texas 78212

RE: MUR
Bustamante for Congress
Committee and
R. Laurence Macon, as
treasurer

Dear Mr. Macon:

On , 1987, the Federal Election Commission determined that there is reason to believe the Bustamante for Congress Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i), 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 fifteen 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.

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

ATTACHMENT #2(1)

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.

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 Patty Reily, 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

cc: Albert B. Bustamante

FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO.
STAFF MEMBER & TEL. NO.

Patty Reilly (202) 376-8200

RESPONDENTS: Bustamante for Congress Committee
and R. Laurence Macon, as
treasurer

SUMMARY OF ALLEGATIONS

It is alleged the Bustamante for Congress Committee and R. Laurence Macon, as treasurer, ("the Committee") failed to file its 1986 Pre-General Report in a timely manner in violation of 2 U.S.C. § 434(a)(2)(A)(i).

FACTUAL BASIS AND LEGAL ANALYSIS

The Act requires the principal campaign committee of a candidate for the House of Representatives to file a pre-election report in any calendar year during which there is a regularly scheduled election. 2 U.S.C. § 434(a)(2)(A)(i). This report shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election. Id. Thus, the Committee's Pre-General Report was due on October 23, 1986.

The Commission's Reports Analysis Division ("RAD") notified the Committee on September 29, 1986, of its obligation to file a Pre-General Report. Additionally, RAD sent the Committee a mailgram on October 24, 1986, informing the Committee of its failure to file this report. When this mailgram was returned due

ATTACHMENT #30)

87040645433

- 2 -

to a lack of an address caused by a computer error, RAD resent the mailgram on November 6, 1986. Nevertheless, the Committee did not file its 1986 Pre-General Report until November 12, 1986. Therefore, this Office recommends that the Commission open a MUR and find reason to believe that the Bustamante for Congress Committee and R. Laurence Macon, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i).

87040545434

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: December 11, 1986

ANALYST: Linda Tangney

I. COMMITTEE: Bustamante for Congress Committee
(C00176370)
R. Laurence Macon, Treasurer
(February 1, 1986 - present)
Charles W. Pope, Sr., Treasurer
(January 1, 1985 - January 31, 1986)
P.O. Box 120010
San Antonio, TX 78212

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

III. BACKGROUND:

Failure to File a Required Report as of Election Day

The Bustamante for Congress Committee (the "Committee") failed to file the 1986 12 Day Pre-General Report of Receipts and Disbursements as of Election Day, November 4, 1986. Prior Notice was sent on September 29, 1986, informing the Committee that the 12 Day Pre-General Report was due on October 23, 1986 (Attachment 2). A mailgram was sent to the Committee on October 24, 1986, for failure to file the 12 Day Pre-General Report; however, due to a computer error the mailgram did not include a street address, and was returned to the Federal Election Commission (the "Commission"). The mailgram was remailed on November 6, 1986, reflecting the Committee's complete and correct address (Attachment 3). The mailgram had informed the Committee that failure to file the report within four (4) business days might result in publication, audit, or legal enforcement action.^{1/}

^{1/}The Committee's name was not published for failure to file the 1986 12 Day Pre-General Report because the remailing of the Non-Filer Notice (mailgram) was after the Commission's October 31, 1986 publication date.

87040645435

**BUSTAMANTE FOR CONGRESS COMMITTEE
REPORTS ANALYSIS OGC REFERRAL
PAGE 2**

The Committee filed the 1986 12 Day Pre-General Report
on November 12, 1986 (Attachment 4).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

