



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2827

DATE FILMED 9/12/89 CAMERA NO. 4

CAMERAMAN AS

3 4 0 4 0 7 6 3 3 2

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: _____

ANALYST: Robin Kelly

I. COMMITTEE: Friends of Tom Hickey for Congress
(C00231712)
Robert C. Hinz, Treasurer
12740 West Courtland Avenue
Butler, WI 53007^{1/}

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

III. BACKGROUND:

Failure to File a Required Report as of Election Day

The Friends of Tom Hickey for Congress ("the Committee") failed to file the 12 Day Pre-General Report of Receipts and Disbursements as of Election Day, November 8, 1988. The Committee was notified on October 3, 1988, that the 12 Day Pre-General Report was due October 27, 1988 (Attachment 2). A mailgram was sent to the Committee on October 28, 1988 for failure to file the 12 Day Pre-General Report (Attachment 3). The mailgram informed the Committee that failure to file the report within four (4) business days might result in publication, audit or legal enforcement action. The name of the Committee was published for failure to file the 12 Day Pre-General Report on November 4, 1988 (Attachment 4). On November 28, 1988, the Reports Analysis Division analyst spoke with the treasurer and informed him that the report should be filed. The treasurer was also informed that failure to file reports in a timely manner was a serious violation subject to enforcement action (Attachment 5).

The report has not been filed as of this date.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

^{1/} This information has been derived from reports filed. The Committee has never filed a Statement of Organization.

FEDERAL ELECTION COMMISSION
1987-1988
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

DATE 5DEC88

PAGE 2

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/ PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES TYPE OF FILER	MICROFILM LOCATION
		PRIMARY	GENERAL	PRIMARY	GENERAL			
HICKEY, THOMAS JOSEPH	HOUSE 09 DEMOCRATIC PARTY					1988 ELECTION	10# HGW109126	
1. STATEMENT OF CANDIDATE								
1988 STATEMENT OF CANDIDATE						1JUN88	1 88HGE/351/2267	
2. PRINCIPAL CAMPAIGN COMMITTEE								
FRIENDS OF TOM HICKEY FOR CONGRESS						10 #000231712 HOUSE		
1988 48 HOUR CONTRIBUTION NOTICE						11OCT88	1 88HGE/360/3688	
JULY QUARTERLY		6,490		4,405		16APR88 -15JUL88	15 88HGE/357/2871	
OCTOBER QUARTERLY		3,577		3,866		1JUL88 -30SEP88	7 88HGE/360/3653	
NOTICE OF FAILURE TO FILE						1OCT88 -19OCT88	1 88FEC/564/2242	
TOTAL		9,767	0	8,271	0		24 TOTAL PAGES	
3. AUTHORIZED COMMITTEES								
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN								

- Of the above listed reports, the July Quarterly Report has been reviewed.
- Cash-on-hand as of 9/30/88: \$1496.31
- Outstanding debts and obligations as of 9/30/88: \$0

9 9 0 4 0 7 6 3 3 4

REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL CANDIDATES

October 3, 1988

Report	Reporting Period	Reg./Cert.	Filing
		Mailing Date*	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

WHO MUST FILE

All 1988 general election principal campaign committees must file the pre- and post-general election reports.

WHO NEED NOT FILE

Principal campaign committees of candidates not active in the 1988 elections (i.e., committees active in past or future elections) and 1988 campaign committees not participating in the general election do not file the pre- and post-general reports.

WHAT MUST BE REPORTED

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

REPORTING FORMS

Candidate committees use FORM 3 (enclosed). If the campaign has more than one authorized committee, the principal campaign committee must also file a consolidated report on FORM 3Z.

WHERE TO FILE

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

LAST-MINUTE CONTRIBUTIONS

A Congressional committee that receives a contribution of \$1,000 or more during the period beginning October 20 and ending November 5 must provide notice of it to the appropriate filing offices within 48 hours of its receipt. Call the FEC for more information.

