



FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20543

THIS IS THE BEGINNING OF MUR # 2326  
DATE FILMED 4/13/88 CAMERA NO. 3  
CAMERAMAN AS

88040571316

PUBLIC RECORD INDEX - MUR 2326\*

I. MUR 2278

1. Memo, 24 Sept 86, John D. Gibson (Reports Analysis Division) to Charles N. Steele (General Counsel), Subj: Referral of the Citizens Party, w/atch (RAD Referral Pkg.).
2. First General Counsel's Report (MUR 2278), 22 Oct 86.
3. Memo, 24 Oct 86, M.W. Emmons to C.N. Steele, Subj: Commissioner comments on G.C. Report, w/atch (comment sheet).
4. Certification of Commission action (MUR 2278), 27 Oct 86.
5. Ltr, dtd 31 Oct 86, Joan D. Aikens (Chmn, FEC) to Kirby Edmonds (Acting Trs, Citizens Party).
6. Memo, 29 Jan 87, C.N. Steele to the Commission, Subj: General Counsel's Brief and ltr to K. Emonds re MUR 2278).

II. MUR 2326

7. Memo, 19 Dec 86, John D. Gibson (Report Analysis Division) to Charles N. Steele (General Counsel), Subj: Referral of The Citizens Party w/atch (RAD Referral Pkg.).
8. First General Counsel's Report (MUR 2326), 9 Jan 87.
9. Certification of Commission action (MUR 2326), 15 Jan 87.
10. Ltr, 20 Jan 87, Scott E. Thomas (Chmn, FEC) to Kirby Edmonds, (Acting Treas, The Citizens Party).
11. General Counsel's Report (MUR 2326), 24 Feb 87.
12. Memo, 5 Mar 87, C.N. Steele to the Commission, Subj: General Counsel's Brief (MUR 2326), w/atch (Ltr, w/G.C. Brief, to K. Edmonds).

III. MURs 2278 and 2326 merged

13. General Counsel's Report, 22 May 87.
14. Certification of Commission action, 3 Jun 87,
15. Ltr, dtd 8 June 87, L.M. Noble to K. Edmonds.

\* / MUR 2278 was merged into MUR 2326.

16. Memo, 13 June 87, Docket to File, subj: merger of files (MURs 2278 and 2326).
17. Ltr, dtd 10 July 87, L.M. Noble to K. Edmonds.
18. General Counsel's Report, 25 Aug 87.
19. Certification of Commission action, 9 Sept 87.
20. Ltr, 11 Sept 87, L.M. Noble to K. Edmons.

-END-

NOTE: In preparing its file for the public record, O.G.C. routinely removes those documents in which it perceives little or no public interest, and those documents, or portions thereof, which are exempt from disclosure under the Freedom of Information Act.

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## FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

24 September 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 CITIZENS PARTY

This is a referral of the Citizens Party ("the Party") for failing to file four (4) reports in a timely manner during the 1985-1986 election cycle. According to the 1985-1986 RAD Review and Referral Procedures for Unauthorized Committees (Standard 4), further examination is required by your office.

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

Attachment

33040571319

1



**REPORTS ANALYSIS REFERRAL**

**TO**

**OFFICE OF GENERAL COUNSEL**

**DATE:** 24 Sept. 86

**ANALYST:** Ivonne Cotto

**I. COMMITTEE:** Citizens Party  
(C00117762)  
Kirby Edmonds, Acting Treasurer<sup>1/</sup>  
P.O. Box 6883  
Ithaca, NY 14851

**II. RELEVANT STATUTE:** 2 U.S.C. §434(a)(4)(A)(i) and (iv)  
11 CFR 104.5(c)(1)(i) and (2)(i)

**III. BACKGROUND:**

**Failure to Timely File Reports**

The Citizens Party ("the Party") failed to file four (4) Reports of Receipts and Disbursements in a timely manner for the 1985-1986 election cycle (see attached chart). The reports were filed between thirty-seven (37) and two hundred forty-three (243) calendar days late.

The Reports Analysis Division ("RAD") analyst contacted Mr. Kirby Edmonds, Acting Treasurer, on March 25, 1986 in reference to the late filing of the 1985 Mid-Year and Year End Reports. The RAD analyst advised Mr. Edmonds to file the reports with the Commission as soon as possible. Mr. Edmonds stated that he would comply with the request (Attachment 7).

On May 9, 1986, a Chronic Late Filing Notice was sent to the Party for failing to file the 1985 Mid-Year and Year End Reports in a timely manner (Attachment 11). The Notice advised the Party that any additional late filing of reports may result in legal enforcement action.

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<sup>1/</sup> In a January 28, 1986 letter to the Commission, the Party stated that its treasurer, Dick Stafford, had resigned on January 7, 1985 and that Kirby Edwards would serve as Acting Treasurer until further notification.

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**CITIZENS PARTY  
REPORTS ANALYSIS OGC REFERRAL  
PAGE 2**

On May 22, 1986, the RAD analyst attempted to contact Mr. Edmonds in reference to the late filing of the 1986 April Quarterly Report. The RAD analyst left a message on the answering machine reminding Mr. Edmonds that the report was late and had to be filed (Attachment 12). The Party filed the 1986 April Quarterly Report on June 6, 1986 (Attachment 13). On August 18, 1986, the RAD analyst attempted to call Mr. Edmonds in reference to the late filing of the 1986 July Quarterly Report. The RAD analyst was unable to reach Mr. Edmonds (Attachment 17).

Subsequent to the sending of the Chronic Late Filing Notice, the Party filed the 1986 July Quarterly Report late.

**IV. OTHER PENDING MATTERS INITIATED BY RAD:**

None.

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## LATE FILING HISTORY

REPORT TYPE	PRIOR NOTICE	DATE DUE	NON-FILER NOTICE	DATE FILED
1985 Mid-Year <sup>2/</sup> (1/1/85-6/30/85)	6/21/85 (Attachment 2)	7/31/85	8/22/85 (Attachment 3)	3/31/86 <sup>3/</sup> (Attachment 8)
1985 Year End (7/1/85-12/31/85)	12/20/85 (Attachment 4)	1/31/86	2/25/86 (Attachment 5)	3/31/86 <sup>4/</sup> (Attachment 9)
1986 April Quarterly (1/1/86-3/31/86)	3/21/86 (Attachment 6)	4/15/86	5/7/86 (Attachment 10)	6/6/86 (Attachment 13)
1986 July Quarterly (4/1/86-6/30/86)	6/20/86 (Attachment 14)	7/15/86	8/6/86 (Attachment 15)	8/21/86 (Attachment 17)

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<sup>2/</sup> The Party was referred to your office on December 5, 1985 for failure to file the 1985 Mid-Year Report (see 85NF-77, now MUR 1985).

<sup>3/</sup> The May 9, 1986 Chronic Late Filing Notice sent to the Party incorrectly cited the receipt date for the 1985 Mid-Year and Year End Reports as March 29, 1986. These reports were sent by Express Mail on March 29, 1986, but were not received at the Commission until March 31, 1986.

<sup>4/</sup> Ibid.



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FEDERAL ELECTION COMMISSION  
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (83-84)DATE 11-27-86  
PAGE 1

## PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
CITIZENS PARTY				PARTY NON-QUALIFIED		ID #C00117762
1983	DEBT SETTLEMENT STATEMENT			25JAN83	13	83FEC/262/4594
	ACKNOWLEDGEMENT OF RECEIPT OF DEBT SETTLEMENT STATEMENT			23FEB83	1	83FEC/267/0121
	REAI: DEBT SETTLEMENT FIRST			25FEB83	1	83FEC/267/0700
	REAI: DEBT SETTLEMENT FIRST			25FEB83	1	83FEC/268/1159
	REAI: DEBT SETTLEMENT SECOND			17MAR83	1	83FEC/268/1158
	MID-YEAR REPORT	45,080	39,763	1JAN83 -30JUN83	26	84FEC/292/4998
	MID-YEAR REPORT - AMENDMENT	45,080	39,763	1JAN83 -30JUN83	10	84FEC/315/2749
	NOTICE OF FAILURE TO FILE			1JAN83 -30JUN83	1	83FEC/288/1158
	REQUEST FOR ADDITIONAL INFORMATION			1JAN83 -30JUN83	2	84FEC/306/4654
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN83 -30JUN83	5	84FEC/311/2898
	YEAR-END	47,729	50,323	1JUL83 -31DEC83	28	84FEC/292/4970
	YEAR-END - AMENDMENT	47,729	50,323	1JUL83 -31DEC83	15	84FEC/315/2749
	REQUEST FOR ADDITIONAL INFORMATION			1JUL83 -31DEC83	2	84FEC/306/4651
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL83 -31DEC83	1	84FEC/312/0125
1984	STATEMENT OF ORGANIZATION - AMENDMENT			30JAN84	1	84FEC/292/4969
	STATEMENT OF ORGANIZATION - AMENDMENT			8JUN84	2	84FEC/316/3424
	MISCELLANEOUS NOTICE FROM FEC			6JUL84	1	84FEC/319/1124
	APRIL QUARTERLY	20,921	21,604	1JAN84 -31MAR84	26	84FEC/315/2774
	APRIL QUARTERLY - AMENDMENT	20,921	21,604	1JAN84 -31MAR84	6	84FEC/319/1328
	NOTICE OF FAILURE TO FILE			1JAN84 -31MAR84	1	84FEC/313/4673
	REQUEST FOR ADDITIONAL INFORMATION			1JAN84 -31MAR84	1	84FEC/318/3222
	JULY QUARTERLY	10,544	12,666	1APR84 -30JUN84	25	84FEC/319/1754
	JULY QUARTERLY - AMENDMENT	25,657	17,265	1APR84 -30JUN84	26	86FEC/412/4209
	1'ST LETTER INFORMATIONAL NOTICE			1APR84 -30JUN84	1	84FEC/328/4190
	OCTOBER QUARTERLY	14,485	24,479	1JUL84 -30SEP84	25	86FEC/416/3694
	NOTICE OF FAILURE TO FILE			1JUL84 -30SEP84	1	84FEC/348/2063
	PRE-PRIMARY	1,497	2,047	30SEP84 -25OCT84	23	86FEC/416/3625
	REQUEST FOR ADDITIONAL INFORMATION			30SEP84 -25OCT84	2	86FEC/421/2788
	REQUEST FOR ADDITIONAL INFORMATION 2ND			30SEP84 -25OCT84	6	86FEC/426/3360
	POST-GENERAL	4,141	3,498	25OCT84 - 4DEC84	22	86FEC/416/3671
	NOTICE OF FAILURE TO FILE			1OCT84 -26NOV84	1	84FEC/357/4814
	REQUEST FOR ADDITIONAL INFORMATION			25OCT84 - 4DEC84	2	86FEC/421/2548
	REQUEST FOR ADDITIONAL INFORMATION 2ND			25OCT84 - 4DEC84	1	86FEC/426/3360
	YEAR-END	299	788	4DEC84 -31DEC84	21	86FEC/416/3649
	NOTICE OF FAILURE TO FILE			37NOV84 -31DEC84	1	85FEC/366/4661
	REQUEST FOR ADDITIONAL INFORMATION			4DEC84 -31DEC84	1	86FEC/421/2551
	REQUEST FOR ADDITIONAL INFORMATION 2ND			4DEC84 -31DEC84	1	86FEC/426/3361
TOTAL		159,809	0 159,767	0	304	TOTAL PAGES

All reports listed above have been reviewed.  
 Ending cash-on-hand as of 12/31/84: \$804.45  
 Debts owed by the committee as of 12/31/84: \$104,070.27  
 Debts owed to the committee as of 12/31/84: \$0

