



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2819

DATE FILMED 4/28/90 CAMERA NO. 4

CAMERAMAN AS

71140704517

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 21 December 1988

ANALYST: Robyn Jameson

I. COMMITTEE: Prudential Insurance Company of  
America Federal PAC ("Prudential  
PAC") (C00127779)  
Milan E. Johnson, Treasurer  
3rd Floor, Prudential Plaza  
745 Broad Street  
Newark, NJ 07101

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

III. BACKGROUND:

Failure to File Reports by Election Day

The Prudential Insurance Company of America Federal PAC ("Prudential PAC") ("the Committee") failed to file the 1988 October Quarterly and 12 Day Pre-General Reports of Receipts and Disbursements by Election Day, November 8, 1988. The Committee was notified on September 21, 1988, that the October Quarterly Report was due on October 15, 1988 (Attachment 2). On October 3, 1988, the Committee was notified that a 12 Day Pre-General Report was due on October 27, 1988, if contributions and expenditures, which had not been previously reported, were made in connection with the general election (Attachment 3). A Non-Filer Notice was sent to the Committee on November 8, 1988 for failure to file the 1988 October Quarterly Report (Attachment 4).

On November 23, 1988, James McCarthy, a representative of the Committee telephoned the Reports Analysis Division analyst. Mr. McCarthy stated that the 1988 October Quarterly Report had been sent to the Commission on October 14, 1988, but that he would send a copy immediately (Attachment 5). The 1988 October Quarterly Report was filed on November 25, 1988 (Attachment 6).

On November 29, 1988, Ms. Kitty McCarthy, a representative of the Committee telephoned and stated that

PRUDENTIAL INSURANCE COMPANY OF  
AMERICA FEDERAL PAC ("PRUDENTIAL  
PAC")  
REPORTS ANALYSIS OGC REFERRAL  
PAGE 2

the 1988 12 Day Pre-General Report had been mailed to the wrong address. She said that a copy would be mailed immediately (Attachment 7). The 1988 12 Day Pre-General Report was filed on November 30, 1988. This report disclosed \$9,167.47 in contributions to federal candidates (Attachment 8).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

00040704319

FEDERAL ELECTION COMMISSION  
1987-1988  
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 14DEC88

PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
						TYPE OF FILER
PRUDENTIAL INSURANCE COMPANY OF AMERICA FEDERAL PAC ("PRUDENTIAL PAC")				ID #C00127779 NON-PARTY QUALIFIED		
CONNECTED ORGANIZATION: PRUDENTIAL INSURANCE CO OF AMERICA						
1987	MID-YEAR REPORT	52,510	69,633	1JAN87 -30JUN87	29	87FEC/481/2171
	YEAR-END	63,780	62,069	1JUL87 -31DEC87	42	88FEC/503/0217
	YEAR-END - AMENDMENT	-	-	1JUL87 -31DEC87	2	88FEC/515/0417
	REQUEST FOR ADDITIONAL INFORMATION			1JUL87 -31DEC87	1	88FEC/512/3219
1988	APRIL QUARTERLY	35,801	29,871	1JAN88 -31MAR88	15	88FEC/520/0725
	JULY QUARTERLY	42,652	48,507	1APR88 -30JUN88	29	88FEC/536/0129
	JULY QUARTERLY - AMENDMENT	-	-	1APR88 -30JUN88	3	88FEC/545/4043
	REQUEST FOR ADDITIONAL INFORMATION			1APR88 -30JUN88	1	88FEC/543/2417
	PRE-PRIMARY	15,604	8,450	1JUL88 -17AUG88	23	88FEC/543/1937
	PRE-PRIMARY - AMENDMENT	-	-	1JUL88 -17AUG88	2	88FEC/545/4046
	REQUEST FOR ADDITIONAL INFORMATION			1JUL88 -17AUG88	1	88FEC/545/2003
	OCTOBER QUARTERLY	5,898	600	18AUG88 -30SEP88	26	88FEC/565/5141
	NOTICE OF FAILURE TO FILE			18AUG88 -30SEP88	1	88FEC/564/5420
	PRE-GENERAL	7,826	11,667	1OCT88 -19OCT88	27	88FEC/566/0926
	POST-GENERAL	1,274	7,100	20OCT88 -28NOV88	26	88FEC/570/3327
	TOTAL	225,345	0 237,897	0	228	TOTAL PAGES

Cash on Hand as of 11/28/88: \$5,391.62

Debts and Obligations Owed To the Committee: 0

Debts and Obligations Owed By the Committee: 0

All reports except the 30 Day Post General Report have been reviewed

# REPORT NOTICE

## FEDERAL ELECTION COMMISSION

**PARTIES AND PACS**

**September 21, 1988**

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
October Quarterly	07/01/88**-09/30/88	10/15/88	10/15/88

**WHO MUST FILE**

PARTY COMMITTEES AND PACs (NONCONNECTED COMMITTEES AND SEPARATE SEGREGATED FUNDS) filing on a quarterly basis must file a quarterly report in October.

**WHAT MUST BE REPORTED**

All financial activity (not previously reported) that occurred during the reporting period.

**REPORTING FORMS**

Party committees and PACs use Form 3X (enclosed).

**WHERE TO FILE**

Consult the instructions on the back of the Form 3X Summary Page. Note State filing requirements also.

**LABEL**

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

**PRE-ELECTION REPORTING**

Committees which make contributions or expenditures (including independent expenditures) in connection with a candidate's primary or general election, must also file a 12-day Pre-Election Report if the activity was not previously reported. See the January Record.

**LAST-MINUTE INDEPENDENT EXPENDITURES**

Committees which make an independent expenditure of \$1,000 or more, after the 20th day, but more than 24 hours before an election, must report it within 24 hours.

**COMPLIANCE**

TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

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

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

FOR INFORMATION, Call: 202/376-3120 or 800/424-9530



# GENERAL ELECTION REPORT NOTICE

## FEDERAL ELECTION COMMISSION

PARTIES AND PACs

October 3, 1988

### I. ALL MONTHLY FILERS

Report	Reporting Period	Reg./Cert. Mailing Date*	Filing Date
Pre-General	10/01/88**-10/19/88	10/24/88	10/27/88
Post-General	10/20/88 -11/28/88	12/08/88	12/08/88

### II. QUARTERLY FILERS THAT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 19\*\*\*

Report	Reporting period	Reg./Cert. Mailing Date*	Filing Date
Pre-General	10/01/88**-10/19/88	10/24/88	10/27/88
Post-General	10/20/88 -11/28/88	12/08/88	12/08/88

### III. QUARTERLY FILERS WHICH DO NOT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 19\*\*\*

Report	Reporting Period	Reg./Cert. Mailing Date*	Filing Date
Post-General	10/01/88**-11/28/88	12/08/88	12/08/88

#### WHO MUST FILE

Party committees and PACs must follow the above charts in order to determine whether they must file the pre-general election report. All Party committees and PACs, regardless of financial activity, must file the post-general election report.

#### WHAT MUST BE REPORTED

All financial activity (not previously reported) that occurred during the reporting period.

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

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

\*\*\*Committees that made general election contributions or expenditures prior to October 1 which have not been previously reported must also follow the Chart II reporting requirements.

FOR INFORMATION, Call: 202/376-3120 or 800/424-9530

(over)

**REPORTING FORMS**

Party committees and PACs use Form 3X (enclosed).

**WHERE TO FILE**

Consult the instructions on the back of the Form 3X Summary Page.  
Note State filing requirements also.

**LABEL**

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

**LAST-MINUTE INDEPENDENT EXPENDITURES**

Any PAC which makes any independent expenditures aggregating \$1,000 or more during the period beginning October 20 and ending November 6 must report them within 24 hours. Call the FEC for more information.

**COMPLIANCE**

TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

00040764520



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-7

November 8, 1988

Milan E. Johnson, Treasurer  
Prudential Insurance Company of  
America Federal PAC  
("PRUDENTIAL PAC")  
745 Broad Street  
3rd Floor, Prudential Plaza  
Newark, NJ 07068

Identification Number: C00127779

Reference: October Quarterly Report (8/18/88-9/30/88)

Dear Mr. Johnson:

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 Robyn Jameson 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

TELECON

ANALYST: Jimeson

CONVERSATION WITH: James McCarthy

COMMITTEE: The Prudential Insurance Company of America  
Federal PAC (C00127779)

DATE: 11/23/88

SUBJECT(S): Non Filing of the 1988 October Quarterly Report

Mr. James McCarthy telephoned afer receiving the non-filer notice from the Commission. He stated the report had been mailed on October 14, 1988. When he was told the Commission had no record of the report he said a copy would be sent immediately.

01140704325

November 23, 1988

Ms. Robyn Jameson  
Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

Re: ID # C00127779

08 NOV 25 AM 9:09

**HAND DELIVERED**  
RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

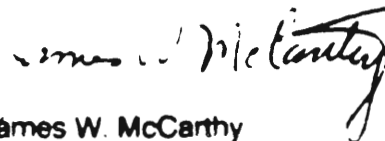
Dear Ms. Jameson:

In connection with the attached letter dated November 8, 1988 to Milan E. Johnson (received by The Prudential on November 21, 1988) and my phone conversation with you earlier today, enclosed please find a copy of the 8/18/88 - 9/30/88 Receipts and Disbursements report for The Prudential Insurance Company of America Federal PAC.

As I mentioned to you, we originally sent this report to the FEC (and others as required) on October 14, 1988. At this point, I have been unable to determine why it was not received by the FEC.

If I can be of any further assistance, please give me a call at 201-802-8077.

Sincerely,



James W. McCarthy

/mc

VIA FEDERAL EXPRESS

The Presidential Insurance Company of America  
Federal Political Action Committee

**October 14, 1988**

**Dear Sirs:**

Enclosed you will find your respective section of The Prudential Insurance Company of America's Federal Political Action Committee 3rd Quarter, 1988 FEC filing.

**If you have any questions, please contact me at (201) 802-8963.**

Sincerely yours,

*Cinctifl. Rubrocores*

Cindy A. Ruboyianes  
Associate Accounting Manager  
Prudential Insurance Company

# REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee  
(Summary Page)

Attachment 6

page 3 of 3

USE FEC MAILING LABEL  
OR  
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) The Prudential Insurance Company of America Federal Political Action Committee		2. FEC IDENTIFICATION NUMBER  C00127779
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported 745 Broad Street 3rd Floor, Pru Plaza		3. <input type="checkbox"/> This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (Date)
CITY, STATE and ZIP CODE Newark, NJ 07101		

## 4. TYPE OF REPORT

- (a) ☐ April 15 Quarterly Report  
☐ July 15 Quarterly Report  
☒ October 15 Quarterly Report  
☐ January 31 Year End Report  
☐ July 31 Mid Year Report (Non-election Year Only)  
☐ Termination Report
- Monthly Report Due On  
☐ February 20 ☐ June 20 ☐ October 20  
☐ March 20 ☐ July 20 ☐ November 20  
☐ April 20 ☐ August 20 ☐ December 20  
☐ May 20 ☐ September 20 ☐ January 31
- ☐ 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 \_\_\_\_\_

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

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5	Covering Period <u>8/18/88</u> through <u>9/30/88</u>		
6	(a) Cash on Hand January 1, 19 <u>88</u>		\$ 2,529.32
	(b) Cash on Hand at Beginning of Reporting Period	\$ 9,759.08	
	(c) Total Receipts (from Line 18)	\$ 5,898.76	\$ 99,957.48
	(d) Subtotal (add Lines 6-b) and 6-c) for Column A and Lines 6-a) and 6-c) for Column B)	\$ 15,657.84	\$ 102,486.80
7	Total Disbursements (from Line 28)	\$ 600.00	\$ 87,428.96
8	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6-d)	\$ 15,057.84	\$ 15,057.84
9	Debits and Obligations Owed TO the Committee (itemize all on Schedule C and/or Schedule D)	\$	
10	Debits and Obligations Owed BY the Committee (itemize all on Schedule C and/or Schedule D)	\$	

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

Type or Print Name of Treasurer  
Milan E. Johnson

Signature of Treasurer

*Milan E. Johnson*

Date

10-14-88

NOTE: Submission of false, erroneous or incomplete information may subject the person signing this Report to the penalties of 2 USC §437g

**FEC FORM 3X**  
(revised 4-87)

**SUBJECT(S):** Non Filing of the 1988 12 Day Pre-General Report

Ms. Kitty McCarthy telephoned to inform the Commission the 1988 12 Day Pre-General Report had been mailed to the wrong address, and a copy of the report would be mailed immediately to the Commission.