LABEL

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

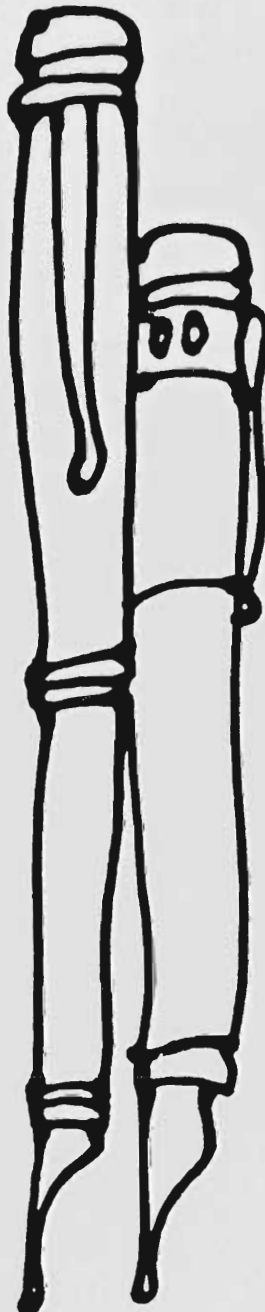
COMPLIANCE

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.

**Or 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



HQ-7

(This is a copy of the text of a mailgram sent to the committee listed below on October 28, 1988.)

Robert C. Hinz, Treasurer
Friends of Tom Hickey for Congress
12740 West Courtland Avenue
Butler, WI 53007

Identification Number: C00231712

Reference: 12 DAY PRE-GENERAL REPORT (10/1/88-10/19/88)

It has come to the attention of the Federal Election Commission that you may have failed to file the 12 Day Pre-General report of receipts and expenditures as required by the Federal Election Campaign Act, as amended. You were previously notified of the due date for this report. You will be allowed four (4) business days from the date of this notice to file the 12 Day Pre-General Report. The report should be filed with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, DC 20515, or the Secretary of the Senate, Office of Public Records, 232 Hart Senate Office Building, Washington, DC 20510, as appropriate. A copy of the report should also be filed with the appropriate Secretary of State or equivalent state officer.

If you have filed the report timely by certified or registered mail, please notify us immediately, in writing, of the certified or registered number and the date that the report was sent. The failure to file this report may result in publication, audit or legal enforcement action.

If you have any questions regarding this matter, please contact the Reports Analysis Division on our toll free number (900) 424-9530 or on our local number (202) 376-2480.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

FEDERAL ELECTION COMMISSION



Press Office
999 E Street, N.W., Washington, D.C. 20463
Phone: Local 376-3155 Toll Free 800-424-9530

FOR IMMEDIATE RELEASE:
FRIDAY, NOVEMBER 4, 1988

CONTACT: FRED EILAND
SHARON SYNDER
SCOTT MOXLEY

FEC CITES PRESIDENTIAL AND CONGRESSIONAL CAMPAIGNS FOR FAILING TO FILE PRE-GENERAL ELECTION REPORTS

WASHINGTON — The Federal Election Commission has cited the campaign committees of one presidential candidate and nineteen 1988 U.S. Senate and House candidates for failing to file the required pre-general election financial disclosure reports.

Reports from the following committees with candidates active in the general election had not been filed as of 5 p.m., November 3:

PRES...POPULIST PARTY OF AMER NATL CMTE (D. DUKE FOR PRES)...DAVID DUKE...POP
MN/SEN...POLLY MANN FOR U.S. SENATE...POLLY MANN...PROGRESSIVE ISSUES PARTY
CA/24...FRIENDS OF JOHN N. COMLES...JOHN N. COMLES...REP
FL/15...MIKE KUHLE FOR CONGRESS...MICHAEL ALFRED KUHLE...DEM
IN/10...JIM CUMMINGS FOR CONGRESS COMMITTEE...JAMES CUMMINGS...REP
MA/11...GILLERAN FOR CONGRESS COMMITTEE...MICHAEL C. GILLERAN...REP
MD/03...PIERPONT FOR CONGRESS...DR. ROSS E. PIERPONT...REP
NC/01...MOYE FOR CONGRESS...HOWARD DEWITT MOYE, JR...REP
NE/03...RACEK FOR CONGRESS...JOHN D. RACEK...DEM
NY/30...COOK FOR CONGRESS...THOMAS D. COOK...CRV
NY/15...DOUKAS FOR CONGRESS COMMITTEE...PETER G. DOUKAS...DEM
*NY/06...CONGRESSMAN FLOYD FLAKE CAMPAIGN COMMITTEE...FLOYD H. FLAKE...DEM
NY/11...FRIENDS OF RIAZ B. HUSSAIN FOR CONGRESS...RIAZ B. HUSSAIN...REP
NY/15...COMMITTEE TO ELECT LEVITT...JOHN LEVITT...LIB
*NY/03...PREVIDI FOR CONGRESS...ROBERT PREVIDI...REP
OH/12...GELPI FOR CONGRESS COMMITTEE...MICHAEL A. GELPI...IND
OH/14...LORETTA LANG FOR CONGRESS...LORETTA AUGUSTA LANG...REP
PA/10...CMTE TO ELECT ROBERT CORDARO FOR CONGRESS...ROBERT C. CORDARO...DEM
TX/04...FRIENDS OF RANDY SUTTON FOR CONGRESS...RANDY JOHN SUTTON...REP
WI/09...FRIENDS OF TOM HICKEY FOR CONGRESS...THOMAS JOSEPH HICKEY...DEM > RK

The reports were due October 27, covering activity from October 1, 1988, through October 19, 1988. If sent by regular mail, or if hand-delivered, the reports should have been received by close-of-business on October 27. If sent by registered or certified mail, the reports were to have been postmarked by October 24. Committees were notified of their filing requirements on October 3 and those which failed to file were again notified by mailgram on October 28.

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

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

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

*Pre-general election reports for these committees were received after the 5 p.m., November 3, deadline for publication.

MEMORANDUM TO FILES:

DATE: 11/28/88

TELECON X
VISIT

NAME OF COMMITTEE: Friends of Tom Hickey - C00231712

SUBJECT: Failure to File the 12 Day Pre-General Election Report

FEC REP: Robin Kelly, RAD Analyst

COMMITTEE REP: Robert Hinz (414) 535-1897

8 2 0 4 0 7 6 0 0 3 3 8

I called Mr. Hinz to inform him that we had not received the 12 Day Pre-General Election Report. He said that he thought that the next report due was the Year End Report. I explained that he should have been sent prior notice informing him that the pre and post election reports were due. I also told him that it appeared that the committee had failed to file a Statement of Organization. Mr. Hinz did not know what a Statement of Organization was. I told him that the candidate had filed a Statement of Candidacy and that the address listed for the committee was 12740 W. Courtland Avenue, Butler, WI 53007. Mr. Hinz told me that this was the candidate's address. I told Mr. Hinz that he should file the pre and post general election reports as soon as possible and advised him of the seriousness of the matter. I also said I would send him a Form 1, Statement of Organization, and that he should complete that and send it in.