ATTACHMENT 1  
(Page 1 of 2)

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FEDERAL ELECTION COMMISSION  
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (85-86)DATE 9SEP86  
PAGE 1

## PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
CITIZENS PARTY				PARTY NON-QUALIFIED		ID 0C00117762
1985	MID-YEAR REPORT	1,054	1,868	1JAN85 -30JUN85	24	86FEC/406/4384
	NOTICE OF FAILURE TO FILE			1JAN85 -30JUN85	1	85FEC/386/3161
	REQUEST FOR ADDITIONAL INFORMATION			1JAN85 -30JUN85	2	86FEC/413/0256
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN85 -30JUN85	4	86FEC/415/3016
	YEAR-END	2,200	532	1JUL85 -31DEC85	23	86FEC/406/4400
	NOTICE OF FAILURE TO FILE			1JUL85 -31DEC85	1	86FEC/403/3638
	REQUEST FOR ADDITIONAL INFORMATION			1JUL85 -31DEC85	1	86FEC/413/0259
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL85 -31DEC85	1	86FEC/415/3020
1986	STATEMENT OF ORGANIZATION - AMENDMENT			28JAN86	3	86FEC/397/4349
	MISCELLANEOUS NOTICE FROM FEC			9MAY86	1	86FEC/413/3926
	APRIL QUARTERLY	1,216	1,045	1JAN86 -31MAR86	23	86FEC/416/2175
	NOTICE OF FAILURE TO FILE			1JAN86 -31MAR86	1	86FEC/413/2994
	1'ST LETTER INFORMATIONAL NOTICE			1JAN86 -31MAR86	2	86FEC/423/0530
	JULY QUARTERLY	0	138	1APR86 -30JUN86	22	86FEC/428/4971
	NOTICE OF FAILURE TO FILE			1APR86 -30JUN86	1	86FEC/426/3540
	TOTAL	4,470	0	3,583	0	110 TOTAL PAGES

All reports listed above have been reviewed.  
Ending cash-on-hand as of 6/30/86: \$80.45  
Debts owed by the committee as of 6/30/86: \$104,582.69  
Debts owed to the committee as of 6/30/86: \$0



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

June 21, 1985

**SEMIANNUAL REPORT NOTICE  
FOR UNAUTHORIZED COMMITTEES**

**WHO MUST FILE**

ALL POLITICAL COMMITTEES currently registered with the Commission (except committees filing monthly) must file a semiannual report by July 31, 1985.

**WHAT MUST BE REPORTED**

All financial activity must be disclosed from the last report filed through June 30, 1985. Unauthorized political committees that have not previously filed a financial disclosure report should report all financial activity from date of registration, through June 30, 1985.\*

**WHEN TO FILE**

Reports sent by registered or certified mail must be postmarked no later than midnight July 31, 1985. Reports hand delivered or mailed first class must be received no later than close of business July 31, 1985.

**WHERE AND HOW TO FILE**

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

**MONTHLY FILERS**

Committees filing on a monthly schedule need not file a semi-annual report. Monthly reports are due by the twentieth of each month and should cover all financial activity of the previous month. The next monthly report must be filed by July 20, 1985, and should disclose all financial activity of the committee from June 1 through June 30, 1985.

\*The first report filed by a committee shall include all amounts received or disbursed prior to becoming a political committee; even if such amounts were not received during the current reporting period. See 11 CFR 101.3; 104.3(a) and (b). Activity which occurred prior to 1985 should be reported separately.

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**COMPLIANCE**

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

FOR INFORMATION CALL: Information Services Division  
202/523-4068  
800/424-9530

83040671326



## FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20543

RQ-7

August 22, 1985

Judi Gerhardt, Treasurer  
Citizens Party  
2000 P. Street, N.W. #200  
Washington, DC 20036

Identification Number: C00117762

Reference: Mid-Year Report (1/1/85-6/30/85)

Dear Ms. Gerhardt:

It has come to the attention of the Federal Election Commission ("the Commission") that you may be in violation of 2 U.S.C. §434(a) for failing to file the above referenced Report of Receipts and Disbursements. You were notified previously of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 1325 K Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or the relevant portions should also be filed with the Secretary of State or equivalent state officer. See 2 U.S.C. §439.

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

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

Sincerely,

A handwritten signature in cursive script that reads "John D. Gibson".

John D. Gibson  
Assistant Staff Director  
Reports Analysis Division

89040571327

# YEAR-END REPORT NOTICE

## FEDERAL ELECTION COMMISSION

PARTIES AND PACS

December 20, 1985

**WHO MUST FILE**

ALL PARTY COMMITTEES, NON-CONNECTED COMMITTEES, AND SEPARATE SEGREGATED FUNDS must file a year-end report by January 31, 1986.

**WHAT MUST BE REPORTED**

The report must disclose all financial activity that occurred from the close of books for the last report through December 31, 1985. Political committees which have not previously filed a financial disclosure report should report all financial activity from the date of registration\* through December 31, 1985. For more detailed instructions, consult your campaign guide.

**FILING DATE**

Reports sent by registered or certified mail must be postmarked no later than midnight January 31, 1986. Reports hand delivered or mailed first class must be received no later than close of business January 31, 1986.

**WHERE TO FILE**

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

**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.

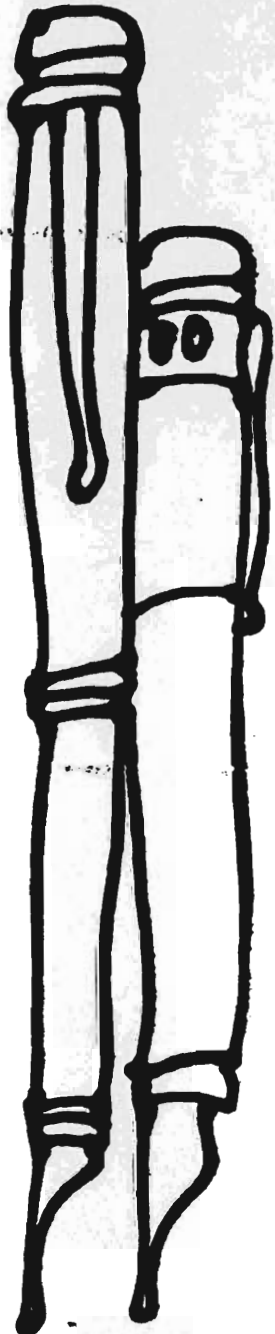
**1986 FILING REQUIREMENTS**

See the January 1986 issue of the FEC Record for filing requirements during 1986. A committee that wishes to change its reporting schedule (e.g. from semiannually in 1985 to monthly—rather than quarterly in 1986) must notify the Commission by submitting a letter with the next report due under its current reporting schedule.

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

FOR INFORMATION CALL: Information Services Division  
202/523-4068 or 800/424-9530

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FEDERAL ELECTION COMMISSION  
WASHINGTON, DC 20541

RQ-7

February 25, 1986

Martha Ryan or Kirby Edmons, Co-Chair  
Citizens Party  
P.O. Box 6883  
Ithaca, NY 14851

Identification Number: C00117762

Reference: Year-End Report (7/1/85-12/31/85)

Dear Ms. Ryan or Mr. Edmons:

It has come to the attention of the Federal Election Commission ("the Commission") that your committee may be in violation of 2 U.S.C. §434(a) for failing to file the above referenced Report of Receipts and Disbursements. You were notified previously of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or the relevant portions should also be filed with the Secretary of State or equivalent state officer. See 2 U.S.C. §439.

Although the Commission may initiate an audit or legal enforcement action concerning this matter, your prompt response and a letter of explanation will be taken into consideration.

If you have any questions, please contact Ivonne Cotto on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

John D. Gibson  
Assistant Staff Director  
Reports Analysis Division

93040571399



# QUARTERLY REPORT NOTICE

## FEDERAL ELECTION COMMISSION

**PARTIES AND PACS**

March 21, 1986

**WHO MUST FILE**

ALL Party Committees, Non-connected Committees and Separate Segregated Funds, except those filing monthly (see below), must file a quarterly report by April 15, 1986.

**WHAT MUST BE REPORTED**

The report must disclose all financial activity that occurred from the close of books for last report filed through March 31, 1986. Political committees that have not previously filed a financial disclosure report should report all financial activity through March 31, 1986.\* For more detailed instructions, consult your campaign guide.

**WHEN TO FILE**

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

**WHERE AND HOW TO FILE**

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

**MONTHLY FILERS**

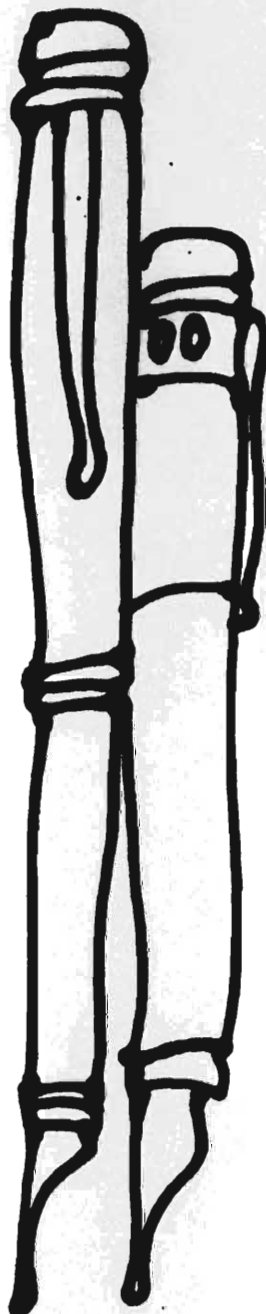
Committees that file on a monthly schedule must file their next report by April 20, 1986, and disclose all financial activity of their committee from March 1 through March 31, 1986. (See the schedule of monthly reports on the reverse side.)

**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.

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

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**REMINDERS****QUARTERLY FILERS**

Committees that make contributions or expenditures (including independent expenditures) in connection with an election, must file a pre-election report, if this activity has not been previously disclosed. See the January 1986 issue of the Federal Election Commission Record for primary election filing requirements.

**MONTHLY FILERS**

Committees that file monthly reports must follow the schedule below. Pre-general election reports sent by registered or certified mail must be postmarked no later than mid-night October 20, 1986. All other reports sent by registered or certified mail must be postmarked no later than midnight on the filing date in order to be timely. Reports hand delivered or mailed first class must be received by close of business on the filing date.

REPORT	PERIOD COVERED	FILING DATE
February	01/01 - 01/31	02/20/86
March	02/01 - 02/28	03/20/86
April	03/01 - 03/31	04/20/86
May	04/01 - 04/30	05/20/86
June	05/01 - 05/31	06/20/86
July	06/01 - 06/30	07/20/86
August	07/01 - 07/31	08/20/86
September	08/01 - 08/31	09/20/86
October	09/01 - 09/30	10/20/86
Pre-election	10/01 - 10/15	10/23/86
Post-election	10/16 - 11/24	12/04/86
Year-End	11/25 - 12/31	01/31/87

**INDEPENDENT EXPENDITURES**

Any independent expenditure aggregating \$1,000 or more and made between 2 and 20 days before an election must be reported within 24 hours after the expenditure is made. See 11 CFR 104.4(c) (2) and (3) for information concerning where to file.