0074527

The Prudential RECEIVED  
FEDERAL ELECTION COMMISSION  
MAN 11-14

88 NOV 30 PM 1:27

Prudential PAC  
Prudential Plaza Newark NJ 07101The Prudential Insurance Company of America  
Federal Election Action Committee

Ms. Robyn Jameson  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

November 29, 1988

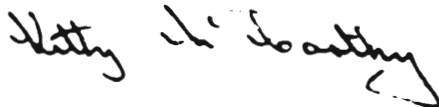
RE: ID# C00127779

Dear Ms. Jameson:

Per my phone conversation with you today I am sending you a copy of the Prudential PAC Report for the period 10/1/88 to 10/19/88.

This Report was mailed in error to the wrong address.

Thanks:



Kitty McCarthy  
Real Estate Accounting Assistant  
PRG-Comptrollers Division

# REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee  
(Summary Page)

RECEIVED  
FEDERAL ELECTION COMMISSION  
BANK ROOM

08 NOV 30 PM 1:28

USE FEC MAILING LABEL  
OR  
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) <b>The Prudential Ins. Co. of America Federal Political Action Committee</b>	
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported <b>745 Broad Street Prudential Plaza, 3rd Floor CITY, STATE and ZIP CODE Newark, New Jersey 07101</b>	2. FEC IDENTIFICATION NUMBER <b>C00127779</b>
3. <input type="checkbox"/> This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date)	

## 4. TYPE OF REPORT

- (a) ☐ April 15 Quarterly Report  
☐ July 15 Quarterly Report  
☐ October 15 Quarterly Report  
☐ January 31 Year End Report  
☐ July 31 Mid Year Report (Non-election Year Only)

Monthly Report Due On:

- |                                      |                                       |                                      |
|--------------------------------------|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> February 20 | <input type="checkbox"/> June 20      | <input type="checkbox"/> October 20  |
| <input type="checkbox"/> March 20    | <input type="checkbox"/> July 20      | <input type="checkbox"/> November 20 |
| <input type="checkbox"/> April 20    | <input type="checkbox"/> August 20    | <input type="checkbox"/> December 20 |
| <input type="checkbox"/> May 20      | <input type="checkbox"/> September 20 | <input type="checkbox"/> January 21  |

☒ Twelfth day report preceding GENERAL  
(Type of Election)

election on NOV. 8, 1988 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>10/1/88</u> through <u>10/19/88</u>		
6	(a) Cash on Hand January 1, 1988		\$ 2,529.32
	(b) Cash on Hand at Beginning of Reporting Period	\$ 15,057.84	
	(c) Total Receipts (from Line 18)	\$ 7,826.38	\$ 107,783.86
	(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 22,884.22	\$ 110,313.18
7	Total Disbursements (from Line 28)	\$ 11,667.47	\$ 99,096.43
8	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 11,216.75	\$ 11,216.75
9	Debts and Obligations Owed TO the Committee (Remove all on Schedule C and/or Schedule D)	\$	
10	Debts and Obligations Owed BY the Committee (Remove all on Schedule C and/or Schedule D)	\$	

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

Type or Print Name of Treasurer  
**Milan E. Johnson**

Signature of Treasurer  
*Milan E. Johnson*

Date  
10/21/88

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g

FEC FORM 3X

# **DETAILED SUMMARY PAGE**

of Receipts and Disbursements  
(Page 2, FEC FORM 320)

Name of Committee (in full) <b>The Prudential Ins. Co. of America Federal Political Action Committee</b>		Report Covering the Period From: <b>10/1/88</b> To: <b>10/19/88</b>	
		<b>COLUMN A Total This Period</b>	<b>COLUMN B Calendar Year-To-Date</b>
<b>I. RECEIPTS</b>			
<b>11. CONTRIBUTIONS (other than loans) FROM:</b>			
(a) Individuals/Persons Other Than Political Committees			
(i) Itemized (use Schedule A)		<b>5,686.61</b>	<b>77,704.97</b>
(ii) Unitemized		<b>2,139.77</b>	<b>30,038.25</b>
(iii) Total of contributions from individuals		<b>7,826.38</b>	<b>107,743.22</b>
(b) Political Party Committees			
(c) Other Political Committees (such as PACs)			
(d) TOTAL CONTRIBUTIONS (add 11(a)(i), (b), and (c))		<b>7,826.38</b>	<b>107,743.22</b>
<b>12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES</b>			
<b>13. ALL LOANS RECEIVED</b>		<b>0</b>	<b>0</b>
<b>14. LOAN REPAYMENTS RECEIVED</b>		<b>0</b>	<b>0</b>
<b>15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)</b>			
<b>16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES</b>			
<b>17. OTHER RECEIPTS (Dividends, Interest, etc.)</b>		<b>0</b>	<b>40.64</b>
<b>18. TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)</b>		<b>7,826.38</b>	<b>107,783.86</b>
<b>II. DISBURSEMENTS</b>			
<b>19. OPERATING EXPENDITURES</b>			
<b>20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES</b>			
<b>21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES</b>		<b>11,667.47</b>	<b>88,873.79</b>
<b>22. INDEPENDENT EXPENDITURES (use Schedule E)</b>			
<b>23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 441a(d)) (use Schedule F)</b>			
<b>24. LOAN REPAYMENTS MADE</b>		<b>0</b>	<b>10,000.00</b>
<b>25. LOANS MADE</b>			
<b>26. REFUNDS OF CONTRIBUTIONS TO:</b>			
(a) Individuals/Persons Other Than Political Committees			
(b) Political Party Committees			
(c) Other Political Committees (such as PACs)			
(d) TOTAL CONTRIBUTION REFUNDS (add 26(a), (b), and (c))			
<b>27. OTHER DISBURSEMENTS</b>		<b>0</b>	<b>222.64</b>
<b>28. TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)</b>		<b>11,667.47</b>	<b>99,096.43</b>
<b>III. NET CONTRIBUTIONS OPERATING EXPENDITURES</b>			
<b>29. TOTAL CONTRIBUTIONS (other than loans) (from Line 11(d))</b>		<b>7,826.38</b>	<b>107,743.22</b>
<b>30. TOTAL CONTRIBUTION REFUNDS (from Line 26(d))</b>		<b>0</b>	<b>0</b>
<b>31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)</b>		<b>7,826.38</b>	<b>107,743.22</b>
<b>32. TOTAL OPERATING EXPENDITURES (from Line 19)</b>			
<b>33. OFFSETS TO OPERATING EXPENDITURES (from Line 15)</b>			
<b>34. NET OPERATING EXPENDITURES (subtract Line 33 from 32)</b>			

SCHEDULE B

ITEMIZED DISBURSEMENTS

Page 1 of 3 for  
Line Number 21

Any information copied from such Reports of Statements may not be sold or used by any person for the purpose of soliciting contributions for for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full): The Prudential Insurance Company of America Federal Political Action Committee

(A. Full Name, Mailing Address and ZIP Code	PURPOSE OF DISBURSEMENT	Date (month, day, year)	Amount of Each Disbursement this Period
Citizens for Padigan P.O. Box 3395 Bloomington, IL 61701	Re: Edward R. Padigan (R-15, IL) DISBURSEMENT FOR: Primary & General Other (specify):	10/03/00	\$500.00
(B. Full Name, Mailing Address and ZIP Code	PURPOSE OF DISBURSEMENT	Date (month, day, year)	Amount of Each Disbursement this Period
Committee to Re-Elect Congressman Marge Roussos P.O. Box 625 Bridgewater, NJ 07431	Re: Marge Roussos (R-3, NJ) DISBURSEMENT FOR: Primary & General Other (specify): Campaign Fund	10/03/00	\$300.00
(C. Full Name, Mailing Address and ZIP Code	PURPOSE OF DISBURSEMENT	Date (month, day, year)	Amount of Each Disbursement this Period
Nally Harper for Congress 400 New Hampshire Ave., NW Suite 140 Washington, DC 20007	Re: Nally Harper (R-2, CA) DISBURSEMENT FOR: Primary & General Other (specify):	10/03/00	\$300.00
(D. Full Name, Mailing Address and ZIP Code	PURPOSE OF DISBURSEMENT	Date (month, day, year)	Amount of Each Disbursement this Period
Carroll Hubbard for Congress Committee 1648. 6th St Paducah, KY 42002	Re: Carroll Hubbard (D-1, KY) DISBURSEMENT FOR: Primary & General Other (specify):	10/03/00	\$400.00
(E. Full Name, Mailing Address and ZIP Code	PURPOSE OF DISBURSEMENT	Date (month, day, year)	Amount of Each Disbursement this Period
Friends of Slade Gorton 231 N. Harrison, Suite B Seattle, WA 98119	Senate Candidate Slade Gorton (R-WA) DISBURSEMENT FOR: Primary & General Other (specify):	10/03/00	\$1,000.00
(F. Full Name, Mailing Address and ZIP Code	PURPOSE OF DISBURSEMENT	Date (month, day, year)	Amount of Each Disbursement this Period
Mal Baab for Senate Attention: Dave Heinemann, AA 11019 Lenthorn House Office Building Washington, DC 20515	Re: Mal Baab (R-2, ME) DISBURSEMENT FOR: Primary General Other (specify): Debt Retirement	10/03/00	\$100.00
(G. Full Name, Mailing Address and ZIP Code	PURPOSE OF DISBURSEMENT	Date (month, day, year)	Amount of Each Disbursement this Period
Citizens for Coleman 4110 Franciscan Place Alexandria, VA 22311	Re: E. Thomas Coleman (R-6, MD) DISBURSEMENT FOR: Primary & General Other (specify):	10/03/00	\$250.00

TOTAL OF DISBURSEMENTS THIS PERIOD: \$2,550.00

## SCHEDULE 3

## ITEMIZED DISBURSEMENTS

Any information taken from such Reports of Statements may not be sold or used by any person for the purpose of soliciting contributions for for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full) The Prudential Insurance Company of America Federal Political Action Committee