87040545436

87 FEDERAL ELECTION COMMISSION 7

1985-1986

DATE 2DEC86

CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION TYPE OF FILER
			PRIMARY	GENERAL	PRIMARY	GENERAL			
BUSTAMANTE, ALBERT G	HOUSE 23 DEMOCRATIC PARTY				TEXAS		1986 ELECTION	ID# H4TX23021	
1. STATEMENT OF CANDIDATE							31JAN86		1 86HSE/293/4464
1986 STATEMENT OF CANDIDATE									
2. PRINCIPAL CAMPAIGN COMMITTEE									
BUSTAMANTE FOR CONGRESS COMMITTEE							ID# C00176370	HOUSE	
1985 STATEMENT OF ORGANIZATION - AMENDMENT							25MAR85		1 85HSE/286/0069
MID-YEAR REPORT			107,827		105,307	1JAN85 -30JUN85		33	85HSE/290/4476
MID-YEAR REPORT - AMENDMENT			-		-	1JAN85 -30JUN85		1	85HSE/291/4531
MID-YEAR REPORT - AMENDMENT			107,827		105,307	1JAN85 -30JUN85		33	85HSE/291/4869
MID-YEAR REPORT - AMENDMENT			-		-	1JAN85 -30JUN85		2	86HSE/292/1405
REQUEST FOR ADDITIONAL INFORMATION						1JAN85 -30JUN85		4	85FEC/390/1315
REQUEST FOR ADDITIONAL INFORMATION 2ND						1JAN85 -30JUN85		5	85FEC/391/0413
YEAR-END			43,940		24,678	1JUL85 -31DEC85		21	86HSE/296/1011
YEAR-END - AMENDMENT			43,940		24,678	1JUL85 -31DEC85		22	86HSE/299/4891
YEAR-END - AMENDMENT			43,940		24,678	1JUL85 -31DEC85		22	86HSE/302/0704
REQUEST FOR ADDITIONAL INFORMATION						1JUL85 -31DEC85		1	86FEC/404/4473
REQUEST FOR ADDITIONAL INFORMATION 2ND						1JUL85 -31DEC85		2	86FEC/407/0132
1986 STATEMENT OF ORGANIZATION - AMENDMENT						23JAN86		1	86HSE/293/0875
STATEMENT OF ORGANIZATION - AMENDMENT						23JAN86		1	86HSE/293/1617
STATEMENT OF ORGANIZATION - AMENDMENT						31JAN86		1	86HSE/293/4465
STATEMENT OF ORGANIZATION - AMENDMENT						24MAR86		1	86HSE/298/5012
APRIL QUARTERLY			9,905		12,338	1JAN86 -31MAR86		14	86HSE/299/5086
PRE-PRIMARY			118		400	1APR86 -13APR86		4	86HSE/302/4097
JULY QUARTERLY			3,228		9,514	14APR86 -30JUN86		7	86HSE/309/1535
OCTOBER QUARTERLY				41,010	13,202	1JUL86 -30SEP86		19	86HSE/320/3119
PRE-GENERAL				23,820	2,150	1OCT86 -15OCT86		9	86HSE/323/4021
NOTICE OF FAILURE TO FILE						1OCT86 -15OCT86		1	86FEC/445/3313
TOTAL			13,251	216,597	22,252	145,337		205	TOTAL PAGES
3. AUTHORIZED COMMITTEES									
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN									
MINORITIES ORGANIZED FOR REPRESENTATION IN ELECTIONS IN '86							ID# C00202994	HOUSE	
1986 STATEMENT OF ORGANIZATION						20FEB86		3	86HSE/298/0020
MISCELLANEOUS REPORT FROM FEC						24OCT86		1	86FEC/442/1104
APRIL QUARTERLY						1JAN86 -31MAR86		3	86HSE/302/1988
JULY QUARTERLY						1APR86 -30JUN86		11	86HSE/307/1043
OCTOBER QUARTERLY - TERMINATED						1JUL86 -30SEP86		6	86HSE/315/3693
TERMINATED								24	TOTAL PAGES

ALL REPORTS HAVE BEEN REVIEWED
 OUTSTANDING DEBTS AS OF 10/15/86: \$11,732
 ENDING CASH-ON-HAND AS OF 10/15/86: \$65,808

ATTACHMENT 1

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.