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

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TELECON

ANALYST : Ivonne Cotto  
CONVERSATION WITH: Kirby Edmonds  
COMMITTEE : Citizens Party  
DATE : March 25, 1986  
SUBJECT(S) : Non/Late Filing of Reports

I contacted Mr. Kirby Edmonds in reference to the late filing of the 1985 Mid-Year and Year End Reports. Mr. Edmonds was aware that the reports were late and had to be filed. I advised him to file the reports as soon as possible. Mr. Edmonds stated he would comply with my request.

23040671332

**(Summary Page)**

ATTACHMENT 8

**ALLEGED AREA**  

**1. Name of Committee (in Full)**

**Citizens Party, Inc.**

**Address (Number and Street)**

**1.0. Box 6883**

**Ithaca New York 14851**

**City, State and ZIP Code**

☐ Check here if address is different than previously reported.

**2. POC Identification Number**

**CCC 117762**

**3. ☐ This committee qualified as a multi-candidate committee during this Reporting Period on \_\_\_\_\_**

**4. TYPE OF REPORT (Check appropriate box)**

☐ April 15 Quarterly Report ☐ October 15 Quarterly Report

☐ July 15 Quarterly Report ☐ January 31 Year End Report

☒ July 31 Mid Year Report (Also Election Year Only)

☐ Monthly Report for \_\_\_\_\_

☐ Twelfth day report preceding \_\_\_\_\_

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

☐ Thirtieth day report following the General Election

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

☐ Termination Report

**Is this Report an Amendment?**

☐ YES

☒ NO

**SUMMARY**

**5. Covering Period** 1/1/85 through 6/30/85

**6. (a) Cash on hand January 1, 19** 84

**(b) Cash on Hand at Beginning of Reporting Period** .....

**(c) Total Receipts from Line 1B** .....

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

**7. Total Disbursements from Line 2B** .....

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

**9. Debits and Obligations Owed TO the Committee** .....

(Transfer all on Schedule C or Schedule D)

**10. Debits and Obligations Owed BY the Committee** .....

(Transfer all on Schedule C or Schedule D)

**VERIFY: THIS SUMMARY PAGE IS THE BEST COPY AVAILABLE OF THE INFORMATION REPORTED ON THE PREVIOUS PAGES OF THIS REPORT.**

**Kirby Edmonds**

**For further information contact:**

**Federal Election Commission**

**Vote File 202-424-6500**

**Lower 202-424-4500**

**3/28/86**

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

All previous versions of FES Form 1 and FES Form 2 are obsolete and should no longer be used.

FES FORM 1a (8/85)

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**REPORT OF RECEIPTS AND DISBURSEMENTS**  
For a Political Committee Other Than an Authorized Committee

ATTACHMENT  
FEB 1986

(Summary Page)

06 MAR 1986

ALIGN AREA ☐

1. Name of Committee (in Full)  
**Citizens Party, Inc.**

Address (Number and Street)  
**P.O. Box 6883**

City, State and ZIP Code  
**Ithaca, New York 14851**

☐ Check here if address is different than previously reported.

2. FEC Identification Number  
**CCC 117762**

3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on \_\_\_\_\_

4. TYPE OF REPORT (Check appropriate boxes)

(a) ☐ April 15 Quarterly Report    ☐ October 15 Quarterly Report

☐ July 15 Quarterly Report    ☒ January 31 Year End Report

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

☐ Monthly Report for \_\_\_\_\_

☐ Twelfth day report preceding \_\_\_\_\_ (Type of Election)

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

☐ Thirtieth day report following the General Election

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

☐ Termination Report

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

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	<u>7/1/85</u> through <u>12/31/85</u>		
6. (a) Cash on hand January 1, 19 <u>85</u>			\$ 132.72
(b) Cash on Hand at Beginning of Reporting Period		\$ 132.72	
(c) Total Receipts (from Line 12)		\$ 2200.58	\$ 2200.58
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ 2333.30	\$ 2333.30
7. Total Disbursements (from Line 20)		\$ 532	\$ 532
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 1801.32	\$ 1801.32
9. Debts and Obligations Owed TO The Committee (itemize all on Schedule C or Schedule D)			
10. Debts and Obligations Owed BY the Committee (itemize all on Schedule C or Schedule D)		\$ 596.16	RE

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

**Kirby Edmonds**  
\_\_\_\_\_  
Secretary of the Committee

**3/28/86**  
\_\_\_\_\_  
Date

For further information contact:  
Federal Election Commission  
Tel: Free 800-435-6530  
Local 202-435-6835

NOTE: Submission of false or incorrect or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. § 4371.

All previous versions of FES FORMS 3 and FES FORM 3a are obsolete and should be kept in files.

FES FORM 3a (3-85)



## FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20461

10-7

May 7, 1986

Judi Gerhardt, Treasurer  
Citizens Party  
P.O. Box 6883  
Ithaca, NY 14851

Identification Number: C00117762

Reference: April Quarterly Report (1/1/86-3/31/86)

Dear Ms. Gerhardt:

It has come to the attention of the Federal Election Commission ("the Commission") that you may be in violation of 2 U.S.C. §434(a) for failing to file the above referenced Report of Receipts and Disbursements. You were notified previously of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or the relevant portions should also be filed with the Secretary of State or equivalent state officer. See 2 U.S.C. §439.

Although the Commission may initiate an audit or legal enforcement action concerning this matter, your prompt response and a letter of explanation will be taken into consideration.

If you have any questions, please contact Ivonne Cotto on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

A handwritten signature in cursive script, reading "John D. Gibson".

John D. Gibson  
Assistant Staff Director  
Reports Analysis Division

93040571335



## FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20543

MS-L

NY 9 1986

Kirby Edmonds, Treasurer  
Citizens Party  
P.O. Box 6883  
Ithaca, NY 14851

Identification Number: C00117762

Reference: 1985-1986 Election Cycle Reports

Dear Mr. Edmonds:

It has come to the attention of the Federal Election Commission ("the Commission") that your committee may have violated 2 U.S.C. §434(a), by failing to timely file Reports of Receipts and Disbursements. The following is a list of the reports in question.

<u>Report Type</u>	<u>Due Date</u>	<u>Date Filed</u>
Mid-Year Report (1/1/85-6/30/85)	7/31/85	3/29/86
Year End Report (7/1/85-12/31/85)	1/31/86	3/29/86

Timely filing is a specific requirement of the Federal Election Campaign Act ("the Act") and is essential to fulfilling the public disclosure concept embodied in that law. The Commission views the untimely filing of reports as a serious violation of the Act. This communication is to advise you that, notwithstanding any matters which may be pending before the Commission, any additional report which is not submitted in a timely manner by your committee may result in the Commission initiating legal enforcement or audit action.

You may submit a letter of explanation in response to this notification. If, however, you have any questions, please feel free to contact Ivonne Cotto on our toll-free number, (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

Lisa J. Stolaruk  
Chief, Party/Non-Party Branch  
Reports Analysis Division

3573113923



TELECON

ANALYST : Ivonne Cotto  
CONVERSATION WITH: Kirby Edmonds, Acting Treasurer  
COMMITTEE : Citizens Party  
DATE : May 22, 1986  
SUBJECT(S) : Non/Late Filing of Reports

I attempted to contact Mr. Edmonds in reference to the late filing of the 1986 April Quarterly Report. I was unable to reach Mr. Edmonds. I left a message on his recorder reminding him that the report was late and had to be filed.

83040671337



**HAND DELIVERED**  
JUN 6 1963

<p><b>1. Name of Committee (Use Full)</b></p> <p>Citizens Party, Inc.</p> <hr/> <p><b>Address Number and Street</b></p> <p>P.O. Box 6883</p> <hr/> <p><b>City, State and ZIP Code</b></p> <p>Ithaca, New York 14851</p> <hr/> <p><input type="checkbox"/> Check here if address is different than previously reported.</p> <hr/> <p><b>2. FEC Identification Number</b></p> <p>CU 0117762</p> <hr/> <p><b>3. <input type="checkbox"/> This committee qualified as a multicandidate committee during the Reporting Period on _____</b></p>	<p><b>4. TYPE OF REPORT (Check appropriate boxes)</b></p> <p>(a) <input checked="" type="checkbox"/> April 15 Quarterly Report      <input type="checkbox"/> October 15 Quarterly Report</p> <p><input type="checkbox"/> July 15 Quarterly Report      <input type="checkbox"/> January 31 Year End Report</p> <p><input type="checkbox"/> July 31 Mid Year Report (Non Election Year Only)</p> <p><input type="checkbox"/> Monthly Report for _____</p> <p><input type="checkbox"/> Twelfth day report preceding _____ <span style="margin-left: 150px;">(Fees or Statement)</span></p> <p>election on _____ in the State of _____</p> <p><input type="checkbox"/> Thirtieth day report following the General Election</p> <p>on _____ in the State of _____</p> <p><input type="checkbox"/> Termination Report</p> <p>(b) Is this Report an Amendment?</p> <p><input type="checkbox"/> YES      <input checked="" type="checkbox"/> NO</p>
--	--

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. Covering Period <u>1/1/86</u> through <u>3/31/86</u>		
6 (a) Cash on hand January 1, 19 <u>86</u>		\$ 48.74
(b) Cash on Hand at Beginning of Reporting Period	\$ 48.74	
(c) Total Receipts (from Line 18)	\$ 1,216.02	\$ 1,216.02
(d) Subtotal (add Lines 6(a) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 1,264.76	\$ 1,264.76
7 Total Disbursements (from Line 28)	\$ 1,045.93	\$ 1,045.93
8 Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 218.83	\$ 218.83
9 Debts and Obligations Owed TO The Committee (Report all on Schedule C or Schedule D)	\$	
10 Debts and Obligations Owed BY the Committee (Report all on Schedule C or Schedule D)	\$103,137.51	

For further information contact:  
Federal Election Commission  
600 E Street N.W.  
Washington, D.C. 20543  
Tel. (202) 696-6830  
Local 202 576-3120

ALL previous versions of FEC FORM 3 and FEC FORM 2a are obsolete and should no longer be used.

FEC FORM 3X 380

# QUARTERLY REPORT NOTICE

## FEDERAL ELECTION COMMISSION

**PARTIES AND PACS**

**June 20, 1986**

**WHO MUST FILE**

All Party Committees, Nonconnected Committees and Separate Segregated Funds, except those that file monthly (see below), must file a quarterly report by July 15, 1986.

**WHAT MUST BE REPORTED**

The report must disclose all financial activity that occurred from the close of books for the last report filed through June 30, 1986. Political committees that have not previously filed a financial disclosure report should report all financial activity through June 30, 1986.\* For more detailed instructions, consult your campaign guide.

**WHEN TO FILE**

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

**WHERE AND HOW TO FILE**

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

**MONTHLY FILERS**

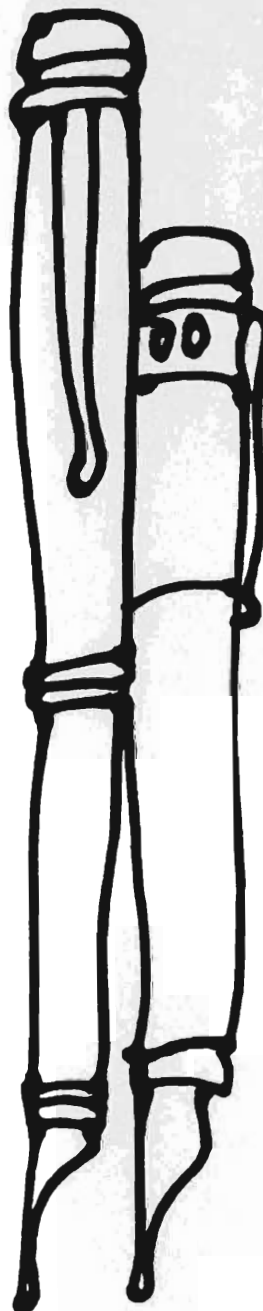
Committees that file on a monthly schedule must file their next report by July 20, 1986, and disclose all financial activity of their committee from June 1 through June 30, 1986. (See the schedule of monthly reports on the reverse side.)