A. Full Name, Mailing Address and ZIP Code	PURPOSE OF DISBURSEMENT	Date (month, day, year)	Amount of Each Disbursement this Period
Center for Congress Committee 141 North Bridge Street Somerville, MA 02143	Reps Jim Conter (R-12, NJ) DISBURSEMENT FOR: Primary & General Other (specify):	10/10/00	\$1,000.00
B. Full Name, Mailing Address and ZIP Code	PURPOSE OF DISBURSEMENT	Date (month, day, year)	Amount of Each Disbursement this Period
Citizens for Bunning 11717 Dixie Highway, Suite 100 Fort Wright, KY 41011	Reps Jim Bunning (R-4, KY) DISBURSEMENT FOR: Primary & General Other (specify):	10/10/00	\$200.00
C. Full Name, Mailing Address and ZIP Code	PURPOSE OF DISBURSEMENT	Date (month, day, year)	Amount of Each Disbursement this Period
McCraw for Congress W.O. Box 4152 Greensport, LA 71034	Reps Jim McCraw (R-4, LA) DISBURSEMENT FOR: Primary & General Other (specify):	10/10/00	\$250.00
D. Full Name, Mailing Address and ZIP Code	PURPOSE OF DISBURSEMENT	Date (month, day, year)	Amount of Each Disbursement this Period
Coyne for Congress W.O. Box 71557 Washington, DC 20024	Reps William Coyne (R-14, PA) DISBURSEMENT FOR: Primary & General Other (specify):	10/12/00	\$1,000.00
E. Full Name, Mailing Address and ZIP Code	PURPOSE OF DISBURSEMENT	Date (month, day, year)	Amount of Each Disbursement this Period
Gephardt for Congress Committee 955 New Jersey Avenue, NE Suite 265 Washington, DC 20001	Reps Richard Gephardt (R-3, MD) DISBURSEMENT FOR: Primary & General Other (specify):	10/12/00	\$1,000.00
F. Full Name, Mailing Address and ZIP Code	PURPOSE OF DISBURSEMENT	Date (month, day, year)	Amount of Each Disbursement this Period
Knobloch America 419 Prince Street Alexandria, VA 22314	Campaign America DISBURSEMENT FOR: Primary & General Other (specify):	10/12/00	\$1,000.00
G. Full Name, Mailing Address and ZIP Code	PURPOSE OF DISBURSEMENT	Date (month, day, year)	Amount of Each Disbursement this Period
Bill Bradley for U.S. Senate P.O. Box 1945 Union, NJ 07083	Senator Bill Bradley (D-NJ) DISBURSEMENT FOR: Primary & General Other (specify):	10/10/00	\$67.47

TOTAL of Disbursements This Page (optional) \$4,617.47

TOTAL of Disbursements This Page (must equal above) \$4,617.47

SCHEDULE B

ITEMIZED DISBURSEMENTS

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions for or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full) The Prudential Insurance Company of America Federal Political Action Committee

A. Full Name, Mailing Address and ZIP Code	PURPOSE OF DISBURSEMENT-S	Date (month, day, year)	Amount of Each Disbursement this Period
William Hughes for Congress P.O. Box 178 Ocean City, NJ 08226	Re: William Hughes (9-2, NJ) DISBURSEMENT FOR: Primary General Other (specify):	10/18/88	\$100.00
B. Full Name, Mailing Address and ZIP Code	PURPOSE OF DISBURSEMENT-24,500.00	Date (month, day, year)	Amount of Each Disbursement this Period
Democratic Senatorial Campaign Committee 430 South Capitol Street, S.E. Washington, DC 20003	DISBURSEMENT FOR: Primary General Other (specify):	10/18/88	\$1,500.00
C. Full Name, Mailing Address and ZIP Code	PURPOSE OF DISBURSEMENT-81,250.00	Date (month, day, year)	Amount of Each Disbursement this Period
Frank Pallone for Congress P.O. Box 2164 Washington, DC 20015	Re: Frank Pallone (9-3, NJ) DISBURSEMENT FOR: Primary & General Other (specify):	10/18/88	\$250.00
D. Full Name, Mailing Address and ZIP Code	PURPOSE OF DISBURSEMENT-81,250.00	Date (month, day, year)	Amount of Each Disbursement this Period
Paula Pave P.O. Box 1474 Washington, DC 20015	Re: Donald Pave (8-16, NJ) DISBURSEMENT FOR: Primary & General Other (specify):	10/18/88	\$250.00
E. Full Name, Mailing Address and ZIP Code	PURPOSE OF DISBURSEMENT-82,000.00	Date (month, day, year)	Amount of Each Disbursement this Period
Re: for Senate Braver 1988 Winchester, VA 22601	Senator Charles S. Robb (8-VA) DISBURSEMENT FOR: Primary & General Other (specify):	10/18/88	\$1,000.00
F. Full Name, Mailing Address and ZIP Code	PURPOSE OF DISBURSEMENT-81,000.00	Date (month, day, year)	Amount of Each Disbursement this Period
Friends of Jim Saxton P.O. Box 745 Mount Holly, NJ 08060	Re: M. James Saxton (9-13, NJ) DISBURSEMENT FOR: Primary & General Other (specify):	10/18/88	\$500.00
G. Full Name, Mailing Address and ZIP Code	PURPOSE OF DISBURSEMENT-S	Date (month, day, year)	Amount of Each Disbursement this Period
Polcher for Senate P.O. Box 22467 Washington, DC 20522-2467	Senator John Polcher (9-MT) DISBURSEMENT FOR: Primary & General Other (specify):	10/18/88	\$500.00

Total of Disbursements This Page: \$4,000.00

Total of Disbursements This Page: \$4,000.00

89 FEB -2 PM 3:00

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

**SENSITIVE****FIRST GENERAL COUNSEL'S REPORT**

RAD Referral #88NF-60  
Staff Member: Frances B. Hagan

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

RESPONDENTS: Prudential Insurance Company of America Federal PAC  
("Prudential PAC")  
Milan E. Johnson, as treasurer

RELEVANT STATUTES: 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii)

INTERNAL REPORTS CHECKED: Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

On December 21, 1988, the Reports Analysis Division ("RAD") referred the Prudential Insurance Company of America Federal PAC ("the Committee") to the Office of the General Counsel. The basis for the attached referral is the Committee's failure to file the 1988 October Quarterly and 12 Day Pre-General Reports in a timely fashion.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that for unauthorized committees filing quarterly, such committees shall file quarterly reports in a calendar year in which a regularly scheduled general election is held. 2 U.S.C. § 434(a)(4)(A)(i). Quarterly Reports are to be filed no later than the 15th day after the last day of each

calendar quarter. Thus, the due date for the 1988 October Quarterly Report was October 15, 1988. The Committee did not file the 1988 October Quarterly Report by the due date. On November 8, 1988, the Committee was notified of its failure to file the required report. On November 25, 1988, forty-one days late, the Committee filed its 1988 October Quarterly Report with the Commission.

The Act also provides that unauthorized committees shall file a pre-election report, which shall be filed not later than the 12th day before any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election. 2 U.S.C. § 434(a)(4)(A)(ii). The due date for the 1988 12 Day Pre-General Report was October 27, 1988. The Committee did not file the 1988 12 Day Pre-General Report by the due date. On November 30, 1988, thirty-four days late, the Committee filed its 1988 12 Day Pre-General Report, disclosing \$9,167.47 in contributions to federal candidates.

Therefore, the Office of the General Counsel recommends that the Commission open a Matter Under Review and find reason to believe that the Committee and its treasurer violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii).

### III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

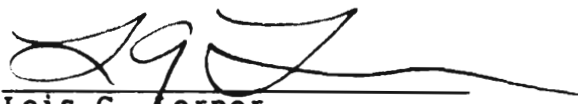
00040704538

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that the Prudential Insurance Company of America Federal PAC and Milan E. Johnson, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii).
3. Enter into conciliation with the Prudential Insurance Company of America Federal PAC and Milan E. Johnson, as treasurer, prior to a finding of probable cause to believe.
4. Approve the attached letter, Factual and Legal Analysis, and proposed conciliation agreement.

Lawrence M. Noble  
General Counsel

2/11/89  
Date

BY:   
Lois G. Lerner  
Associate General Counsel

Attachments

- A. Referral Materials
- B. Proposed agreement
- C. Letter and Factual and Legal Analysis

BEFORE THE FEDERAL ELECTION COMMISSION

(MUR  
2819)

In the Matter of

Prudential Insurance Company of America  
Federal PAC ("Prudential PAC")  
Milan E. Johnson, as treasurer

RAD Ref. 88NF-60

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 7, 1989, the Commission decided by a vote of 5-0 to take the following actions in RAD Ref. 88NF-60:

1. Open a MUR.
2. Find reason to believe that the Prudential Insurance Company of America Federal PAC and Milan E. Johnson, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii).
3. Enter into conciliation with the Prudential Insurance Company of America Federal PAC and Milan E. Johnson, as treasurer, prior to a finding of probable cause to believe.

(Continued)

Federal Election Commission  
Certification for RAD Ref. 88NF-60  
February 7, 1989

Page 2

4. Approve the letter, Factual and Legal Analysis, and proposed conciliation agreement, as recommended in the First General Counsel's report signed February 1, 1989.

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

Commissioner Thomas did not cast a vote.

Attest:

2/7/89

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in the Office of Commission Secretary: Thurs., 2-2-89, 3:00  
Circulated on 48 hour tally basis: Fri., 2-3-89, 12:00  
Deadline for vote: Tues., 2-7-89, 4:00

jm



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 16, 1989

Milan E. Johnson, Treasurer  
Prudential Insurance Company  
of America Federal PAC  
3rd Floor, Prudential Plaza  
745 Broad Street  
Newark, New Jersey 07101

RE: MUR 2819  
Prudential Insurance Company  
of America Federal PAC  
Milan E. Johnson, as treasurer

Dear Mr. Johnson:

On February 7, 1989, the Federal Election Commission found that there is reason to believe that the Prudential Insurance Company of America Federal PAC ("Committee") and you, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The 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 the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the Committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

Milan E. Johnson, Treasurer  
Page 2

If you are interested in expediting the resolution of this matter by pursuing pre-probable cause conciliation, and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

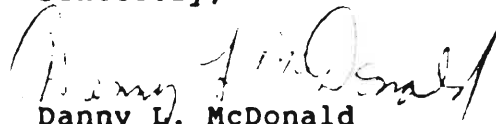
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain 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 Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

  
Danny L. McDonald  
Chairman

Enclosures  
Factual and Legal Analysis  
Procedures  
Designation of Counsel Form  
Conciliation Agreement



John E. [REDACTED], CLU, FLMI  
Assistant General Counsel  
Law Department

0602031

The Prudential Insurance Company of America  
Prudential Plaza, Newark, NJ 07101  
201 802-8940

March 3, 1989

Via: Federal Express

Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Attn: Frances B. Hagan

Re: MUR 2819  
Prudential Insurance Company of America  
Federal PAC  
Milan E. Johnson, as Treasurer

RECEIVED  
FEDERAL ELECTION COMMISSION  
ADMINISTRATIVE DIVISION  
89 MAR -6 AM 10:32  
HAND DELIVERED

Dear Mr. Noble:

This letter is in reply to your letter of February 16, 1989 to Mr. Milan Johnson and the request for submission of materials to demonstrate no action should be taken on the referenced matter.