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

FIRST GENERAL COUNSEL'S REPORT

RAD Referral #88NF-55
Staff Member: Ivonne Cotto

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

RESPONDENTS: Friends of Tom Hickey for Congress
and Robert C. Hinz, as treasurer

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

INTERNAL REPORTS
CHECKED: Referral Materials

FEDERAL AGENCIES
CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the Friends of Tom Hickey for Congress ("the Committee")^{1/} to the Office of the General Counsel on December 13, 1988. The basis for the attached referral is the Committee's failure to file the 1988 12 Day Pre-General Report as of Election Day, November 8, 1988.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act") provides that the principal campaign committees of candidates for the House of Representatives shall file a report no later than the 12th day before any election in which such candidate is seeking election, or nomination for election, which should be complete as of the 20th day before such election. 2 U.S.C. § 434(a)(2)(A)(i). The Committee was notified on October 3, 1988, that a report was due October 27, 1988. In

^{1/} Tom Hickey lost the general election with twenty-five percent (25%) of the vote.

addition, a mailgram was sent to the Committee on October 28, 1988, which stated that failure to file the report within four (4) business days might result in publication, audit or legal enforcement action. On November 4, 1988, the name of the Committee was published for failure to file this report. The Committee had still not filed its report as of the date of this First General Counsel's Report.

Accordingly, the Office of the General Counsel recommends that the Commission open a MUR and find reason to believe that the Friends of Tom Hickey for Congress and Robert C. Hinz, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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IV. RECOMMENDATIONS


1. Open a MUR.
2. Find reason to believe that Friends of Tom Hickey for Congress and Robert C. Hinz, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached letter, Factual and Legal Analysis, and proposed conciliation agreement.

Lawrence M. Noble
General Counsel

Date

2/15/89

By:


Lois G. Lerner
Associate General Counsel

Attachments

1. Referral Materials
2. Proposed Conciliation Agreement
3. Letter and Factual and Legal Analysis

Staff Person: Ivonne Cotto



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

MEMORANDUM TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

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

DATE: FEBRUARY 21, 1989

SUBJECT: COMMENTS TO RAD Ref. 88NF-55: FIRST G. C. REPORT
SIGNED FEBRUARY 15, 1989

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

Attachment:
copy of vote sheet

-BALLOT



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

19
SENSITIVE

DATE & TIME TRANSMITTED: THURSDAY, FEBRUARY 16, 1989 4:00

COMMISSIONER: AIKENS, ELLIOTT, JOSEFIAR, McDONALD, McGARRY, ~~THOMAS~~

RETURN TO COMMISSION SECRETARY BY TUESDAY, FEBRUARY 21, 1989 4:00

SUBJECT: RAD Ref. 88NF-55: First General Counsel's Report
Signed February 15, 1989

- 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100
- (✓) I approve the recommendation
() I object to the recommendation

89 FEB 17 PM 1:47

COMMENTS: See J. Brown

DATE: 2/17/89

SIGNATURE [Signature]

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

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Friends of Tom Hickey for Congress)
and Robert C. Hinz, as treasurer)

RAD Ref. 88NF-55

(MUR
2827)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 21, 1989, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 88NF-55:

1. Open a MUR.
2. Find reason to believe that Friends of Tom Hickey for Congress and Robert C. Hinz, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the letter, Factual and Legal Analysis, and proposed conciliation agreement, as recommended in the First General Counsel's report signed February 15, 1989.

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

Attest:

2-21-89

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary:	Thurs.,	2-16-89,	9:05
Circulated on 48 hour tally basis:	Thurs.,	2-16-89,	4:00
Deadline for vote:	Tues.,	2-21-89,	4:00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 3, 1989

Robert C. Hinz, Treasurer
Friends of Tom Hickey for Congress
12740 West Courtland Avenue
Butler, WI 53007

RE: MUR 2827
Friends of Tom Hickey for
Congress and Robert C. Hinz,
as treasurer

Dear Mr. Hinz:

On February 21, 1989, the Federal Election Commission found that there is reason to believe Friends of Tom Hickey for Congress ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you 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 you 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.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission

Robert C. Hinz
Page 2

either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

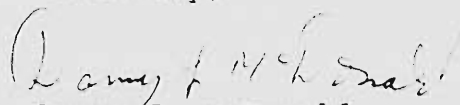
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 Ivonne Cotto, 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

89 AUG -7 PM 1:09

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)
)
Friends of Tom Hickey for Congress)
Robert C. Hinz, as treasurer)
)

MUR 2827

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Robert C. Hinz, treasurer of Friends of Tom Hickey for Congress.