**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.

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

-over-



**REMINDERS****QUARTERLY FILERS**

Committees that make contributions or expenditures (including independent expenditures) in connection with an election, must file a pre-election report if this activity has not been previously disclosed. See the January 1986 issue of the Federal Election Commission Record for primary election filing requirements.

**MONTHLY FILERS**

Committees that file monthly must follow the schedule below. Pre-general election reports sent by registered or certified mail must be postmarked no later than midnight October 20, 1986. All other reports sent by registered or certified mail must be postmarked no later than midnight on the filing date in order to be timely. Reports hand delivered or mailed first class must be received by close of business on the filing date.

REPORT	PERIOD COVERED			FILING DATE
February	01/01	-	01/31	02/20/86
March	02/01	-	02/28	03/20/86
April	03/01	-	03/31	04/20/86
May	04/01	-	04/30	05/20/86
June	05/01	-	05/31	06/20/86
July	06/01	-	06/30	07/20/86
August	07/01	-	07/31	08/20/86
September	08/01	-	08/31	09/20/86
October	09/01	-	09/30	10/20/86
Pre-election	10/01	-	10/15	10/23/86
Post-election	10/16	-	11/24	12/04/86
Year-End	11/25	-	12/31	01/31/87

**INDEPENDENT EXPENDITURES**

Any independent expenditure aggregating \$1,000 or more and made between 2 and 20 days before an election must be reported within 24 hours after the expenditure is made. See 11 CFR 104.4(c) (2) and (3) for information concerning where to file.

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

93740371340



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, DC 20463

RQ-7

August 6, 1986

Kirby Edmonds, Treasurer  
Citizens Party  
P.O. Box 6883  
Ithaca, NY 14851

Identification Number: C00117762

Reference: July Quarterly Report (4/1/86-6/30/86)

Dear Mr. Edmonds:

It has come to the attention of the Federal Election Commission ("the Commission") that your committee may be in violation of 2 U.S.C. §434(a) for failing to file the above referenced Report of Receipts and Disbursements. You were notified previously of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or the relevant portions should also be filed with the Secretary of State or equivalent State officer. See 2 U.S.C. §439.

Although the Commission may initiate an audit or legal enforcement action concerning this matter, your prompt response and a letter of explanation will be taken into consideration.

If you have any questions, please contact Ivonne Cotto on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

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

John D. Gibson  
Assistant Staff Director  
Reports Analysis Division

TELECON

ANALYST : Ivonne Cotto  
CONVERSATION WITH: Kirby Edmonds, Acting Treasurer  
COMMITTEE : Citizens Party  
DATE : August 18, 1986  
SUBJECT(S) : Non/Late Filing of Reports

I attempted to contact Mr. Edmonds in reference to the late filing of the 1986 July Quarterly Report. I was unable to reach Mr. Edmonds at his office.

83040671342



**ATTACHMENT 17**

「**陰謀**」

**A10 : 13**

4. TYPE OF REPORT (Check appropriate box)

(a) ☐ April 15 Quarterly Report ☐ October 15 Quarterly Report  
☒ July 15 Quarterly Report ☐ January 31 Year End Report  
☐ July 31 Mid Year Report (Non Election Year Only)  
☐ Monthly Report for \_\_\_\_\_  
☐ Twelfth day report preceding \_\_\_\_\_ (Type of Election)  
election on \_\_\_\_\_ in the State of \_\_\_\_\_  
☐ Thirtieth day report following the General Election  
on \_\_\_\_\_ in the State of \_\_\_\_\_  
☐ Termination Report

(b) Is this Report an Amendment?

☐ YES ☒ NO

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

1-800-207-6734

THE UNIVERSITY OF CHICAGO

*Handwritten signature: Bill Edwards*

**8/18/86**

**Don**

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

REC FORM 32 13 80.

end !



**SENSITIVE**

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

**FIRST GENERAL COUNSEL'S REPORT**

DATE AND TIME OF TRANSMITTAL  
BY OGC TO THE COMMISSION \_\_\_\_\_

RAD # 86NF-20  
STAFF MEMBER  
Beverly Kramer

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Citizens Party  
Kirby Edmonds, as acting treasurer

REVELANT STATUTE: 2 U.S.C. § 434(a)(4)(A)(i)  
2 U.S.C. § 434(a)(4)(A)(iv)  
11 C.F.R. § 104.5(c)(1)(i)  
11 C.F.R. § 104.5(c)(2)(i)(B)

INTERNAL REPORTS CHECKED: Public Record  
MUR 1709  
MUR 1985  
MUR 2063  
MUR 2118

FEDERAL AGENCIES CHECKED: None

**GENERATION OF MATTER**

On September 24, 1986, the Reports Analysis Division referred the Citizens Party ("the Party") for chronic late filing of reports during the 1985-86 election cycle. See Attachment 1. The referral provides information concerning the Party's failure to timely file its 1985 Mid-Year, 1985 Year End, 1986 April Quarterly and 1986 July Quarterly reports. As noted in the referral, the Party's failure to file its 1985 Mid-Year Report was the subject of MUR 2118, which is now closed. Accordingly, this matter only addresses the Party's failure to file its 1985 Year End, 1986 April and July Quarterly reports in a timely manner.

86 OCT 23 410:01

RECEIVED  
OFFICE OF THE FEC  
GENERAL COUNSEL'S SECRETARY

33040671344

### SUMMARY OF ALLEGATIONS

It is alleged that the Citizens Party and Kirby Edmonds, as acting treasurer, violated:

- 2 U.S.C. § 434(a)(4)(A)(iv) by failing to file their 1985 Year End report in a timely manner;
- 2 U.S.C. § 434(a)(4)(A)(i) by failing to file their 1986 April and July Quarterly reports in a timely manner.

### FACTUAL AND LEGAL ANALYSIS

#### 1. The Law.

Section 434(a)(4)(A)(iv) of Title 2, United States Code, provides that during a non-election year the treasurer of a political committee is required to file a report of receipts and disbursements covering the period beginning July 1 and ending December 31 ("Year End Report") which must be filed no later than January 31 of the following year. See also, 11 C.F.R. § 104.5(c)(2)(i)(B).

Section 434(a)(4)(A)(i) of Title 2, United States Code, provides that during an election year the treasurer of a political committee is required to file either quarterly or monthly reports. Quarterly reports must be filed no later than the 15th day after the last day of each calendar quarter. See also, 11 C.F.R. § 104.5(c)(1)(i).

#### 2. The Facts.

The Citizens Party ("the Party") is a political committee within the meaning of 2 U.S.C. § 431(4) and Kirby Edmonds is its acting treasurer. 1/

1/ In a January 28, 1986 letter to the Commission, the Party stated that its treasurer, Dick Stafford, had resigned on January 7, 1985 and that Kirby Edmonds would serve as acting treasurer until further notification.

During the non-election year of 1985, the Party was required to file its 1985 Year End Report no later than January 31, 1986. A general notice advising the Party of the due date of its 1985 Year End Report was mailed to the Party on December 20, 1985.

The Party failed to file its 1985 Year End Report by January 31, 1986. Accordingly, on February 25, 1986, the Reports Analysis Division sent a letter notifying the Party that they may be in violation of 2 U.S.C. § 434(a) for failing to file their report. On March 31, 1986 the Party filed its 1985 Year End Report 59 days late.

During election year 1986, the Party was required to file its 1986 April Quarterly Report no later than April 15, 1986. A general notice advising the Party of the due date of its 1986 April Quarterly Report was sent to the Party on March 21, 1986.

The Party failed to file its 1986 April Quarterly Report by April 15, 1986. Accordingly, on May 7, 1986 the Reports Analysis Division sent a letter notifying the Party that they may be in violation of 2 U.S.C. § 434(a) for failing to file their report. On June 6, 1986, the Party filed its 1986 April Quarterly Report 52 days late.

On May 9, 1986, the Reports Analysis Division sent a letter to the Party advising them that any additional report which is not submitted in a timely manner may result in the Commission initiating legal enforcement or audit action.

The Party's next report, its 1986 July Quarterly Report, was required to be filed no later than July 15, 1986. Again, a

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general notice advising the Party of the due date of this report was mailed to the Party on June 20, 1986. The Party did not file its 1986 July Quarterly report until August 21, 1986, which was 36 days late.

The Party was referred previously for failing to file its 1983 Mid-Year Report in a timely manner (See closed MUR 1709).

In addition, the Party was previously referred for failing to file its 1985 Mid-Year Report (See closed MUR 2118).

3. Application of the Law to the Facts.

The record in this case reveals that the Party failed to file its 1985 Year End, 1986 April Quarterly and 1986 July Quarterly reports within the time-frame required by 2 U.S.C. §§ 434(a)(4)(A)(i) and (iv). Accordingly, this Office recommends that the Commission open a matter under review and find reason to believe that the Party and Kirby Edmonds, as its acting treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (iv).

RECOMMENDATIONS

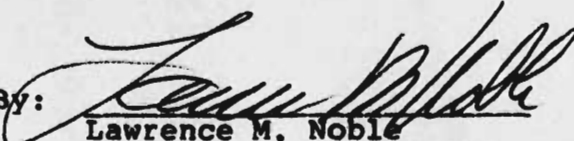
1. Open a matter under review.
2. Find reason to believe that the Citizens Party and Kirby Edmonds, as its acting treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (iv).



3. Approve and send the attached letter and General Counsel's Factual and Legal Analysis.

Charles N. Steele  
General Counsel

10/22/86  
Date

By:   
Lawrence M. Noble  
Deputy General Counsel

Attachments

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

88040671348



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO:

CHARLES N. STEELE  
GENERAL COUNSEL

FROM:

MARJORIE EMMONS/ CHERYL A. FLEMING *CAF*

DATE:

OCTOBER 24, 1986

SUBJECT:

COMMENTS ON RAD Ref. 86NF-20:  
FIRST GENERAL COUNSEL'S REPORT  
SIGNED OCTOBER 22, 1986

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

ATTACHMENT:  
Copy of Vote Sheet

23040671349



## FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

DATE & TIME TRANSMITTED: THURSDAY, OCTOBER 23, 1986, 4:00

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

RETURN TO COMMISSION SECRETARY BY MONDAY, OCTOBER 27, 1986, 4:00SUBJECT: RAD Ref. 86NF-20: First General Counsel's Report  
Signed October 22, 1986RECEIVED  
OFFICE OF THE  
FEDERAL ELECTION  
COMMISSION SECRETARY  
86 OCT 24 P 3:05

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

COMMENTS:

Good report.

DATE:

10-24-86

SIGNATURE

Leeland Elliott

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.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of  
Citizens Party  
Kirby Edmonds, as acting treasurer

)  
)  
)  
)  
)  
RAD Ref. 86NF-20 (M2278)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 27, 1986, the Commission decided by a vote of 5-0 to take the following actions in RAD Ref. 86NF-20:

1. Open a matter under review.
2. Find reason to believe that the Citizens Party and Kirby Edmonds, as its acting treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (iv).
3. Approve and send the letter and General Counsel's Factual and Legal Analysis, as recommended in the First General Counsel's Report signed October 22, 1986.