Briefly summarized, the two filings in question were mailed (by registered mail) prior to the relevant deadlines. They were, however, inadvertently sent to the Office of Campaign Finance for the District of Columbia (at 2000 14th Street, N.W., Washington, D.C. 20009). See Exhibits A & B attached to the enclosed affidavit of Mr. Johnson.

We received your November 8, 1988 letter (by John D. Gibson) on November 21, 1988. A reply by James W. McCarthy enclosing a duplicate copy of the October Quarterly Report was Federal Expressed to your designated contact person, Robyn Jameson, the second day after receipt, November 23, 1988. See Exhibit C. attached.

The investigation of this inquiry about the Quarterly Report prompted the discovery that the Pre-election Report had been similarly mis-addressed. As a result, a duplicate copy of that report was also forwarded (without further inquiry or request by the Commission) to the Federal Election Commission ("FEC").

In both cases there were no transactions reportable to the District of Columbia. Therefore, it is clear the reports were intended for filing with the FEC, but inadvertently mis-addressed to the Washington office of the District of Columbia Office of Campaign Finance (which appears at the head of the middle column of the list of state filing offices distributed by the FEC).

Moreover, it is apparent that the reports in all other respects properly conformed to FEC requirements.

It should be noted that of seven reports due the FEC in calendar 1988 all but the two in question were timely filed and correctly addressed. There is no pattern or practice of late or otherwise non-complying filings.

Therefore, in view of all the circumstances involved, we feel it is evident that Mr. Johnson and the PAC used what the statute and applicable regulation refer to as the "best efforts" to file the reports in substantial compliance with 2 U.S.C. 432(i) and 11 C.F.R. Ch. 1 § 104.7(a).

Furthermore, it is clear from these facts that the mis-direction of the filings were in the nature of a clerical error promptly cured by the (Federal Express) re-submission of the reports to the correct FEC address. It is apparent from FEC Memorandum ¶ IV A(1) implementing § 309 of the Federal Election Campaign Act that in such a case of clerical error, informal notice and opportunity to cure is the prescribed method of correction.

It should be noted that the two inadvertent mis-addressed mailings were neither knowing nor willful. Also, they were not part of a consistent pattern of late filings, as contemplated in § II of the Memorandum of Procedure previously noted.

We believe that these facts warrant withdrawal of the Federal Election Commission's February 7, 1989 finding that there is reason to believe that the Prudential Insurance Company of America Federal PAC and Mr. Johnson as Treasurer violated 2 U.S.C. §§ (a)(4)(A)(i) and (ii) of the Federal Election Campaign Act of 1971, as amended.

Accordingly, may we respectfully request that after review of this letter and the accompanying affidavit (with exhibits) the investigation be closed without further action.

Please feel free to contact me if you have any questions or comments on this matter.

*John E. DeWald*  
Assistant General Counsel

JED/km  
Attachments  
cc: Milan E. Johnson

**STATEMENT OF DESIGNATION OF COUNSEL**

MUR 2819

NAME OF COUNSEL: John E. DeWald

ADDRESS: Law Dept; The Prudential Ins. Co. of America

Prudential Plaza (13th Floor)

Newark, N.J. 07101

TELEPHONE: 201-802-8940

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

3-3-89  
Date

Milan E. Johnson  
Signature

RESPONDENT'S NAME: Milan E. Johnson

ADDRESS: The Prudential Insurance Company of America

5 Plaza

Newark, N.J. 07101

HOME PHONE: 201-802-7129

BUSINESS PHONE: \_\_\_\_\_



John E. [REDACTED], CLU, FLMI  
Assistant General Counsel  
Law Department

The Prudential Insurance Company of America  
Prudential Plaza, Newark, NJ 07101  
201 802 8940

March 3, 1989

Federal Election Commission  
MUR#2819  
Prudential Insurance Company of  
America Federal PAC  
Milan E. Johnson, as Treasurer

Affidavit of Milan E. Johnson

State of New Jersey ss  
County of Essex

Milan E. Johnson, being first duly sworn on oath, states:

1. That he is Treasurer of The Prudential Insurance Company of America Federal Political Action Committee.
2. That, as Treasurer, on October 14, 1988, he signed and forwarded for filing the October 15 Quarterly Report.
3. That, as Treasurer, on October 21, 1988, he signed and forwarded for filing the Report required for the twelfth day preceding the election on November 8, 1988.
4. That it appears both of these reports were mis-addressed through clerical error to the District of Columbia Office of Campaign Finance instead of to the Federal Election Commission as evidenced by the two postmarked certified mail logs attached as Exhibits A and B, respectively, to this Affidavit.
5. That promptly on notice of non-receipt by the Federal Election Commission duplicate copies of the reports in issue were sent to the Federal Election Commission by Federal Express.
6. That in all other respects the filings complied with applicable laws and regulations.

7. That the foregoing statements are true and correct to the best of his knowledge, information and belief.

  
Milan E. Johnson

Subscribed and sworn to before me this 3<sup>rd</sup> day of March, 1989.

  
Notary Public

BARBARA GEHRINGER  
A Notary Public of New Jersey  
My Commission Expires March 14, 1989

0004970450

20040781544

Form 3877, May 1985

A circular ink stamp from NEWTOWN ST. The outer ring contains the text "NEWTOWN ST." in a circular arrangement. The center of the stamp contains the date "OCT 14 1988" in a bold, sans-serif font. The stamp is slightly tilted and has a textured, ink-like appearance.

NAME AND  
ADDRESS  
OF SENDER

*Tridentally, et al.*  
*745 Newark, NJ 07102*

Indicate type of mail

☒ Registered  
☐ Insured  
☐ COD  
☐ Certified ☐ Express Mail

Check appropriate block for  
Registered Mail:

☐ With Postal Insurance  
☐ Without Postal Insurance

Affix stamp here if issued as  
certificate of mailing or for  
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Reg.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee Remarks
1	36356014	1111 Longwood, Springfield, MA 01102	45	45								
2	36356015	1111 Longwood, Springfield, MA 01102	25									
3	36356016	1111 Longwood, Springfield, MA 01102	25									
4	36356017	1111 Longwood, Springfield, MA 01102	25									
5	36356018	1111 Longwood, Springfield, MA 01102	25									
6	36356019	1111 Longwood, Springfield, MA 01102	25									
7	36356020	1111 Longwood, Springfield, MA 01102	25									
8	36356021	1111 Longwood, Springfield, MA 01102	65									
9	36356022	1111 Longwood, Springfield, MA 01102	45									
10	36356023	1111 Longwood, Springfield, MA 01102	45									
11	36356024	1111 Longwood, Springfield, MA 01102	45									
12	36356025	1111 Longwood, Springfield, MA 01102	165									
13	36356026	1111 Longwood, Springfield, MA 01102	45									
14	36356027	1111 Longwood, Springfield, MA 01102	45									
15	36356028	1111 Longwood, Springfield, MA 01102	45									
Total Number of Places Listed by Sender		Total Number of Pieces Received at Post Office		POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$500 for COD and \$500 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.						
15		15		15								

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. GOVERNMENT PRINTING OFFICE: 1988 197-542

EXHIBIT B



EXHIBIT C

Prudential PAC

Prudential Plaza, Newark, NJ 07101

The Prudential Insurance Company of America  
Federal Political Action Committee

November 23, 1988

Ms. Robyn Jameson  
Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

Re: ID # C00127779

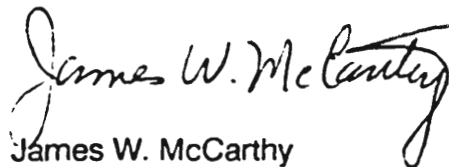
Dear Ms. Jameson:

In connection with the attached letter dated November 8, 1988 to Milan E. Johnson (received by The Prudential on November 21, 1988) and my phone conversation with you earlier today, enclosed please find a copy of the 8/18/88 - 9/30/88 Receipts and Disbursements report for The Prudential Insurance Company of America Federal PAC.

As I mentioned to you, we originally sent this report to the FEC (and others as required) on October 14, 1988. At this point, I have been unable to determine why it was not received by the FEC.

If I can be of any further assistance, please give me a call at 201-802-8077.

Sincerely,

  
James W. McCarthy

/mc

VIA FEDERAL EXPRESS



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 6, 1989

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

John E. DeWald, Esquire  
Law Department  
The Prudential Insurance Co. of America  
Prudential Plaza (13th Floor)  
Newark, New Jersey 07101

RE: MUR 2819  
Prudential Insurance Company  
of America Federal PAC  
Milan E. Johnson, as treasurer

Dear Mr. DeWald:

On February 16, 1989, you were notified that the Federal Election Commission determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On that same date you were sent a conciliation agreement offered by the Commission in settlement of this matter.

Please note that conciliation negotiations entered into prior to a finding of probable cause to believe are limited to a maximum of 30 days. The 30 day period for negotiations has expired. Unless we receive further substantive response from you within five days, this Office will consider these negotiations terminated and will proceed to the next stage of the enforcement process.

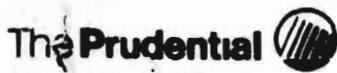
If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

A handwritten signature in cursive script, reading "George F. Rishel", is written over the typed name of the Acting Associate General Counsel.

BY: George F. Rishel  
Acting Associate General Counsel



06C2710  
John E. [redacted], CLU, FLMI  
Assistant General Counsel  
Law Department

The Prudential Insurance Company of America  
Prudential Plaza, Newark, NJ 07101  
201 802-8940

April 24, 1989

Ms. Frances B. Hagan  
Office of General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 2819  
The Prudential Insurance Company of America  
Federal PAC  
Milan E. Johnson, as Treasurer

Dear Ms. Hagan:

As indicated in my letter of April 14, 1989, I enclose herewith a signed Statement of Designation of Counsel by Milan E. Johnson, designating William E. Wallace, III, Esq., of Howrey and Simon, as Co-Counsel in the above-referenced matter.

Please feel free to contact me if you have any further questions on this matter.

Thank you very much.

Very truly yours,



John E. DeWald  
Assistant General Counsel

JED/km

Enclosure

cc: Paul A. Nolle, Esq.  
Milan E. Johnson, Treasurer  
J. Laurence McCarty, Esq.  
William E. Wallace, III, Esq.

Certified Mail/Return Receipt Requested

09 MAY -3 PM 2:23

0 1 2 3 4 5 6 7 8 9

BUSINESS PHONE: 201-802-7129



John E. DeWald, CLU, FLMI  
Assistant Counsel  
Law Department

The Prudential Insurance Company of America  
Prudential Plaza, Newark, NJ 07101  
201 802-8940

April 14, 1989

Ms. Frances B. Hagan  
Office of General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 2819  
The Prudential Insurance Company of America  
Federal PAC  
Milan E. Johnson, as Treasurer

Dear Ms. Hagan:

Following up our telephone conversation of April 13, 1989 and in reply to the letter of April 6, 1989 by George F. Rishel also received April 13, 1989.

As discussed, William E. Wallace III, Esq. of Howrey and Simon will also be representing the PAC and Mr. Johnson as Treasurer.

I will be providing a signed Statement of Designation of (Co-) Counsel under separate cover shortly.