The attached agreement contains no changes from the agreement approved by the Commission on June 21, 1989. A \$375.00 check for the civil penalty has been received.

II. RECOMMENDATIONS


1. Accept the attached conciliation agreement with Friends of Tom Hickey for Congress and Robert C. Hinz, as treasurer.
2. Close the file.
3. Approve the attached letter.

Lawrence M. Noble
General Counsel

Date

8/4/89

BY:


Lois G. Lerner

Associate General Counsel

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check
3. Letter to Respondent

Staff Assigned: Mary Ann Bumgarner

32040760547

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Friends of Tom Hickey for Congress) MUR 2827
Robert C. Hinz, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 10, 1989, the Commission decided by a vote of 6-0 to take the following actions in MUR 2827:

1. Accept the conciliation agreement with Friends of Tom Hickey for Congress and Robert C. Hinz, as treasurer, as recommended in the General Counsel's Report to the Commission dated August 4, 1989.
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's Report to the Commission dated August 4, 1989.

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

Attest:

8-11-89

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Monday, August 7, 1989 at 1:09 p.m.
Circulated to the Commission: Wednesday, August 9, 1989 at 11:00 a.m.
Deadline for vote: Friday, August 11, 1989 at 11:00 a.m.



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

August 16, 1989

Mr. Robert C. Hinz, Treasurer
Friends of Tom Hickey for Congress
9420 West Beckett, Apt. 4
Milwaukee, Wisconsin 53225

RE: MUR 2827
Friends of Tom Hickey
for Congress and
Robert C. Hinz, as
treasurer

Dear Mr. Hinz:

On August 10, 1989, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on behalf of Friends of Tom Hickey for Congress and you, as treasurer, in settlement of a violation of 2 U.S.C. § 434(a)(2)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). 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 10 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

Robert C. Hinz
Page 2

questions, please contact Mary Ann Bumgarner, the attorney assigned to this matter, at (202)376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in black ink, appearing to read "Lerner", with a long horizontal flourish extending to the right.

By: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

2027070650

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Friends of Tom Hickey for Congress) MUR 2827
and Robert C. Hinz, 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 reason to believe that Friends of Tom Hickey for Congress and Robert C. Hinz, as treasurer, ("Respondents"), violated 2 U.S.C. § 434(a)(2)(A)(i).

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

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

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

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

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

1. Friends of Tom Hickey for Congress is a political committee within the meaning of 2 U.S.C. § 431(4).
2. Robert C. Hinz is the treasurer of Friends of Tom Hickey for Congress.

3. Section 434(a)(2)(A)(i) of Title 2 provides that all authorized political committees filing a pre-election report, shall file a report no later than the 12th day before any election in which such candidate is seeking election, or nomination for election, and shall be complete as of the 20th day before such election.

4. Respondents filed the 1988 12 Day Pre-General Report, which was due on October 27, 1988, on January 9, 1989, 74 days late. The total amount of financial activity disclosed was \$6,339.00.

V. Respondents failed to file the 1988 12 Day Pre-General Report in a timely manner, in violation of 2 U.S.C. § 434(a)(2)(A)(i).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Three Hundred Seventy-Five (\$375.00) dollars 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 have executed same and the Commission has approved the entire agreement.

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

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

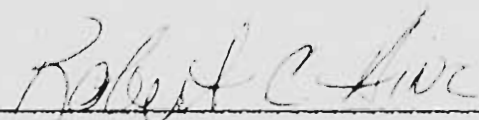


Lois G. Lerner
Associate General Counsel

8-16-89

Date

FOR THE RESPONDENTS:



6-28-89

Date

820407653



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2827

DATE FILMED 9/12/89 CAMERA NO. 4

CAMERAMAN AS

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