Commissioners Aikens, Elliott, Josefiak, McDonald and Thomas voted affirmatively for this decision; Commissioner McGarry did not cast a vote.

Attest:

10-27-86

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary:	Thurs.,	10-23-86,	10:01
Circulated on 48 hour tally basis:	Thurs.,	10-23-86,	4:00
Deadline for vote:	Mon.,	10-27-86,	4:00





**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20463

October 31, 1986

**Kirby Edmonds, Acting Treasurer  
Citizens Party  
P.O. Box 6883  
Ithaca, NY 14851**

**RE: MUR 2278  
Citizens Party  
Kirby Edmonds, as  
acting treasurer**

**Dear Mr. Edmonds:**

On October 27, 1986, the Federal Election Commission determined that there is reason to believe the Citizens Party and you, as acting treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (iv), 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 Citizens Party. 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 the Citizens Party and you, as acting 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.

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 Beverly Kramer, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

*Joan D. Aikens*  
Joan D. Aikens  
Chairman

Enclosures

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

89040571353

5

SENSITIVE



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 29, 1987

07 JAN 29 1987  
P 3:45

RECEIVED  
FEB 1 1987  
FEDERAL ELECTION COMMISSION

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele  
General Counsel *CNS*

SUBJECT: MUR #2278

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 January 29, 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

83040671354



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 29, 1987

Mr. Kirby Edmonds, Acting Treasurer  
Citizens Party  
P.O. Box 6631  
Ithaca, New York 14851

RE: MUR 2278  
Citizens Party and  
Kirby Edmonds, as acting  
treasurer

Dear Mr. Edmonds:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on October 27, 1986, found reason to believe that the Citizens Party and you, as acting treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (iv), 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 a violation has occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen 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 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 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 to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days.

SENSITIVE

JAN 29 1987  
P 3:45

REC-1  
FEB 1 1987

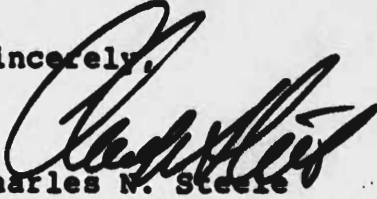
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A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety, days to settle this matter through a conciliation agreement.

Should you have any questions, please contact, Beverly Kramer, the staff member assigned to handle this matter, at (202) 376-5690.

Sincerely,

  
Charles N. Steele  
General Counsel

Enclosure  
Brief

23040371356

23740671357

## GENERAL COUNSEL'S BRIEF

The Citizens Party ("the Party") is a political committee within the meaning of 2 U.S.C. § 431(4) and Kirby Edmonds is its acting treasurer.<sup>1/</sup>

During the non-election year of 1985, the Party was required to file its 1985 Year End Report no later than January 31, 1986. A general notice advising the Party of the due date of its 1985 Year End Report was mailed to the Party on December 20, 1985.

The Party failed to file its 1985 Year End Report by January 31, 1986. Accordingly, on February 25, 1986, the Reports Analysis Division sent a letter notifying the Party that they may be in violation of 2 U.S.C. § 434(a) for failing to file their report. On March 31, 1986 the Party filed its 1985 Year End Report 59 days late.

During election year 1986, the Party was required to file its 1986 April Quarterly Report no later than April 15, 1986. A general notice advising the Party of the due date of its 1986 April Quarterly Report was sent to the Party on March 21, 1986.

The Party failed to file its 1986 April Quarterly Report by April 15, 1986. Accordingly, on May 7, 1986 the Reports Analysis

6

Division sent a letter notifying the Party that they may be in violation of 2 U.S.C. § 434(a) for failing to file their report. On June 6, 1986, the Party filed its 1986 April Quarterly Report 52 days late.

On May 9, 1986, the Reports Analysis Division sent a letter to the Party advising them that any additional report which is not submitted in a timely manner may result in the Commission initiating legal enforcement or audit action.

The Party's next report, its 1986 July Quarterly Report, was required to be filed no later than July 15, 1986. Again, a general notice advising the Party of the due date of this report was mailed to the Party on June 20, 1986. The Party did not file its 1986 July Quarterly report until August 21, 1986, which was 36 days late.

On September 24, 1986, the Reports Analysis Division referred the Party to the Office of the General Counsel for chronic late filing of reports during the 1985-86 election cycle. Based on the information contained in the referral the Commission found reason to believe on October 27, 1986, that the Party and Kirby Edmonds, as acting treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (iv). Notice of the Commission's actions taken in this matter was mailed to the respondents on October 31, 1986. At this writing the respondents have not submitted a response to the Commission's notice of its finding of reason to believe violations occurred.

The Party was referred previously for failing to file its

1983 Mid-Year Report in a timely manner (See closed MUR 1709).

In addition, the Party was previously referred for failing to file its 1985 Mid-Year Report (See closed MUR 2118). On December 24, 1986, a default judgment for \$5,000 was entered against the respondents with regard to MUR 1985 and the district court ordered that the respondents be permanently enjoined from further violations of the reporting provisions of the Act. FEC v. Citizens Party, No. 85-CV-1576 (N.D.N.Y. Dec. 24, 1986).

## II. LEGAL ANALYSIS

Section 434(a)(4)(A)(iv) of Title 2, United States Code, provides that during a non-election year the treasurer of a political committee is required to file a report of receipts and disbursements covering the period beginning July 1 and ending December 31 ("Year End Report") which must be filed no later than January 31 of the following year. See also, 11 C.F.R. § 104.5(c)(2)(i)(B).

Section 434(a)(4)(A)(i) of Title 2, United States Code, provides that during an election year the treasurer of a political committee is required to file either quarterly or monthly reports. Quarterly reports must be filed no later than the 15th day after the last day of each calendar quarter. See also, 11 C.F.R. § 104.5(c)(1)(i).



The record in this case reveals that the Party failed to file its 1985 Year End, 1986 April Quarterly and 1986 July Quarterly reports within the time-frame required by 2 U.S.C. §§ 434(a)(4)(A)(i) and (iv). Failure to file reports within the time-frame required is a violation of these sections.


Insofar as the respondents have not submitted any additional information to demonstrate that no action should be taken in this matter, the Office of the General Counsel recommends that the Commission find probable cause to believe that the Citizens Party and Kirby Edmonds, as acting treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (iv). Further, given the respondents' recalcitrance in this and similar cases, this Office recommends that the Commission find probable cause to believe that these violations were knowing and willful.

The courts have held that a "willful" violation connotes "'defiance or such reckless disregard of the consequences as to be equivalent to a knowing, conscious, and deliberate flaunting of the Act.'" AFL-CIO v. FEC 628 F.2d 97, 101, (D.C. Cir. 1980), quoting Frank Irey Jr. v. OSHRC, 519 F.2d 1200, 1207 (3rd Cir. 1974), aff'd, sub nom Atlas Roofing Co. v. OSHRC, 430 U.S. 441 (1977). This language has been held to mean that a violation is willful if the respondent is found to have acted with "intentional disregard of, or plain indifference to" the statutory requirement. Cedar Construction Co. v. OSHRC, 622 F.2d 103, 1305 (D.C. Cir. 1978). Accord Babcock & Wilcox Co. v. OSHRC, 622 F.2d 1160, 1167 (3rd Cir. 1980); Universal Auto Radiator Mfg. Co. v. Marshall, 631 F.2d 20, 23 (3rd Cir. 1980).

Thus, an unlawful act done intentionally and voluntarily by a party who is aware of the statutory provisions is willful. In civil statutes, there is no requirement that the unlawful act be done with bad purpose of evil motive. See 3.g. Flaxman v. Commodity Futures Trading Commission, 697 F.2d 782, 787 (7th Cir. 1983).

In this case the record appears adequate to support a finding that the violations were "knowing and willful" within the meaning of these precedents. Respondents were fully aware of the reporting provisions of the Act, having been involved in at least three enforcement actions concerning their delinquent reporting and having been placed on notice of the filing dates of their reports. Nonetheless, Respondents acted with intentional disregard of the statutory provisions.

27 Jan 1987  
Date

  
Charles N. Steele  
General Counsel

99040571351



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

19 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 CITIZENS PARTY

This is a referral of the Citizens Party ("the Party"). The Party failed to file the 1986 October Quarterly Report of Receipts and Disbursements by Election Day, November 4, 1986. According to the RAD Review and Referral Procedures for Unauthorized Committees (Standard 3), further examination is required by your office.

Please note, the Party was referred for non-filing of reports during the 1983-1984 election cycle (See 85NF-77, now MUR 1985). The Party was also referred for the non-filing of the 1985 Mid-Year Report during the 1985-1986 election cycle (See 85NF-137, now MUR 2118). In addition, the Party was referred for Chronic Late Filing of the 1985 Mid-Year Report, 1985 Year End Report, 1986 April Quarterly Report and the 1986 July Quarterly Report during the 1985-1986 election cycle (See 86NF-20, now MUR 2278).

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

Attachment

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 19 December 1986

ANALYST: Ivonne Cotto

I. COMMITTEE: Citizens Party  
(C00117762)  
Kirby Edmonds, Acting Treasurer<sup>1/</sup>  
P.O. Box 6631<sup>2/</sup>  
Ithaca, NY 14851

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(4)(A)(i)  
11 CFR 104.5(c)(1)(i)(A)

III. BACKGROUND:

Failure to File the 1986 October Quarterly Report by Election Day

The Citizens Party ("the Party") failed to file the 1986 October Quarterly Report of Receipts and Disbursements by Election Day, November 4, 1986. The Party was notified on September 19, 1986 that the report was due on October 15, 1986 (Attachment 2).

On November 4, 1986, a Non-Filer Notice was sent to the Party for its failure to file the 1986 October Quarterly Report (Attachment 3).

On November 28, 1986, the Reports Analysis Division ("RAD") analyst attempted to contact Mr. Kirby Edmonds, Acting Treasurer, in reference to the late filing of the 1986 October Quarterly Report. The RAD analyst left a message on the answering machine reminding Mr. Edmonds that the report was late and had to be filed (Attachment 4).

On December 2, 1986, Mr. Edmonds contacted the RAD analyst in reference to the late filing of the report. Mr. Edmonds stated that he would comply with the RAD analyst's request (Attachment 5).

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<sup>1/</sup> In a January 28, 1986 letter to the Commission, the Party stated that its treasurer, Dick Stafford, had resigned on January 7, 1985 and that Kirby Edmonds would serve as Acting Treasurer until further notification.

<sup>2/</sup> The Commission was notified of an address change on December 4, 1986.



**CITIZENS PARTY  
REPORTS ANALYSIS OGC REFERRAL  
PAGE 2**

The 1986 October Quarterly Report was filed by certified mail on December 4, 1986 (Attachment 6).

**IV. OTHER PENDING MATTERS INITIATED BY RAD:**

None.