Also, as discussed, we believe it would be productive to the negotiation process to meet with your office again. Please let me know what dates are available so we can coordinate schedules.

In the meantime, please feel free to contact me if you have any comments or questions regarding this matter.

Very truly yours,

John E. DeWald  
Assistant General Counsel

JED/km  
Enclosure  
cc: Paul A. Nolle, Esq.  
Milan E. Johnson, Treasurer  
J. Laurence McCarty, Esq.  
William E. Wallace, III, Esq.

Certified Mail/Return Receipt Requested

00049789552

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 )  
Prudential Insurance Company )  
of America Federal PAC ) MUR 2819  
Milan E. Johnson, as treasurer )  
 )

**GENERAL COUNSEL'S REPORT**

On February 7, 1989, the Commission found reason to believe that Prudential Insurance Company of America Federal PAC ("the Committee") and Milan E. Johnson, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii), by failing to file the 1988 October Quarterly and 12 Day Pre-General Reports in a timely fashion. On February 16, 1989, the Office of the General Counsel sent the respondents a proposed pre-probable cause conciliation agreement.

On March 6, 1989, the Committee submitted a response to the Commission's findings. In that response, the Committee acknowledged that the reports were improperly addressed but requested that "the investigation be closed without further action." Attachment A(1). Thereafter, the Committee requested a meeting to argue its case and to discuss the conciliation proposal.

When no further substantive response was received, this

Office sent Counsel a letter on April 6, 1989, stating that if such response was not received within five days, this Office would proceed to the next stage of the enforcement process. In two subsequent telephone discussions, Committee counsel indicated that he would respond within the five day period. When the promised response was not received, we called counsel to inquire. The attorney asserted that a "draft" proposal had been sent by certified mail on April 14, 1989. The FEC mailroom has no record of receipt and the Committee has not received the green return receipt card.


The Committee subsequently produced an unsigned negotiating proposal marked "draft." Telephone conversations with Committee co-counsels (outside counsel and in-house) upon receipt of these materials made it clear that further negotiations would be fruitless. Counsel stated that the Committee would litigate rather than sign a conciliation agreement which contains admissions of the violations. Therefore, as a result of the impasse reached in pre-probable cause conciliation, and with no signed agreement to present to the Commission, this Office is proceeding to the next stage in the enforcement process.

Lawrence M. Noble  
General Counsel

Date

6/8/89

BY:



Lois G. Lerner

Associate General Counsel

Attachment

Committee response to reason to believe findings

Staff Person: F. Hagan

00040764557



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 21, 1989

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

John E. DeWald, Esquire  
Law Department  
The Prudential Insurance Co.  
of America  
Prudential Plaza (13th Floor)  
Newark, New Jersey 07101

RE: MUR 2819  
Prudential Insurance Company  
of America Federal PAC  
Milan E. Johnson, as treasurer

Dear Mr. DeWald:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, on February 7, 1989, the Federal Election Commission found reason to believe that your clients violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii), 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 the violations have occurred.

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

100

## Enclosure Brief

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 ) MUR 2819  
Prudential Insurance Company )  
of America Federal PAC )  
Milan E. Johnson, as treasurer )

**GENERAL COUNSEL'S BRIEF**

**I. STATEMENT OF THE CASE**

On February 7, 1989, the Federal Election Commission found reason to believe that the Prudential Insurance Company of America Federal PAC ("the Committee") and Milan E. Johnson, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii), by failing to file the 1988 October Quarterly and 12 Day Pre-General Reports in a timely fashion.

**II. ANALYSIS**

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that for unauthorized committees filing quarterly, such committees shall file quarterly reports in a calendar year in which a regularly scheduled general election is held. 2 U.S.C. § 434(a)(4)(A)(i). Quarterly Reports are to be filed no later than the 15th day after the last day of each calendar quarter. Thus, the due date for the 1988 October Quarterly Report was October 15, 1988. The Committee did not file the 1988 October Quarterly Report by the due date. On November 8, 1988, the Committee was notified of its failure to file the required report. On November 25, 1988, forty-one days late, the Committee filed its 1988 October Quarterly Report with the Commission.

The Act also provides that unauthorized committees shall file

a pre-election report, which shall be filed not later than the 12th day before any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election. 2 U.S.C. § 434(a)(4)(A)(ii). The due date for the 1988 12 Day Pre-General Report was October 27, 1988. The Committee did not file the 1988 12 Day Pre-General Report by the due date. On November 30, 1988, thirty-four days late, the Committee filed its 1988 12 Day Pre-General Report, disclosing \$9,167.47 in contributions to federal candidates.

The Committee's failure to file the 1988 October Quarterly and 12 Day Pre-General Reports constitutes violations of the Act. Therefore, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that the Committee and its treasurer violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii).

**III. GENERAL COUNSEL'S RECOMMENDATION**

Find probable cause to believe that the Prudential Insurance Company of America Federal PAC and Milan E. Johnson, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii).

Date

6/20/89

Lawrence M. Noble  
General Counsel

89 JUL 13 PM 4:35

BEFORE THE FEDERAL ELECTION COMMISSION

**SENSITIVE**

In the Matter of )  
Prudential Insurance Company ) MUR 2819  
of America Federal PAC )  
Milan E. Johnson, as treasurer )

**EXECUTIVE SECRET**

**JUL 25 1989**

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

On February 7, 1989, the Commission found reason to believe that Prudential Insurance Company of America Federal PAC ("the Committee") and Milan E. Johnson, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii), by failing to file the 1988 October Quarterly and 12 Day Pre-General Reports in a timely fashion. At the same time, the Commission proposed pre-probable cause conciliation in settlement of this matter.

On June 21, 1989, the Office of the General Counsel notified respondents in a brief of the General Counsel's intent to recommend that the Commission find probable cause to believe. There has been no response to the brief. As noted in the General Counsel's Report dated June 8, 1989, counsel for the respondents stated that the Committee would litigate rather than sign a conciliation agreement that contains admissions of the violations.

**II. DISCUSSION OF CONCILIATION AND CIVIL PENALTY**

0004070456

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**III. RECOMMENDATIONS**

1. Find probable cause to believe that the Prudential Insurance Company of America Federal PAC and Milan E. Johnson, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii).
2. Approve the attached conciliation agreement and letter.

Date

7/18/89

Lawrence M. Noble  
General Counsel

**Attachments:**

- A. Conciliation Agreement
- B. Letter

Staff assigned: Frances B. Hagan

000407044564

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Prudential Insurance Company ) MUR 2819  
of America Federal PAC )  
Milan E. Johnson, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the  
Federal Election Commission executive session of July 25,  
1989, do hereby certify that the Commission decided by a  
vote of 6-0 to take the following actions in MUR 2819:

1. Find probable cause to believe that the  
Prudential Insurance Company of America  
Federal PAC and Milan E. Johnson, as  
treasurer, violated 2 U.S.C. §§ 434(a)  
(4)(A)(i) and (ii).
2. Approve the conciliation agreement and  
letter attached to the General Counsel's  
report dated July 18, 1989.

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

Attest:

7-25-89

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 28, 1989

John E. DeWald, Esquire  
Law Department  
The Prudential Insurance Co.  
of America  
Prudential Plaza (13th Floor)  
Newark, New Jersey 07101

RE: MUR 2819  
Prudential Insurance Company  
of America Federal PAC  
Milan E. Johnson, as treasurer

Dear Mr. DeWald:

On July 25, 1989, the Federal Election Commission found that there is probable cause to believe your clients, Prudential Insurance Company of America Federal PAC and Milan E. Johnson, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii), provisions of the Federal Election Campaign Act of 1971, as amended, in connection with your clients' failure to file the 1988 October Quarterly and 12 Day Pre-General Reports in a timely fashion.

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.

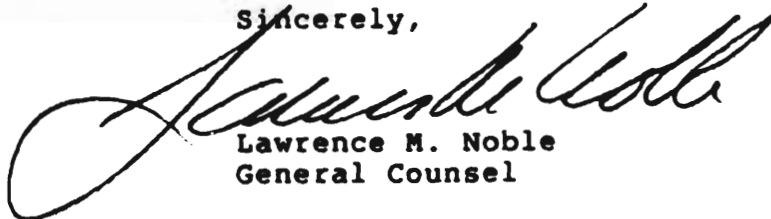
Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission accept 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

John E. DeWald, Esquire  
Page 2

meeting in connection with a mutually satisfactory conciliation agreement, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble  
General Counsel

Enclosure  
Conciliation Agreement

cc: William E. Wallace, III, Esquire

00040784551

DAVID C. MURCHISON  
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WILLIAM SIMON  
HAROLD F. BAKER

### OF COUNSEL

LOIS G. WILLIAMS

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WILLIAM L. WEBBER  
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ROBERT B. WIGGINS  
WH. TWEY ZAHN\*  
CARMINE R. ZARLENGA

August 4, 1989

NOT ADMITTED IN THE STATE OF CALIFORNIA

### BY HAND DELIVERY

Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W., Room 657  
Washington, D.C. 20463

Re: MUR 2819

The Prudential Insurance Company of America  
Federal PAC, Milan E. Johnson, as Treasurer

Dear Mr. Noble:

Recently we received a letter from you informing us that the Federal Election Commission had found probable cause to believe that our client, The Prudential Insurance Company of America Federal PAC, and its treasurer, Milan E. Johnson, had violated two provisions of the Federal Campaign Act of 1971, as amended (the "Act"). Several aspects of this matter cause us some concern, and we are writing you in an attempt to resolve these concerns as quickly as possible.

First, we were surprised to find that you had submitted a brief to the Commission recommending a finding of probable cause without our having received notice of your recommendation. After receiving your letter purporting to notify us of the Commission's finding, our client reviewed its files and found no letter from you

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FEDERAL ELECTION COMMISSION  
OFFICE OF THE CLERK  
AUG 4 1989  
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HOWREY & SIMON

Lawrence M. Noble, Esq.  
August 4, 1989  
Page 2

indicating that you had submitted any brief or recommendation whatsoever to the Commission. Further, our client has no recollection of ever having received such a letter or brief. Therefore, we asked Frances Hagan to provide us with a copy of such notice, along with your brief. Since Ms. Hagan could provide only unsigned, undated copies of a letter from you to John DeWald and an attached brief, we can only assume that such a letter, as well as the brief, was never mailed. Consequently, we were unable to file any response to your brief prior to the Commission's finding.

Second, despite the fact that we repeatedly have communicated to you our position, you failed to make any mention of our position or of any of the facts relating to the reason why this report was not timely received by the FEC. Absent from your brief, for example, is any reference whatsoever to the "best efforts" provision codified at 2 U.S.C. § 432(i) (1982) and 11 C.F.R. § 104.7 (1988). The result of your failure to either provide us with notice of your recommendation or to inform the Commission of our position is that the Commission (apparently) made a finding of probable cause without knowledge of any of the facts in this case other than that the FEC did not receive the reports in question prior to the deadlines.

Third, we asked Frances Hagan to provide us with a copy of the certification by the secretary of the Commission certifying that the Commission actually made a finding of probable cause to believe that our clients violated the Act. We also asked for a copy of your brief to the Commission recommending a finding of probable cause, as well as copies of internal statements of policy and interpretation regarding the "best efforts" provision. Despite our clear entitlement to these documents under the regulations, Ms. Hagan refused to provide them. Instead, she provided us only with an unsigned and undated copy of your brief.