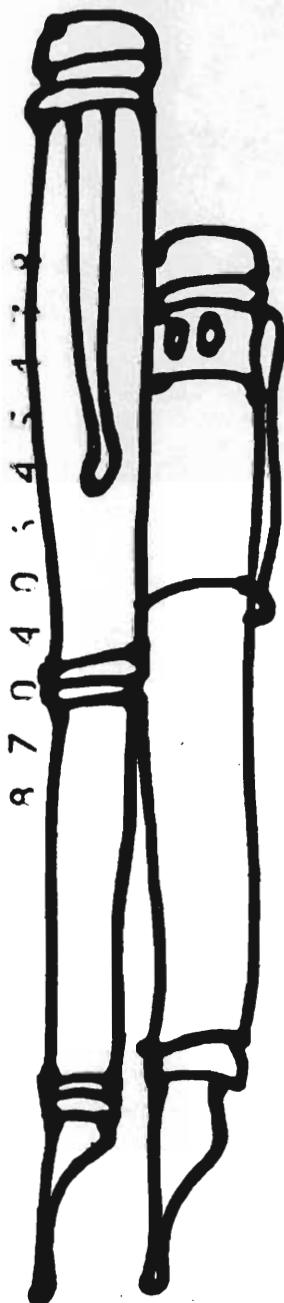
WHERE AND HOW TO FILE

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.

-over-



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

87040345439

RQ-7

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

Remailed 11/06/86

R. Laurence Macon, Treasurer
Bustamante for Congress Committee
P.O. Box 120010
San Antonio, TX 78212

Identification Number: C00176370

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

8 8 6 7 0 3 4 4 0 4 5 4 3 5 3 4 1 4 3 0

REGULAR MAIL

NOV 10 1986

Summary Page

108782

Albert Bustamante for Congress

CDO 176379

8023 Vantage Drive, Suite 600

San Antonio, Texas 78230

TYPE OF REPORT

☐ April 15 Quarterly Report☒ Twelfth day report preceding General Election☐ July 15 Quarterly Report

election on November 4 in the State of Texas

☐ October 15 Quarterly Report☐ Twelfth day report following the General Election on☐ January 31 Year End Report

in the State of

☐ July 31 Mid Year Report (Non-election Year Only)☐ Termination ReportThis report contains activity for - ☐ Primary Election ☒ General Election ☐ Special Election ☐ Runoff Election

SUMMARY		COLUMN A	COLUMN B
5. Covering Period 10-1-86 through 10-15-86		This Period	Calendar Year-to-Date
6. Net Contributions (other than loan)			
a) Total Contributions (other than loan) (From Line 11 b)(1)		23,820.00	77,445.00
b) Total Contribution Refunds (From Line 20 b)(1)			
c) Net Contributions (other than loan) (Subtract Line 6 b)(2) from 6 b)(1) ...		23,820.00	77,445.00
7. Net Operating Expenditures			
a) Total Operating Expenditures (From Line 17)		2,150.66	35,551.75
b) Total Offset to Operating Expenditures (From Line 14)			
c) Net Operating Expenditures (Subtract Line 7 b)(2) from 7 a)(1)		2,150.66	35,551.75
8. Cash on Hand at Close of Reporting Period (From Line 27)		65,808.56	
9. Debts and Obligations Owed TO The Committee (Transfer all on Schedule C or Schedule D)			
10. Debts and Obligations Owed BY The Committee (Transfer all on Schedule C or Schedule D)		11,732.19	

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

For further information, contact:
Federal Election Commission
Toll Free 800-426-6920
Local 202-426-6920

R. Laurence Nacon

Type or Print Name of Treasurer

R. Laurence Nacon
Signature of Treasurer10/20/86
Date

NOTE: Submission of false or misleading information may subject the person signing this Report to the penalties of 2 U.S.C. (437c).

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

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FDC PL 700 3 (10/81)

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2318

DATE FILMED 5/28/87 CAMERA NO. 2

CAMERAMAN AS

87040645442