83040671364



9 3 0 4 0 3 7 1 3 6 5  
FEDERAL ELECTION COMMISSION  
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (85-86)

DATE 15DEC86  
PAGE 1

PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
CITIZENS PARTY				PARTY NON-QUALIFIED		ID #C00117762
1985	MID-YEAR REPORT	1.054	1,868	1JAN85 -30JUN85	24	86FEC/406/4384
	NOTICE OF FAILURE TO FILE			1JAN85 -30JUN85	1	85FEC/386/3161
	REQUEST FOR ADDITIONAL INFORMATION			1JAN85 -30JUN85	2	86FEC/413/0256
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN85 -30JUN85	4	86FEC/415/3016
	YEAR-END	2,200	532	1JUL85 -31DEC85	23	86FEC/406/4408
	NOTICE OF FAILURE TO FILE			1JUL85 -31DEC85	1	86FEC/403/3638
	REQUEST FOR ADDITIONAL INFORMATION			1JUL85 -31DEC85	1	86FEC/413/0259
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL85 -31DEC85	1	86FEC/415/3020
1986	STATEMENT OF ORGANIZATION - AMENDMENT			28JAN86	3	86FEC/397/4349
	MISCELLANEOUS NOTICE FROM FEC			9MAY86	1	86FEC/413/3926
	APRIL QUARTERLY	1,216	1,045	1JAN86 -31MAR86	23	86FEC/416/2175
	NOTICE OF FAILURE TO FILE			1JAN86 -31MAR86	1	86FEC/413/2994
	1 <sup>ST</sup> LETTER INFORMATIONAL NOTICE			1JAN86 -31MAR86	2	86FEC/423/0530
	JULY QUARTERLY	0	138	1APR86 -30JUN86	22	86FEC/428/4971
	NOTICE OF FAILURE TO FILE			1APR86 -30JUN86	1	86FEC/426/3540
	REQUEST FOR ADDITIONAL INFORMATION			1APR86 -30JUN86	1	86FEC/430/1747
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1APR86 -30JUN86	2	86FEC/432/3834
	*OCTOBER QUARTERLY	2,208	530	1JUL86 -30SEP86	23	86FEC/449/5047
	NOTICE OF FAILURE TO FILE			30SEP86	1	86FEC/443/3975
	TOTAL	6,678	0	4,113	0	137 TOTAL PAGES

All reports have been reviewed through 6/30/86. The report which has not been reviewed is asterisked.

Ending cash-on-hand as of 9/30/86: \$1,758.63

Debts and obligations owed by the committee as of 9/30/86: \$104,082.69

Debts and obligations owed to the committee as of 9/30/86: \$0

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
CITIZENS PARTY				PARTY NON-QUALIFIED		ID #C00117762
1983	DEBT SETTLEMENT STATEMENT			25JAN83	13	83FEC/262/4594
	ACKNOWLEDGEMENT OF RECEIPT OF DEBT SETTLEMENT STATEMENT			23FEB83	1	83FEC/267/0121
	REAI: DEBT SETTLEMENT FIRST			25FEB83	1	83FEC/267/0700
	REAI: DEBT SETTLEMENT FIRST			25FEB83	1	83FEC/268/1159
	REAI: DEBT SETTLEMENT SECOND			17MAR83	1	83FEC/268/1158
	MID-YEAR REPORT	45,080	39,763	1JAN83 -30JUN83	26	84FEC/292/4998
	MID-YEAR REPORT - AMENDMENT	45,080	39,763	1JAN83 -30JUN83	10	84FEC/315/2764
	NOTICE OF FAILURE TO FILE			1JAN83 -30JUN83	1	83FEC/288/1596
	REQUEST FOR ADDITIONAL INFORMATION			1JAN83 -30JUN83	2	84FEC/306/4654
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN83 -30JUN83	5	84FEC/311/2898
	YEAR-END	47,729	50,323	1JUL83 -31DEC83	28	84FEC/292/4970
	YEAR-END - AMENDMENT	47,729	50,323	1JUL83 -31DEC83	15	84FEC/315/2749
	REQUEST FOR ADDITIONAL INFORMATION			1JUL83 -31DEC83	2	84FEC/306/4651
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL83 -31DEC83	1	84FEC/312/0125
1984	STATEMENT OF ORGANIZATION - AMENDMENT			30JAN84	1	84FEC/292/4969
	STATEMENT OF ORGANIZATION - AMENDMENT			8JUN84	2	84FEC/316/3424
	MISCELLANEOUS NOTICE FROM FEC			6JUL84	1	84FEC/319/1124
	APRIL QUARTERLY	20,921	21,604	1JAN84 -31MAR84	26	84FEC/315/2774
	APRIL QUARTERLY - AMENDMENT	20,921	21,604	1JAN84 -31MAR84	6	84FEC/319/1328
	NOTICE OF FAILURE TO FILE			1JAN84 -31MAR84	1	84FEC/313/4673
	REQUEST FOR ADDITIONAL INFORMATION			1JAN84 -31MAR84	1	84FEC/318/3222
	JULY QUARTERLY	10,544	12,666	1APR84 -30JUN84	25	84FEC/319/1754
	JULY QUARTERLY - AMENDMENT	25,657	17,265	1APR84 -30JUN84	26	86FEC/412/4209
	1'ST LETTER INFORMATIONAL NOTICE			1APR84 -30JUN84	1	84FEC/328/4190
	OCTOBER QUARTERLY	14,485	24,479	1JUL84 -30SEP84	25	86FEC/416/3694
	NOTICE OF FAILURE TO FILE			1JUL84 -30SEP84	1	84FEC/348/2063
	PRE-PRIMARY	1,497	2,047	30SEP84 -25OCT84	23	86FEC/416/3625
	REQUEST FOR ADDITIONAL INFORMATION			30SEP84 -25OCT84	2	86FEC/421/2553
	REQUEST FOR ADDITIONAL INFORMATION 2ND			30SEP84 -25OCT84	6	86FEC/426/3354
	POST-GENERAL	4,141	3,498	25OCT84 - 4DEC84	22	86FEC/416/3671
	NOTICE OF FAILURE TO FILE			1OCT84 -26NOV84	1	84FEC/357/4814
	REQUEST FOR ADDITIONAL INFORMATION			25OCT84 - 4DEC84	2	86FEC/421/2548
	REQUEST FOR ADDITIONAL INFORMATION 2ND			25OCT84 - 4DEC84	1	86FEC/426/3360
	YEAR-END	299	788	4DEC84 -31DEC84	21	86FEC/416/3649
	NOTICE OF FAILURE TO FILE			27NOV84 -31DEC84	1	85FEC/366/4661
	REQUEST FOR ADDITIONAL INFORMATION			4DEC84 -31DEC84	1	86FEC/421/2551
	REQUEST FOR ADDITIONAL INFORMATION 2ND			4DEC84 -31DEC84	1	86FEC/426/3361
	TOTAL	159,809	0 159,767	0	304	TOTAL PAGES

All reports listed above have been reviewed.  
Ending cash-on-hand as of 12/31/84: \$804.45  
Debts and obligations owed by the committee as of 12/31/84: \$104,070.27  
Debts and obligations owed to the committee as of 12/31/84: \$0

**QUARTERLY**

Attachment #2, Page 1 of 2

# REPORT NOTICE

**FEDERAL ELECTION COMMISSION**

**PARTIES AND PACS**

**September 19, 1986**

**WHO MUST FILE**

ALL Party Committees, Nonconnected Committees and Separate Segregated Funds, except those that file monthly (see below), must file a quarterly report by October 15, 1986.

**WHAT MUST BE REPORTED**

The report must disclose all financial activity that occurred from the close of books for the last report filed through September 30, 1986. Political committees that have not previously filed a financial disclosure report should report all financial activity through September 30, 1986.\* For more detailed instructions, consult your campaign guide.

**WHEN TO FILE**

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 3X for details.

**MONTHLY FILERS**

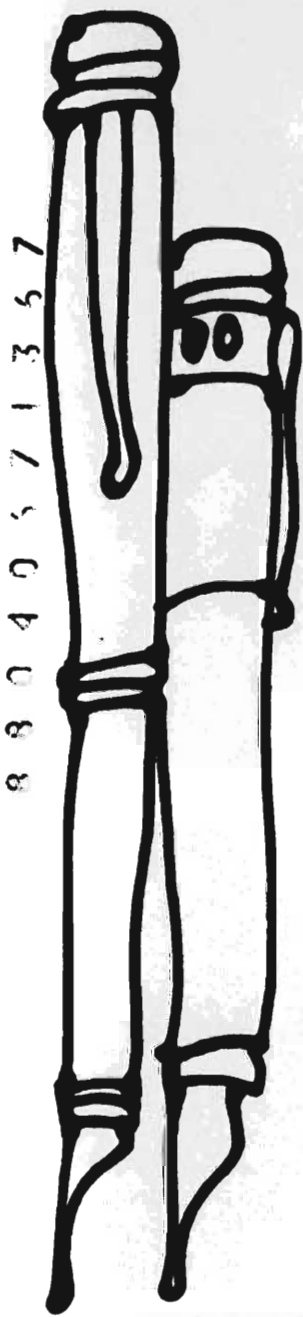
Committees that file on a monthly schedule must file their next report by October 20, 1986, and disclose all financial activity from September 1 through September 30, 1986. (See Monthly Filers on the reverse side.)

**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.

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

-over-



**REMINDERS****QUARTERLY FILERS**

Committees that make contributions or expenditures (including independent expenditures) in connection with an election, and coordinated party expenditures in connection with a general election, must file a pre-election report if this activity has not been previously disclosed. See the January 1986 issue of the Federal Election Commission Record for primary and general election filing requirements.

**MONTHLY FILERS**

Committees that are filing monthly must file a pre-general election report due on October 23, a post-general election report due on December 24, and a year-end report due January 31, 1987, instead of monthly reports on November 20, December 20 and January 20, 1987. See the schedule below.

<u>REPORT</u>	<u>PERIOD COVERED</u>	<u>REG./CERT. MAILING DATE</u>	<u>FILING DATE</u>
Pre-general	10/01 - 10/15	10/20/86	10/23/86
Post-general	10/16 - 11/24	12/24/86	12/24/86
Year-end	11/25 - 12/31	01/31/87	01/31/87

*See General  
Election Notice*

**INDEPENDENT EXPENDITURES**

Any independent expenditure aggregating \$1,000 or more and made between 2 and 20 days before an election must be reported within 24 hours after the expenditure is made. See 11 CFR 104.4(c)(2) and (3) for information concerning where to file.

A notice explaining general election filing requirements will be sent to you before the general election.

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

88040371368





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20543

20-7

November 4, 1986

Kirby Edmonds, Treasurer  
Citizens Party  
P.O. Box 6883  
Ithaca, NY 14851

Identification Number: C00117762

Reference: October Quarterly Report (through 9/30/86)

Dear Mr. Edmonds:

It has come to the attention of the Federal Election Commission ("the Commission") that your committee may be in violation of 2 U.S.C. §434(a) for failing to file the above referenced Report of Receipts and Disbursements. You were notified previously of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or the relevant portions should also be filed with the Secretary of State or equivalent State officer. See 2 U.S.C. §439.

Although the Commission may initiate an audit or legal enforcement action concerning this matter, your prompt response and a letter of explanation will be taken into consideration.

If you have any questions, please contact Ivonne Cotto on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

A handwritten signature in cursive script that reads "John D. Gibson".  
John D. Gibson  
Assistant Staff Director  
Reports Analysis Division



TELECON

ANALYST : Ivonne Cotto  
CONVERSATION WITH: Kirby Edmonds, Acting Treasurer  
COMMITTEE : Citizens Party  
DATE : 11/28/86  
SUBJECT(S) : Non/Late Filing of Reports

The analyst attempted to contact Mr. Edmonds in reference to the late filing of the 1986 October Quarterly Report. The analyst left a message on the answering machine reminding Mr. Edmonds that the report was late and had to be filed.

33040671370

TELECON

ANALYST : Ivonne Cotto  
CONVERSATION WITH: Kirby Edmonds, Acting Treasurer  
COMMITTEE : Citizens Party  
DATE : 12/2/86  
SUBJECT(S) : Non/Late Filing of Reports

Mr. Edmonds contacted the analyst in reference to the late filing of the 1986 October Quarterly Report. Mr. Edmonds stated that he would comply with the analyst's request.