We would very much like to resolve this entire matter in a cooperative and expeditious manner. Please let me know as soon as possible if you intend to persist in your refusal to provide these documents. I look forward to hearing from you at your earliest convenience.

Sincerely,



William E. Wallace III

06C 3935

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ANTHONY E. ZAHN  
CARMEN R. ZARLENGA

## COUNSEL

EDWARD F. HOWREY  
WILLIAM SIMON  
HAROLD F. BAKER

## OF COUNSEL

LOIS G. WILLIAMS

## ECONOMIC COUNSEL

DAVID P. KAPLAN

August 30, 1989

NOTED BY THE DISTRICT OF COLUMBIA

Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Room 657  
Washington, D.C. 20463

RE: MUR 2819  
The Prudential Insurance Company of America  
Federal PAC, Milan E. Johnson as Treasurer

Dear Mr. Noble:

On August 4, 1989, we delivered to you a letter setting forth our concerns regarding the Federal Election Commission's alleged finding of probable cause to believe that our client, The Prudential Insurance Company of America Federal PAC, and its Treasurer, Milan E. Johnson, had violated two provisions of the Federal Campaign Act of 1971, as amended (the "Act"). That letter, a copy of which is enclosed herewith, was delivered to you as part of our attempt to resolve cooperatively our concerns regarding the failure of your office to provide us with documents to which we are entitled under the regulations, and the failure of the Commission to follow procedural requirements set forth in the regulations with respect to probable cause determinations.

The requests contained in our August 4, 1989 letter are reasonable and straightforward: We are requesting a small

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HOWREY & SIMON

Lawrence M. Noble, Esq.

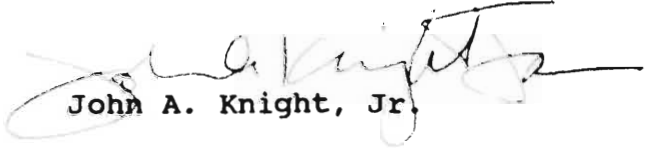
August 30, 1989

Page Two

number of documents to which we are clearly entitled under the regulations; we would also like to discuss the procedural deficiencies that have attended your office's prosecution of this matter. To date, however, we have received no response from you whatsoever.

Nonetheless, we remain willing to resolve this entire matter in a cooperative and expeditious manner and would appreciate the courtesy of a response. I look forward to hearing from you at your earliest convenience.

Sincerely,



John A. Knight, Jr.

Enclosure

# HOWREY & SIMON

1730 PENNSYLVANIA AVENUE, NORTHWEST

WASHINGTON, D.C. 20006-4793

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CABLE HOWREY FAW WSH

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## COUNSEL

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WILLIAM SIMON  
HAROLD F. BAKER

## OF COUNSEL

LOIS G. WILLIAMS

## ECONOMIC COUNSEL

DAVID P. KAPLAN\*

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September 11, 1989

DAVID C. MURCHISON  
A. DUNCAN WHITAKER  
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JOHN DIO BRIGGS III  
HARVEY G. SHERZER  
WILLIAM R. OBRIEN  
JOHN W. NIELDS, JR.  
ROBERT F. RUYAK  
PAUL PLAIA, JR.  
JAMES F. DAVIS  
EDWARD P. HENNEBERRY

MARK D. WEGENER  
TOM M. SCHAMBERG  
PETER E. MOLL  
JOHN F. BRUCE  
ROBERT M. BRUSKIN  
MARGUERITE SMITH BOYD  
ROBERT J. BROOKHISER, JR.  
RAYMOND A. JACOBSEN, JR.  
ROGER A. KLEIN  
HERBERT C. SHELLEY  
JOHN BODNER, JR.  
STUART H. HARRIS  
GASPAR E. BONO  
SCOTTE E. FLICK  
MARGARET M. ZWISLER  
ALAN M. GRIMALDI  
ROBERT L. GREEN, JR.  
WILLIAM A. ROBERTS III

EZRA C. LEVINE  
JOEL D. KAUFMAN  
MICHAEL J. MURLEY  
WILLIAM E. WALLACE III  
GEORGE D. BILLINSON  
DAVID C. EDDY  
ROXANNE HENRY  
CECILIA H. GONZALEZ  
W. NEIL EGGLESTON  
LEWIS M. BARR  
JERROLD J. GANZFRIED\*  
GREGORY L. BAKER  
ROBERT S. BUDOFF  
BASIL C. CULYBA  
MARCIA PRESS KAPLAN  
KATHLEEN C. LITTLE  
ALBERT C. LOEBE  
JOHN C. PEIRCE

JOHN R. ALISON  
SCOTT ARNOLD  
YVETTE BENGUEREL  
DARREN B. BERNHARD  
NANCY L. BOUGHTON\*  
MARK C. BOYLAND\*  
TIMOTHY E. BUIVIE\*  
STEPHEN W. BRICE  
KAREN K. BRUCH  
JAMES M. BURNS  
JOANNE E. CARUSO  
GIOVANNAM. CINELLI\*  
JOHN D. CLAYBROOK\*  
JULIANAM. COFRANCESCO  
JENNIFERE. COOPER\*  
LEE P. CURTIS  
MINDY G. DAVIS\*  
NANCY O. DIN  
M. LEE DOANE  
SUSAN M. DONOVAN  
BARBARA A. DUNCOMBE  
STEPHEN J. EASLEY\*  
MARY P. ELIAN\*  
CHARLES J. ENGEL III  
PATRICIA EWING  
MARGARETH. FITZSIMMONS  
BRANT. FOLEY\*  
LAUREN D. FRANK\*  
BARBARA A. FRIEDMAN  
MONA J. FRIEDMAN  
KENNETH A. GALLO

THOMAS W. GORMAN  
BRIAN P. GRANT\*  
GREGG ARTHUR HAND\*  
RONALD G. HARON  
ROSEMARY HENRY  
FREDERICK M. HERRERA\*  
JOEL D. HESCH\*  
THOMAS N. HEYER  
THOMAS J. HORTON  
DENNIS M. HUGHES  
THOMAS A. ISAACSON  
GARY L. IVENS  
SCOTT J. JORDAN  
LAUREN D. KAPIN\*  
JOHN M. KATKO\*  
ALICE A. KIBEL  
ELIZABETH EBNER KLINE\*  
JOHN A. KNIGHT JR.\*  
DAVID J. LAING\*  
FRANK GUY LAMANCUSA\*  
GEORGE JAVOAS  
JOSEPH P. LAVELLE  
RE. LEIDENHEIMER, JR.\*  
SHARID. LEVENTHAL\*  
LISA A. LINDSTROM  
KATHLEEN HEENAN MCGILAN  
JOYCE E. MCSPADDEN\*  
SARAH M. MCWILLIAMS\*  
HELEN KATHERINE MICHAEL  
MARIAM J. NANNI\*

GARY H. NUNES\*  
PAUL M. ORBUCH\*  
STEVEN R. PETRI  
EBERHARD W. PFALLER, JR.  
MITCHELL J. RAPP\*  
JENNIFER RIE\*  
H. MCGUIRE RIPLEY\*  
RICHARD ARTHUR RIPLEY  
JOHN R. ROELLKE\*  
JOHN J. ROSENTHAL\*  
MICHAEL L. ROY  
LISA J. SAKS  
CHARLES H. SAMEL  
SUSAN SCHORR\*  
SHEILA R. SCHREIBER  
CLAUDE F. SCOTT  
KEITH L. SEAT  
KEITH D. SHUGARMAN  
DIANA E. STEIN\*  
GREGORY W. STEVENS  
BARBARA K. SUMMERS  
LYLE B. VANDER SCHAAF\*  
JAMES R. WADE  
CAROL LYNN WALLACK  
ANNE H. WARNER  
WILLIAM W. WEBBER  
EDWIN H. WHEELER  
ROBERT B. WIGGINS  
WHITNEY E. ZAHN\*  
CARMINE R. ZARLenga

\*NOT ADMITTED IN THE DISTRICT OF COLUMBIA

## BY HAND DELIVERY

Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W., Room 657  
Washington, D.C. 20463

Re: MUR 2819  
The Prudential Insurance Company of America  
Federal PAC, Milan E. Johnson, as Treasurer

Dear Mr. Noble:

Recently we received a letter from you informing us that the Federal Election Commission had found probable cause to believe that our clients, The Prudential Insurance Company of America Federal PAC, and its treasurer, Milan E. Johnson, had violated two provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). On August 4, 1989, we hand delivered to you a letter detailing our concerns with the way in which your office is handling this matter. On August 30, 1989, since we had not heard from your office, we sent you another letter, reiterating our desire to resolve this matter

HOWREY & SIMON

Lawrence M. Noble, Esq.

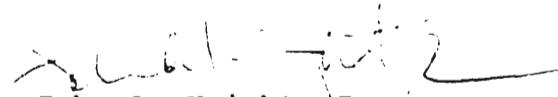
September 11, 1989

Page 2

and asking for a response. To date, neither you nor anyone else in your office has attempted to contact us to address our concerns or to discuss a mutually satisfactory resolution to this matter.

As stated in Mr. Wallace's letter of August 4, 1989, we received no notice that your office had recommended, or was contemplating recommending, that the Commission make a finding of probable cause.

Sincerely,

  
John A. Knight, Jr.

Enclosure

00040704570

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 ) MUR 2819  
Prudential Insurance Company )  
of America Federal PAC )  
Milan E. Johnson, as treasurer )

## I. BACKGROUND

On July 25, 1989, the Commission found probable cause to believe that Prudential Insurance Company of America Federal PAC ("the Committee") and Milan E. Johnson, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii), by failing to file the 1988 October Quarterly and 12 Day Pre-General Reports in a timely fashion. At the same time, the Commission approved a probable cause conciliation proposal in settlement of this matter.

On August 4, 1989, the Office of the General Counsel received a letter from respondents stating that the General Counsel's Brief in the matter had not been received. The brief and letter, dated June 20, 1989, were sent by certified mail and have not been returned. However, the receipt notice (the green card) has not been returned to the Commission, and an inquiry to the U.S. Postal Service is pending. Therefore, this Office is recommending that the Commission rescind the finding of probable cause to believe, and approve the attached letter (with a copy of the brief enclosed) allowing for response to the brief within 15 days of receipt of the letter.

## II. RECOMMENDATIONS

1. Rescind the finding of probable cause to believe dated July 25, 1989, against the Prudential Insurance Company of America Federal PAC and Milan E. Johnson, as treasurer, for

violations of 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii).

2. Approve the attached letter.

Date

8/30/87

  
Lawrence M. Noble  
General Counsel

Attachment:  
Letter

Staff assigned: Frances B. Hagan

0114070457

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Prudential Insurance Company ) MUR 2819  
of America Federal PAC )  
Milan E. Johnson, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 5, 1989, the Commission decided by a vote of 5-0 to take the following actions in MUR 2819:

1. Rescind the finding of probable cause to believe dated July 25, 1989, against the Prudential Insurance Company of America Federal PAC and Milan E. Johnson, as treasurer, for violations of 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii).
2. Approve the letter attached to the General Counsel's Report dated August 30, 1989.