8 3 0 4 0 3 7 1 3 7 1

1. Name of Committee (do not)

Citizens Party, Inc

Address (Number and Street)

P.O. Box 6631

City, State and ZIP Code

Ithaca, New York 14851

☒ Check here if address is different than previously reported.

2. FEC Identification Number  
CO 0117762

3. ☐ This committee qualified as a multicandidate committee during the Reporting Period on \_\_\_\_\_ (date)

4. TYPE OF REPORT (Check appropriate box(es))

- (a) ☐ April 15 Quarterly Report ☒ October 15 Quarterly Report  
☐ July 15 Quarterly Report ☐ January 31 Year End Report  
☐ July 31 Mid Year Report (Non-Election Year Only)  
☐ Monthly Report for \_\_\_\_\_  
☐ Twelfth day report preceding \_\_\_\_\_ (Type of Special Election on \_\_\_\_\_ in the State of \_\_\_\_\_)  
☐ Thirtieth day report following the General Election on \_\_\_\_\_ in the State of \_\_\_\_\_  
☐ Termination Report

(b) Is this Report an Amendment?

☐ YES ☐ NO

SUMMARY

5. Covering Period 7/1/86 through 9/31/86

6. (a) Cash on hand January 1, 19 86

(b) Cash on Hand at Beginning of Reporting Period

(c) Total Receipts (from Line 10)

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

7. Total Disbursements (from Line 20)

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

9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)

10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)

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

KIRSY Edmundo  
Type or Print Name of Treasurer  
[Signature]  
Signature of Treasurer

12/4/86  
Date

For further information contact

Federal Election Commission  
550 E Street, N.W.  
Washington, D.C. 20543  
Toll Free 800-424-9530  
Local 202-396-3120

NOTE: Submitting false or misleading information may subject the person signing this report to the penalties of 2 U.S.C. § 637c

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

FEC FORM 3x (3-80)

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35734475017

99949471373

3616445057

112213

C. Box 6631

reca, N.Y. 14857

20. 12/4/66

RETURN RECEIPT  
REQUESTED



Federal Election Commission  
Office of General Counsel  
999 E Street N.W.  
Washington, D.C. 20463  
Attn: Ivonne Cotto

end 7

FEDERAL ELECTION COMMISSION  
999 E STREET, N.W.  
WASHINGTON, D.C. 20463

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

Date and Time of Transmittal  
By OGC to the Commission \_\_\_\_\_

RAD Referral 86NF-50  
Staff  
Eric Kleinfeld

SOURCE OF MUR: INTERNALLY GENERATED  
RESPONDENTS' NAMES: The Citizens Party  
Kirby Edmonds, Acting Treasurer  
RELEVANT STATUTES: 2 U.S.C. § 434(a)(4)(A)(i)  
INTERNAL REPORTS  
CHECKED: Committee Reports  
FEDERAL AGENCIES  
CHECKED: None

GENERATION OF MATTER

Based on information obtained in the normal course of its supervisory duties under the Federal Election Campaign Act of 1971, as amended, ("Act") the Reports Analysis Division ("RAD") of the Federal Election Commission ("Commission") referred this matter to the Office of General Counsel on December 19, 1986.

SUMMARY OF ALLEGATIONS

RAD referred the Citizens Party ("Party") and Kirby Edmonds, as acting treasurer, for failing to file their 1986 October Quarterly report of receipts and disbursements.

FACTUAL AND LEGAL ANALYSIS

Section 434(a)(4)(A)(i) of Title 2, United States Code, requires all unauthorized political committees to file quarterly reports no later than the 15th day after the last day of each



calendar quarter during a year in which a regularly scheduled general election is held.

A regularly scheduled general election was held in 1986 on November 4, 1986. On September 19, 1986, RAD notified the Party of its reporting requirement, including the due date for the October Quarterly report. RAD sent the Party a non-filer notice on November 4, 1986, for failure to file its October Quarterly report.

On December 4, 1986, the Party filed its October Quarterly report. This report was received 50 days after the October Quarterly report was due. Accordingly, the Office of General Counsel recommends that the Commission open a MUR and find reason to believe that the Party and Kirby Edmonds, as acting treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i). 1/

#### RECOMMENDATIONS

The Office of General Counsel recommends that the Commission:

1. Open a MUR.
2. Find reason to believe that the Citizens Party and Kirby Edmonds, as acting treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).
3. Approve the attached letter.

1/ The Citizens Party was previously referred for failing to timely file its 1983 Mid-year report, (See closed MUR 1709);

for failing to file its 1985 Mid-year report, (See closed MUR 2118); and for failing to file its 1985 Year End, 1986 April Quarterly and July Quarterly reports, (See MUR 2278).

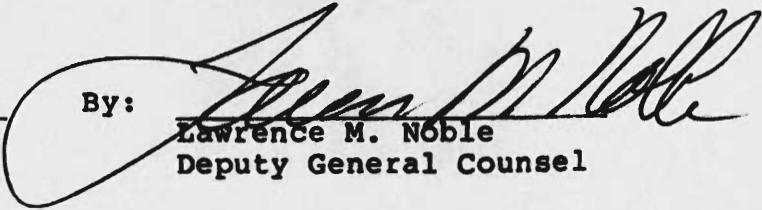
4. Approve the attached factual and legal analysis.

Charles N. Steele  
General Counsel

Date

1/9/87

By:

  
Lawrence M. Noble  
Deputy General Counsel

Attachments

1. Referral Materials
2. Letter (1)
3. Factual and Legal Analysis

88040671376

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

RAD Ref. 86NF-50

The Citizens Party )

Kirby Edmonds, Acting Treasurer )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 14, 1987, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 86NF-50.

1. Open a MUR.
2. Find reason to believe that the Citizens Party and Kirby Edmonds, as acting treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).
3. Approve the letter, as recommended in the First General Counsel's Report signed January 9, 1987.

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

Attest:

1-15-87

Date

*Marjorie W. Emmons*

Marjorie W. Emmons  
Secretary of the Commission

Received in the Office of Commission Secretary: Mon., 1-12-87, 11:02  
Circulated on 48 hour tally basis: Mon., 1-12-87, 4:00  
Deadline for vote: Wed., 1-14-87, 4:00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 20, 1987

Kirby Edmonds, Acting Treasurer  
The Citizens Party  
P.O. Box 6631  
Ithaca, NY 14851

Re: MUP 2326  
The Citizens Party  
and Kirby Edmonds,  
Acting Treasurer

Dear Mr. Edmonds:

On January 14, 1987, the Federal Election Commission determined there is reason to believe that the Citizens Party and you, as acting treasurer, violated 2 U.S.C. § 434(a)(4)(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 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 Eric Kleinfeld, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,



Scott E. Thomas  
Chairman

Enclosures

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

23040671379



SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

The Citizens Party )

Kirby Edmonds, acting treasurer )

MUR 2326

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10:00

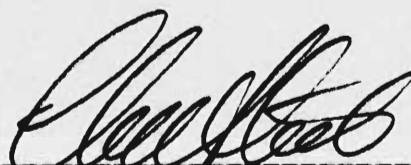
GENERAL COUNSEL'S REPORT

The Office of General Counsel is prepared to close the investigation in this matter as to the Citizens Party and Kirby Edmonds, as acting treasurer, based on the assessment of the information presently available.

Date

24 Feb 1957

Charles N. Steele  
General Counsel



23040571320



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 5, 1987

SENSITIVE

07 MAR 5 P5:18

COMMUNICATIONS SECTION

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele *CN*  
General Counsel

SUBJECT: MUR #2326

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 March 5, 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

2326  
#12

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 5, 1987

Mr. Kirby Edmonds, Acting Treasurer  
Citizens Party  
P.O. Box 6631  
Ithaca, New York 14851

RE: MUR 2326  
Citizens Party and  
Kirby Edmonds, as acting  
treasurer

Dear Mr. Edmonds:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on January 14, 1987, found reason to believe that the Citizens Party and you, as acting treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), 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 a violation has occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen 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 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 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 to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days.

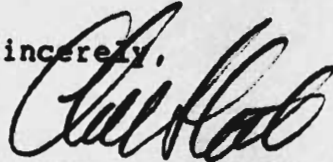
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A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety, days to settle this matter through a conciliation agreement.

Should you have any questions, please contact, Eric Kleinfeld, the attorney assigned to handle this matter, at (202) 376-5690.

Sincerely,



Charles N. Steele  
General Counsel

Enclosure  
Brief

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## GENERAL COUNSEL'S BRIEF

The Citizens Party ("the Party") is a political committee within the meaning of 2 U.S.C. § 431(4) and Kirby Edmonds is its acting treasurer.<sup>1/</sup>

During election year 1986, the Party was required to file its 1986 October Quarterly Report no later than October 15, 1986. A general notice advising the Party of the due date of its 1986 October Quarterly Report was sent to the Party on September 19, 1986.

The Party failed to file its 1986 October Quarterly Report by October 15, 1986. Accordingly, on November 4, 1986 the Reports Analysis Division sent a letter notifying the Party that they may be in violation of 2 U.S.C. § 434(a) for failing to file their report. On December 4, 1986, the Party filed its 1986 October Quarterly Report 50 days late.

The Reports Analysis Division referred the Party to the Office of the General Counsel. Based on the information contained in the referral the Commission found reason to believe on January 14, 1987, that the Party and Kirby Edmonds, as acting

1/ In a January 28, 1986 letter to the Commission, the Party stated that its treasurer, Dick Stafford, had resigned on January 7, 1985 and that Kirby Edmonds would serve as acting treasurer until further notification.

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#12



treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i). Notice of the Commission's actions taken in this matter was mailed to the respondents on January 20, 1987. At this writing the respondents have not submitted a response to the Commission's notice of reason to believe a violation occurred.

The Party was referred previously for failing to file its 1983 Mid-Year Report in a timely manner (See closed MUR 1709).

In addition, the Party was previously referred for failing to file its 1985 Mid-Year Report (See closed MUR 2118), and for failing to file its 1985 Year End, 1986 April Quarterly and July Quarterly Reports (See MUR 2278). On December 24, 1986, a default judgment for \$5,000 was entered against the respondents with regard to MUR 1985 and the district court ordered that the respondents be permanently enjoined from further violations of the reporting provisions of the Act. FEC v. Citizens Party, No. 85-CV-1576 (N.D.N.Y. Dec. 24, 1986).

## II. LEGAL ANALYSIS

Section 434(a)(4)(A)(i) of Title 2, United States Code, provides that during an election year the treasurer of a political committee is required to file either quarterly or monthly reports. Quarterly reports must be filed no later than the 15th day after the last day of each calendar quarter. See also, 11 C.F.R. § 104.5(c)(1)(i).

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The record in this case reveals that the Party failed to file its 1986 October Quarterly report within the time-frame required by 2 U.S.C. § 434(a)(4)(A)(i). Failure to file a report within the time-frame required is a violation of this section.

Insofar as the respondents have not submitted any additional information to demonstrate that no action should be taken in this matter, the Office of the General Counsel recommends that the Commission find probable cause to believe that the Citizens Party and Kirby Edmonds, as acting treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i). Further, given the respondents' recalcitrance in this and other cases, this Office recommends that the Commission find probable cause to believe that these violations were knowing and willful.