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

Attest:

9/5/89  
Date

Hilda Arnold  
for Marjorie W. Emmons  
Secretary of the Commission

Received in the Secretariat:  
Circulated on 48 hour tally basis:  
Deadline for vote:

Wednesday, August 30, 1989 2:34  
Thursday, August 31, 1989 11:00  
Tuesday, September 5, 1989 11:00

00040784579



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 14, 1989

William E. Wallace, III, Esquire  
Howrey & Simon  
1730 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006-4793

RE: MUR 2819  
Prudential Insurance Company of  
America Federal PAC  
Milan E. Johnson, as treasurer

Dear Mr. Wallace:

This is in response to your letter dated August 4, 1989, requesting certain information and documents on behalf of your clients, the Prudential Insurance Company of America Federal PAC ("the Committee") and Milan E. Johnson, as treasurer, in the above-referenced matter.

The General Counsel's Brief in this matter and the accompanying letter were mailed on June 21, 1989, to John E. DeWald, Esquire, Law Department, The Prudential Insurance Co. of America, Prudential Plaza (13th Floor), Newark, New Jersey 07101. On July 28, 1989, you were notified that on July 25, 1989, the Commission found probable cause to believe that your clients violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii).

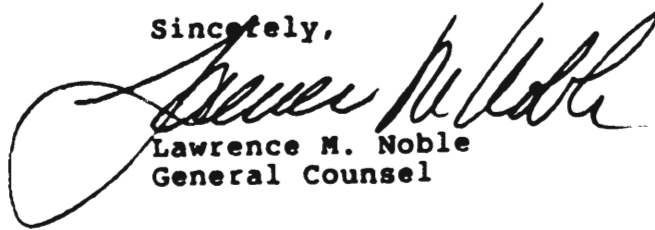
Enclosed please find a copy of the General Counsel's Brief, signed and dated June 20, 1989. Although the original letter and brief have not been returned by mail, you stated that your clients have not received these documents. Therefore, on September 5, 1989, the Commission decided to rescind the finding of probable cause to believe of July 25, 1989, and allow your clients to respond to the enclosed brief within 15 days of receipt of this letter.

You also requested policy statements regarding the "best efforts" provision. Sources for this information are available for review and copying in the Public Records office or library at the Commission. These sources include the closed Matter Under Review files, the Commission's Advisory Opinions, the Explanation and Justification to the Regulations, and legislative history.

William E. Wallace, III, Esquire  
Page 2

Should you have any further questions, please contact  
Frances B. Hagan, the staff member assigned to this matter at  
(202) 376-8200.

Sincerely,



Lawrence M. Noble  
General Counsel

Enclosure  
Brief and Letter

cc: John E. DeWald, Esquire

00040764578

OGC 4/68

**HOWREY & SIMON**

1730 PENNSYLVANIA AVENUE, N.W.

WASHINGTON, D.C. 20006-4793

(202) 783-0800

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL

89 OCT -3 PM 2:48

WILLIAM E. WALLACE III  
(202) 383-7108

October 3, 1989

CABLE: HOWREYLA WSH  
TELEX: 753472  
FAX: (202) 383-6610

**BY HAND**

Hon. Marjorie W. Emmons  
Secretary  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

RE: MUR 2819  
The Prudential Insurance Company of America  
Federal PAC, Milan E. Johnson as Treasurer

Dear Ms. Emmons:

On September 18, 1989, we received a letter from Lawrence M. Noble, informing us that he had recommended that the Commission find probable cause to believe that our clients, The Prudential Insurance Company of America, Federal PAC and its treasurer, Milan E. Johnson, had violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii). Mr. Noble stated that within fifteen days of receipt of his letter, our clients may respond to the General Counsel's recommendation. Accordingly, enclosed herewith are ten copies of the Respondents' Brief.

Very truly yours,

*William E. Wallace III*  
William E. Wallace III

Enclosure

cc: Lawrence M. Noble, Esq. v

00140704379

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF )

THE PRUDENTIAL INSURANCE )  
COMPANY OF AMERICA )  
FEDERAL PAC )  
MILAN E. JOHNSON, TREASURER )

MUR 2819

BRIEF OF RESPONDENTS THE PRUDENTIAL INSURANCE COMPANY  
OF AMERICA FEDERAL PAC, MILAN E. JOHNSON, TREASURER

The General Counsel to the Federal Election Commission has recommended a finding of probable cause to believe that respondents, The Prudential Insurance Company of America Federal PAC and its treasurer, Milan E. Johnson (collectively "Prudential"), have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). The General Counsel's brief fails completely to make any reference to important facts surrounding Prudential's good faith effort and attempt to comply with the Act.

I. FACTS

The General Counsel's Brief correctly states that the Act required Prudential to file its Quarterly Report on or before October 15, 1988, and its Pre-General Report on or

before October 27, 1988. What the General Counsel fails to mention is that Prudential prepared and mailed both reports prior to the statutory deadline. On November 21, 1988, however, Prudential received notice from an employee of the Commission that the 1988 Quarterly Report had not been received by the Commission. Upon receipt of this letter, Prudential promptly investigated the matter and discovered that through clerical error the report had been mis-addressed, causing the Postal Service to deliver the reports to the Office of Campaign Finance of the District of Columbia. Thus, on November 23, 1988, two days after receipt of the Commission's letter, Prudential caused a duplicate copy of the report to be sent to the Commission. Such duplicate copy was received on the day after the Thanksgiving holiday, November 25, 1988, three business days after receipt of the letter from the Commission that was Prudential's first notice of the problem of non-receipt.

Upon discovery that the October 1988 Quarterly Report had been sent to the District of Columbia Campaign Finance Office, Prudential investigated further and discovered that the 1988 Pre-General Report had been similarly mis-addressed. Immediately upon this discovery, Prudential caused a duplicate copy of this report to be sent to the Commission. The report was filed on November 30, 1988, six business days after receipt of the Commission's letter regarding the Quarterly Report. Prudential had received no previous notice that the Pre-General Report had not been received.

II. ANALYSIS

While repeatedly referring to 2 U.S.C. § 434, the General Counsel's brief conspicuously omits any reference to 2 U.S.C. § 432(1) (1982): "When the treasurer of a political committee shows that best efforts have been used to obtain, maintain and submit the information required . . . any report of such committee shall be considered in compliance with the Act." The "best efforts" provision has been termed "a reasonable and appropriate accommodation of the compelling government interest in 'limit[ing] the actuality and appearance of corruption' with the First Amendment rights of political candidates and donors." Federal Election Commission v. Re-elect Hollenbeck to Congress Committee, Civ. Action No. 85-2239, at 4 (D.D.C. 1986) (quoting Federal Election Commission v. National Conservative PAC, 470 U.S. 480 (1985)) (citations omitted). Moreover, the Commission has indicated its approval of the "best efforts" provision by incorporating the provision into its own regulations. 11 C.F.R. § 104.7 (1988).


The "best efforts" provision was written precisely to address situations like that in the instant case. Clearly, Prudential used its best efforts to obtain, maintain and submit the information within the statutory time frame. Indeed, the

information was in fact mailed with the prescribed time period. Furthermore, when notified that the Commission had not received the reports, Prudential immediately dispatched duplicate copies that were received by the Commission within days. Any interpretation of the "best efforts" provision that renders it inapplicable to the facts of this case would be "patently unreasonable," Re-elect Hollenbeck to Congress Committee at 5, and would render the provision completely meaningless.

III. CONCLUSION

For the foregoing reasons, Prudential respectfully requests that the Commission determine that no probable cause exists to believe that Prudential violated the Act.

Respectfully submitted

  
William E. Wallace III  
John A. Knight, Jr.  
HOWREY & SIMON  
1730 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006-4793  
(202) 783-0800

ATTORNEYS FOR RESPONDENTS  
THE PRUDENTIAL INSURANCE OF  
AMERICA FEDERAL PAC  
MILAN E. JOHNSON, TREASURER

OF COUNSEL:

John E. DeWald, Esq.

89 NOV 30 P11 4:42

BEFORE THE FEDERAL ELECTION COMMISSION

**SENSITIVE**  
**EXECUTIVE SESSION**  
**DEC 12 1989**

In the Matter of )  
Prudential Insurance Company ) MUR 2819  
of America Federal PAC )  
Milan E. Johnson, as treasurer )

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On July 25, 1989, the Commission found probable cause to believe that Prudential Insurance Company of America Federal PAC ("the Committee") and Milan E. Johnson, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii), by failing to file the 1988 October Quarterly and 12 Day Pre-General Reports in a timely fashion. On August 4, 1989, the Office of the General Counsel received a letter from respondents stating that the General Counsel's Brief in the matter had not been received. The brief and letter, dated June 20, 1989, were sent by certified mail and have not been returned. However, the receipt notice (the green card) has not been returned to the Commission, and an inquiry to the U.S. Postal Service is pending. Therefore, at our recommendation, the Commission, on September 5, 1989, rescinded the finding of probable cause to believe, and allowed the Committee to respond to the brief.

The Committee's response brief, submitted October 3, 1989, concludes that the Commission should take no further action in the matter of two reports filed late. Counsel for the Committee reiterated previous arguments in defense of the late filings, asserting that the Committee mailed the reports in a timely

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fashion, claiming that because of "clerical error," the reports were misaddressed to the District of Columbia Campaign Finance Office. Counsel stated further that "two days" after receipt of the Commission's non-filer notice regarding the 1988 October Quarterly Report, the Committee mailed the report to the Commission's address. In addition, the Committee then "discovered that the 1988 [12 Day] Pre-General Report had been similarly mis-addressed." This report was then mailed to the Commission's address. The Committee also argued that the "best efforts" provision of 2 U.S.C. § 432(i) "was written precisely to address situations like that in the instant case."

The Committee's statements regarding the possible "clerical error," and the prompt remedial action may be regarded as mitigating factors during settlement negotiations. However, the Committee's arguments do not vitiate the violations here. The Commission has consistently applied the "best efforts" standard to recordkeeping and obtaining of disclosure information rather than to the timeliness of reports. Timely filing of reports has been held to a strict liability standard. Therefore, this Office is again recommending that the Commission find probable cause to believe that violations of 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii) occurred in this matter.

## II. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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### III. RECOMMENDATIONS

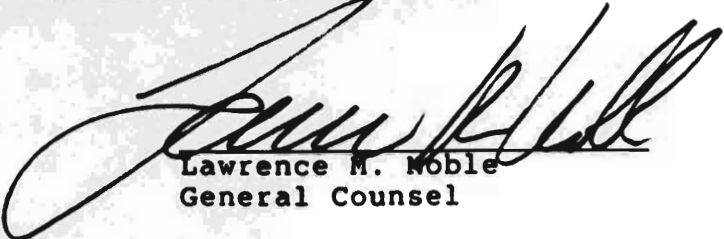
1. Find probable cause to believe that the Prudential Insurance Company of America Federal PAC and Milan E.

Johnson, as treasurer, violated 2 U.S.C.  
§§ 434(a)(4)(A)(i) and (ii).