The courts have held that a "willful" violation connotes "'defiance or such reckless disregard of the consequences as to be equivalent to a knowing, conscious, and deliberate flaunting of the Act.'" AFL-CIO v. FEC 628 F.2d 97, 101, (D.C. Cir. 1980), quoting Frank Irey Jr. v. OSHRC, 519 F.2d 1200, 1207 (3rd Cir. 1974), aff'd, sub nom Atlas Roofing Co. v. OSHRC, 430 U.S. 441 (1977). This language has been held to mean that a violation is willful if the respondent is found to have acted with "intentional disregard of, or plain indifference to" the statutory requirement. Cedar Construction Co. v. OSHRC, 622 F.2d 103, 1305 (D.C. Cir. 1978). Accord Babcock & Wilcox Co. v. OSHRC, 622 F.2d 1160, 1167 (3rd Cir. 1980); Universal Auto Radiator Mfg. Co. v. Marshall, 631 F.2d 20, 23 (3rd Cir. 1980).

2326  
#12

Thus, an unlawful act done intentionally and voluntarily by a party who is aware of the statutory provisions is willful. In civil statutes, there is no requirement that the unlawful act be done with bad purpose of evil motive. See e.g. Flaxman v. Commodity Futures Trading Commission, 697 F.2d 782, 787 (7th Cir. 1983).

In this case the record appears adequate to support a finding that the violation was "knowing and willful" within the meaning of these precedents. Respondents were fully aware of the reporting provisions of the Act, having been involved in at least four enforcement actions concerning their delinquent reporting and having been placed on notice of the filing dates of their reports. Nonetheless, Respondents acted with intentional disregard of the statutory provisions.


### III. GENERAL COUNSEL'S RECOMMENDATION

The Office of General Counsel recommends that the Commission:

1. Find probable cause to believe that the Citizens Party and Kirby Edmonds, as acting treasurer, knowingly and willfully violated 2 U.S.C. § 434(a).

Date

3/5/87

  
Charles N. Steele  
General Counsel

2326  
#12

**SENSITIVE**

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )

Citizens Party and )  
Kirby Edmonds, acting treasurer )

MURs 2278 and 2326

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

On October 27, 1986, the Commission determined in MUR 2278 that there was reason to believe the Citizens Party and Kirby Edmonds, as acting treasurer (the "Respondents"), had violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (iv) by failing to timely file their 1985 Year End, 1986 April and 1986 July Quarterly reports. Notification of the Commission's findings was mailed to the Respondents on October 31, 1986. The Respondents did not reply to the Commission's notice in connection with its finding of reason to believe.

On January 29, 1987, a General Counsel's Brief was mailed to the Respondents. The General Counsel's Brief recommended that the Commission find probable cause to believe that the Respondents did knowingly and willfully violate 2 U.S.C. §§ 434(a)(4)(A)(i) and (iv). At this writing Respondents have not submitted a reply to the General Counsel's Brief.

On January 14, 1987, in MUR 2326 the Commission found reason to believe that the Citizens Party and Kirby Edmonds, as acting treasurer (the "Respondents"), had violated 2 U.S.C. § 434(a)(4)(A)(i) for failure to file timely its 1986 October Quarterly Report. No response to the notice of the

EXECUTIVE SESSION  
JUN 02 1987 13

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Commission's actions was received. By letter dated March 5, 1987, the Respondents were notified that the Office of the General Counsel intended to recommend that the Commission find probable cause to believe that a knowing and willful violation of the reporting requirement had occurred. Briefs were simultaneously delivered. Respondents have again failed to reply.

Respondents had previously (a) failed to timely file its 1983 Mid-year report (see closed MUR 1709) and its 1984 April Quarterly (see MUR 1985), (b) failed to file its 1984 October Quarterly, 30 Day Post-general Election and Year End Reports (see MUR 1985); and (c) its 1985 Mid-Year Report (see closed MUR 2118). On December 24, 1986, the U.S. District Court for New York permanently enjoined the Respondents from further violations of the reporting provisions of the Act. FEC v. Citizens Party, No. 85-CV-1576 (N.D.N.Y. Dec. 24, 1986). To date the Respondents have not paid the amount of penalty consented to in this default judgment.

In view of the foregoing this Office recommends that the Commission proceed to the next stage of enforcement to find probable cause to believe that Citizens Party and Kirby Edmonds, as acting treasurer, did knowingly and willfully violate 2 U.S.C. §§ 434(a)(4)(A)(i) and (iv).



II. LEGAL ANALYSIS

See the General Counsel's Briefs in MUR 2278 and MUR 2326 which were circulated for the Commission on January 29, 1987 and March 5, 1987, respectively.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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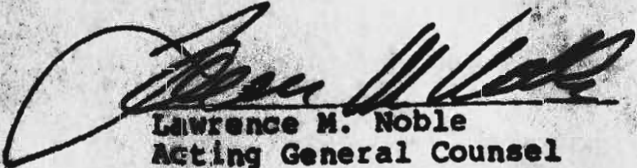
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IV. RECOMMENDATIONS

1. Find probable cause to believe that the Citizens Party and Kirby Edmonds, as acting treasurer, knowingly and willfully violated 2 U.S.C. §§ 434(a) (4) (A) (i) and (iv).
2. Merge MURs 2278 and 2326.
3. Approve and send the attached proposed conciliation agreement and letter.

Date

5/22/87

  
Lawrence M. Noble  
Acting General Counsel

Attachment

1. Proposed conciliation agreement and letter.

88040671392

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Citizens Party and ) MURs 2278 and 2326  
Kirby Edmonds, acting treasurer )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of June 2, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MURs 2278 and 2326:

1. Find probable cause to believe that the Citizens Party and Kirby Edmonds, as acting treasurer, knowingly and willfully violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (iv).
2. Merge MURs 2278 and 2326.
3. Approve and send the proposed conciliation agreement and letter attached to the General Counsel's report dated May 22, 1987.

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

Attest:

June 3, 1987  
Date

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

89040671393



**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20463

June 8, 1987

Kirby Edmonds, Acting Treasurer  
Citizens Party  
P.O. Box 6631  
Ithaca, New York 14851

RE: MURs 2278 and 2326  
Citizens Party and  
Kirby Edmonds, Acting  
Treasurer

Dear Mr. Edmonds:

On June 2, 1987, the Federal Election Commission found that there is probable cause to believe Citizens Party and you, as treasurer, knowingly and willfully violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (iv), provisions of the Federal Election Campaign Act of 1971, as amended in connection with the untimely filing of 1985 Year End Report and three 1986 Quarterly Reports (April, July and October). Because of the similarity in circumstances under MUR 2278 and MUR 2326, the Commission has determined to merge these matters. Henceforth, please refer to these matters as MUR 2326.

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.



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 Celia Jacoby, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble  
Acting General Counsel

Enclosure  
Conciliation Agreement

88040671395



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

ST06-13-87

*W*  
To: Memo to the File  
Fr: Docket  
Re: MUR 2326I

The following MURs have been merged within the permanent files-

-MUR 2278 with 2326

-see back-up *W*

83040571396



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 10, 1987

Kirby Edmonds, Acting Treasurer  
Citizens Party  
P.O. Box 6631  
Ithaca, New York 14851

RE: MUR 2326  
Citizens Party and  
Kirby Edmonds,  
acting treasurer

Dear Mr. Edmonds:

On June 8, 1987, you were notified that the Federal Election Commission found probable cause to believe that Citizens Party and you, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (iv). On the 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 Celia L. Jacoby, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
Acting General Counsel

SENSITIVE

EXECUTIVE SESSION  
SEP 09, 1987

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

Citizens Party and Kirby Edmonds, )  
acting as treasurer )

MUR 2326

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 2, 1987, the Federal Election Commission (the "Commission") found probable cause to believe that Citizens Party and Kirby Edmonds, as acting treasurer (the "Respondents") had knowingly and willfully violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (iv). Notification of the Commission's determination and a conciliation agreement were mailed to the Respondents on June 8, 1987.

Despite this notification and subsequent attempts to contact the Respondents by telephone, no response was received. By letter dated July 10, 1987, Respondents were advised that thirty days of the conciliation period had elapsed (Attachment 1). That letter was returned and then re-directed to the Respondents in care of their counsel. Counsel received this letter on July 24th. Although Respondents were informed that authorization to file suit would be requested if no response were forthcoming within ten days, no response has been received to date. Nor have the Respondents submitted a reply to any prior correspondence, notifications and briefs from the Commission or this Office. Continued conciliation efforts at this time appear futile. Therefore, the Office of the General Counsel recommends that the Commission authorize the filing of a civil suit in the United

States District Court against the Citizens Party and Kirby Edmonds, as treasurer.

II. RECOMMENDATIONS

1. Authorize the Office of the General Counsel to file a civil suit for relief in the United States District Court against Citizens Party and Kirby Edmonds, as acting treasurer.
2. Approve and send the attached letter.

8/25/87  
Date

*Lawrence M. Noble* (L)  
Lawrence M. Noble  
Acting General Counsel

Attachments

1. Letter of June 8 to Respondents
2. Proposed letter to Respondents

89040571309



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Citizens Party and Kirby Edmonds,  
acting as treasurer

)  
)  
) MUR 2326  
)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the  
Federal Election Commission executive session of September 9,  
1987, do hereby certify that the Commission decided by a vote  
of 6-0 to take the following actions in MUR 2326:

1. Authorize the Office of General Counsel to  
file a civil suit for relief in the United  
States District Court against Citizens  
Party and Kirby Edmonds, as acting treasurer.
2. Approve and send the letter attached to the  
General Counsel's report dated August 25,  
1987.

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

Attest:

9-9-87

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 11, 1987

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Kirby Edmonds, Acting Treasurer  
Citizens Party  
c/o Charles Guttman, Esquire  
The Clinton House  
Suite 201  
Ithaca, New York 14850

RE: MUR 2326  
Citizens Party and  
Kirby Edmonds, as  
acting treasurer

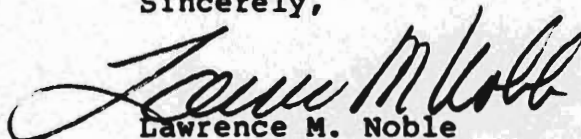
Dear Mr. Edmonds:

You were previously notified that on June 2, 1987, the Federal Election Commission found probable cause to believe that Citizens Party and you, as acting treasurer, knowingly and willfully violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (iv), provisions of the Federal Election Campaign Act of 1971, as amended, in connection with the 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 of 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 within five days of your receipt of this letter.

Sincerely,

  
Lawrence M. Noble  
Acting General Counsel



FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20543

THIS IS THE END OF MUR # 2326

DATE FILMED 1/13/88 CAMERA NO. 3

CAMERAMAN AS

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FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20461

M03-14-88

THE FOLLOWING MATERIAL IS BEING ADDED TO THE  
PUBLIC FILE OF CLOSED MUR 2326

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*Jan 226*  
*IR*

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. <input checked="" type="checkbox"/> Show to whom delivered, date, and addressee's address.		2. <input type="checkbox"/> Restricted delivery	
3. Article Addressed to: Mr. Kirby Edmonds Citizens Party c/o Charles Guttman, Esq. The Clinton House Suite 201 Ithaca, New York 14850		4. Article Number 74351	
		Type of Service: <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail	
5. Signature - Addressee X <i>Heidi Best</i>		Always obtain signature of addressee or agent and <b>DATE DELIVERED</b> .	
6. Signature - Agent X		8. Addressee's Address (ONLY if requested and fee paid)	
7. Date of Delivery 9-16-87			

87 SEP 22 PM 11:46  
RECEIVED  
FEDERAL ELECTION COMMISSION  
GENERAL COUNCIL

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

*Boulhman*