2. Approve the attached conciliation agreement and letter.

Date

11/30/89

  
Lawrence M. Noble  
General Counsel

Attachments:

- A. Conciliation Agreement
- B. Letter

Staff assigned: Frances B. Hagan

0004076587

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Prudential Insurance Company ) MUR 2819  
of America Federal PAC )  
Milan E. Johnson, as treasurer )

CERTIFICATION

J. Hilda Arnold, recording secretary for the Federal Election Commission executive session of December 12, 1989, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions with respect to MUR 2819:

1. Find probable cause to believe that the Prudential Insurance Company of America Federal PAC and Milan E. Johnson, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii).
2. Approve the conciliation agreement and letter as recommended in the General Counsel's Report dated November 30, 1989.

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

Attest:

12/12/89  
Date

Hilda Arnold  
Hilda Arnold  
Administrative Assistant



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 15, 1989

William E. Wallace, III, Esquire  
Howrey & Simon  
1730 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006-4793

RE: MUR 2819  
Prudential Insurance Company  
of America Federal PAC  
Milan E. Johnson, as treasurer

Dear Mr. Wallace:

On December 12, 1989, the Federal Election Commission found that there is probable cause to believe your clients, Prudential Insurance Company of America Federal PAC and Milan E. Johnson, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii), provisions of the Federal Election Campaign Act of 1971, as amended, in connection with your clients' failure to file the 1988 October Quarterly and 12 Day Pre-General Reports in a timely fashion.

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 ten days. I will then recommend that the Commission accept the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

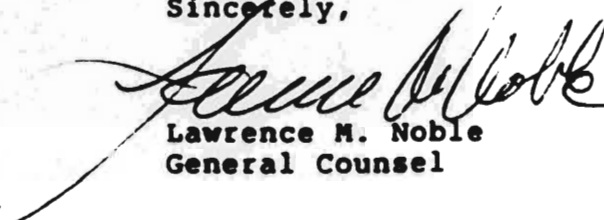
If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a

00040764589

William E. Wallace, III, Esquire  
Page 2

meeting in connection with a mutually satisfactory conciliation agreement, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble  
General Counsel

Enclosure  
Conciliation Agreement

cc: John E. DeWald, Esquire

00040784500



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 26, 1990

William E. Wallace, III, Esquire  
Howrey & Simon  
1730 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006-4793

RE: MUR 2819  
Prudential Insurance Company  
of America Federal PAC  
Milan E. Johnson, as treasurer

Dear Mr. Wallace:

On December 15, 1989, you were notified that the Federal Election Commission found probable cause to believe that your clients, the Prudential Insurance Company of America Federal PAC and Milan E. Johnson, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii). On that same date, you were sent a conciliation agreement offered by the Commission in settlement of this matter.

Please note that pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), the conciliation period in this matter may not extend for more than 90 days, but may cease after 30 days. Insofar as more than 30 days have elapsed without a response from you, a recommendation concerning the filing of a civil suit will be made to the Commission by the Office of the General Counsel unless we receive a response from you within 5 days of receipt of this letter.

Should you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

A handwritten signature in dark ink, appearing to read "L. G. Lerner", is written over the typed name of the Associate General Counsel.

BY: Lois G. Lerner  
Associate General Counsel

00040764521

90 MAR -6 AM 11:11

**SENSITIVE****BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 ) MUR 2819  
Prudential Insurance Company )  
of America Federal PAC )  
Milan E. Johnson, as treasurer )

**GENERAL COUNSEL'S REPORT**

On December 12, 1989, the Commission found probable cause to believe that the Prudential Insurance Company of America Federal PAC and Milan E. Johnson, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii), and entered into conciliation. On December 15, 1989, the Committee was notified of the Commission's finding. Subsequent negotiations led to a verbal agreement; and we expect to receive a signed conciliation agreement to resolve this matter within the allotted post-probable cause time period.

Lawrence M. Noble  
General Counsel

Date

3/5/90

BY:



Lois G. Lerner  
Associate General Counsel

Staff assigned: Frances B. Hagan



06-C 56 257  
John E. DeWald, CLU, FLMI  
Assistant General Counsel  
Law Department

The Prudential Insurance Company of America  
751 Broad Street, Newark, NJ 07102-3777  
201 802-8940

March 6, 1990

Lois G. Lerner, Esq.  
c/o Frances B. Hagan  
Federal Election Commission  
Washington, DC 20463

Re: MUR 2819 FEDERAL ELECTION COMMISSION ACTION AGAINST  
THE PRUDENTIAL PAC (MILAN E. JOHNSON, AS TREASURER):  
CONCILIATION AGREEMENT

Dear Ms. Hagan:

Enclosed you will find the executed and signed copy of the  
Conciliation Agreement sent to my office by you on February 22  
1990.

If you have any questions regarding the above matter please  
do not hesitate to call.

Very truly yours,

John E. DeWald  
Assistant General Counsel

2:JED9/vdm  
Enclosure

cc: Paul A. Nolle, Esq.  
Milan E. Johnson

HAND DELIVERED

90 MAR -7 AH 10:02

FEDERAL ELECTION COMMISSION  
MAIL ROOM

90 MAR -7 AH 11:35

FEDERAL ELECTION COMMISSION  
OFFICE

RECEIVED

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SENT TO MUR 19

BEFORE THE FEDERAL ELECTION COMMISSION

**SENSITIVE**

In the Matter of )  
 ) MUR 2819  
Prudential Insurance Company )  
of America Federal PAC )  
Milan E. Johnson, as treasurer )

**GENERAL COUNSEL'S REPORT**

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Milan E. Johnson, treasurer of Prudential Insurance Company of America Federal PAC (the "Committee").

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Prudential Insurance Company of America Federal PAC and Milan E. Johnson, as treasurer.


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2. Close the file.
3. Approve the attached letter.

Lawrence M. Noble  
General Counsel

3/9/90  
Date

BY:

  
Lois G. Lerner  
Associate General Counsel

Attachments

- A. Conciliation Agreement
- B. Letter to Respondent

Staff Assigned: Frances B. Hagan

00040784592

The Prudential Insurance Company of America  
Federal Political Action Committee

March 22, 1990

Lois G. Lerner, Esq.  
c/o Frances B. Hagan  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463

RE: MUR 2819 FEDERAL ELECTION COMMISSION ACTION AGAINST  
THE PRUDENTIAL PAC (MILAN E. JOHNSON, AS TREASURER):  
CONCILIATION AGREEMENT

Dear Ms. Hagan:

Enclosed you will find a check for \$1,200.00 made payable to the Federal Election Committee in connection with the above referenced Conciliation Agreement.

If you have any questions regarding the above matter, please do not hesitate to call.

Very truly yours,

Milan E. Johnson  
Treasurer

MEJ:pt  
Enclosure (Check)

90 MAR 27 AM 11:49

The Prudential 

066 5815  
John E. DeWald, CLU, FLMI

Assistant General Counsel  
Law Department

The Prudential Insurance Company of America  
751 Broad Street, Newark, NJ 07102-3777  
201 802-8940  
90 APR -2 PM 12:03

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FEDERAL ELECTION COMMISSION

March 29, 1990

Frances B. Hagan  
Counsel's Office  
Federal Election Commission  
Washington, DC 20463

Re: **MUR 2819 PRUDENTIAL INSURANCE COMPANY OF AMERICA  
FEDERAL PAC MILAN E. JOHNSON AS TREASURER**

Dear Ms. Hagan:

I have attempted to reach you, by telephone, unsuccessfully, on March 20, 1990 and March 28, 1990 to confirm your receipt of our executed copy of the Conciliation Agreement mailed from this office, by federal express, on March 6, 1990.


If you have not yet received this executed Conciliation Agreement please contact me at your earliest convenience.

I am assuming that the monetary settlement amount is not due and payable until 30 days after formal acceptance of the Conciliation Agreement by the Commission. If this assumption is incorrect, please advise.

Please feel free to contact me if there are any further questions on this matter.

Thank you very much.

Very truly yours,

  
John E. DeWald  
Assistant General Counsel

JED/vdm  
Info. cc: Paul A. Nolle, Esq.  
Milan E. Johnson

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Prudential Insurance Company ) MUR 2819  
of America Federal PAC )  
Milan E. Johnson, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission executive session on April 3, 1990, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2819:

1. Accept the conciliation agreement with Prudential Insurance Company of America Federal PAC and Milan E. Johnson, as treasurer, as recommended in the General Counsel's report dated March 9, 1990.
2. Close the file.
3. Approve the letter attached to the General Counsel's report dated March 9, 1990.

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

Attest:

4-4-90  
Date

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

CLOSED



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 9, 1990

John E. DeWald, Esquire  
Law Department  
Prudential Insurance Company  
of America  
Prudential Plaza  
Newark, New Jersey 07101

RE: MUR 2819  
Prudential Insurance Company  
of America Federal PAC  
Milan E. Johnson, as treasurer

Dear Mr. DeWald:


On April 3, 1990, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of violations of 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel. Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

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

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Sincerely,

BY:  Lois G. Lerner  
Associate General Counsel

Enclosure  
Conciliation Agreement

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 ) MUR 2819  
Prudential Insurance Company )  
of America Federal PAC )  
Milan E. Johnson, as treasurer )  
 )  
 )

**CONCILIATION AGREEMENT**

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found probable cause to believe that the Prudential Insurance Company of America Federal PAC and Milan E. Johnson, as treasurer, ("Respondents") violated 2 U.S.C. §§ 434(a)(4)(A)(i) and (ii).

NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C.

§ 437g(a)(4)(A)(i), do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.

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

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

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

1. The Prudential Insurance Company of America Federal PAC is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Milan E. Johnson is the treasurer of the respondent committee.

3. Section 434(a)(4)(A)(i) of Title 2 provides that for unauthorized committees filing quarterly, such committees shall file quarterly reports in a calendar year in which a regularly scheduled general election is held. Quarterly reports are to be filed no later than the 15th day after the last day of each calendar quarter.

4. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), respondents were required to file the 1988 October Quarterly Report no later than October 15, 1988. Respondents filed the 1988 October Quarterly Report on November 25, 1988, forty-one days late, disclosing \$5,898 in receipts and \$600 in disbursements.

5. Section 434(a)(4)(A)(ii) of Title 2 provides that unauthorized committees shall file a pre-election report, which shall be filed no later than the 12th day before the election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election.

6. Pursuant to 2 U.S.C. § 434(a)(4)(A)(ii), respondents were required to file the 1988 12 Day Pre-General Report by October 27, 1988. Respondents filed the 1988 12 Day Pre-General Report on November 30, 1988, thirty-four days late, disclosing \$7,826 in receipts and \$11,667 in disbursements.

V. 1. Respondents failed to file the 1988 October Quarterly Report in a timely fashion.

2. Respondents failed to file the 1988 12 Day Pre-General Report in a timely fashion.

3. Respondents contend that the 1988 October Quarterly Report and the 1988 12 Day Pre-General Report were mailed before the required due dates; but that due to clerical error, the reports in question were sent to the wrong address.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of one thousand two hundred dollars (\$1,200), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and

no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble  
General Counsel

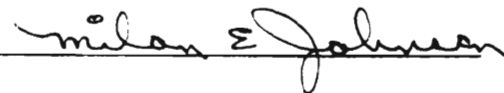
BY:

  
Lois G. Werner  
Associate General Counsel

Date

4/6/90

FOR THE RESPONDENTS:



Date

MARCH 2, 1990



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2819

DATE FILMED 4/28/90 CAMERA NO. 4

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