



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 2830

DATE FILMED 5/19/89 CAMERA NO. 4

CAMERAMAN J.A.O.

89040750039

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 21 December 1988

ANALYST: Kevin R. Salley

I. COMMITTEE: Committee to Elect Tufele to Congress
(C00231605)
Abe U. Malae, Treasurer
P.O. Box 105
Pago Pago, American Samoa 96799

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 Committee to Elect Tufele to Congress ("the Committee") failed to file the 12 Day Pre-General Report of Receipts and Disbursements as of Election Day, November 22, 1988. The Committee was notified on October 3, 1988, that the 12 Day Pre-General Report was due November 10, 1988 (Attachment 2). A notice was telefaxed to the Committee via satellite on November 10, 1988 for failure to file the 12 Day Pre-General Report (Attachment 3). The notice informed the Committee that failure to file the report immediately 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 18, 1988 (Attachment 4).

The 12 Day Pre-General Report (covering dates October 20, 1988 through November 2, 1988) was filed on November 23, 1988 (Attachment 5).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

89040750040

FEDERAL ELECTION COMMISSION
1987-1988

DATE 14DEC88

CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			
TUFELE, F LI'AMATUA	HOUSE 00	INDEPENDENT							
1. STATEMENT OF CANDIDATE									
1988 STATEMENT OF CANDIDATE									
2. PRINCIPAL CAMPAIGN COMMITTEE									
COMMITTEE TO ELECT TUFELE TO CONGRESS									
1988 STATEMENT OF ORGANIZATION									
OCTOBER QUARTERLY			44,098		41,545	1APR88 - 30SEP88		3	8845E/368/4302
1ST LETTER INFORMATIONAL NOTICE						1APR88 - 30SEP88		2	88FEC/565/3460
PRE-GENERAL			5,225		6,980	1OCT88 - 19OCT88		2	8845E/369/4305
1ST LETTER INFORMATIONAL NOTICE						1OCT88 - 19OCT88		2	88FEC/565/3455
NOTICE OF FAILURE TO FILE						20OCT88 - 2NOV88		1	88FEC/565/1658
PRE-RUN-OFF			0		7,507	20OCT88 - 2NOV88		2	8845E/369/2164
TOTAL			0	49,323	0	56,029		13	TOTAL PAGES

3. AUTHORIZED COMMITTEES

5. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

ALL REPORTS HAVE BEEN REVIEWED.

ENDING CASH-ON-HAND AS OF 11/02/88: \$2569.68DEBTS AND OBLIGATIONS OWED BY THE COMMITTEE AS OF 11/02/88: \$2569.68^{1/}

1/ The Committee's 1988 12 Day Pre-Runoff Report disclosed an amount of \$2569.68 on Line 10 of the Summary Page; however, the Committee failed to provide the appropriate Schedules C and/or D to support this figure. The coincidence of this figure matching exactly with the ending cash-on-hand may suggest a possible typographical error, and a ZERO balance for Debts and Obligations owed by the Committee as of 11/02/88.

REPORT NOTICE

FEDERAL ELECTION COMMISSION

AMERICAN SAMOA

October 3, 1988

FOR ALL COMMITTEES, IF ONLY ONE ELECTION (11/08/88) IS HELD:

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

FOR ALL COMMITTEES INVOLVED IN TWO ELECTIONS (11/08) AND (11/22):

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
Pre-Primary	10/01/88**-10/19/88	10/24/88	10/27/88
Pre-General	10/20/88 - 11/02/88	11/10/88	11/10/88
Post-General	11/03/88 - 12/12/88	12/22/88	12/22/88

FOR COMMITTEES INVOLVED IN THE ELECTION HELD (11/8), BUT NOT THE ELECTION HELD (11/22):

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
Pre-Primary	10/01/88**-10/19/88	10/24/88	10/27/88
Year-End	10/20/88 - 12/31/88	01/31/89	01/31/89

WHO MUST FILE

PRINCIPAL CAMPAIGN COMMITTEES OF CONGRESSIONAL "CANDIDATES" who seek nomination in the November 8, 1988 and, if held, November 22, 1988 American Samoa Elections.

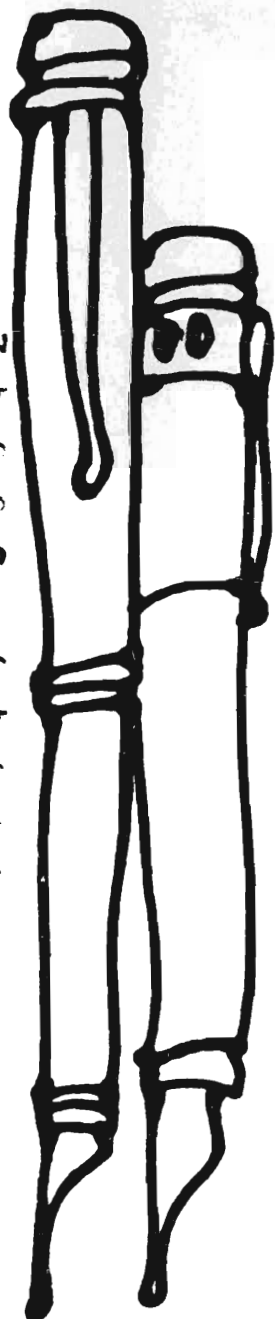
*Reports sent by registered or certified mail must be postmarked by the mailing date. Otherwise, they must be received by the filing date.

**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

(over)

33740750042



WHAT MUST BE REPORTED

All financial activity that occurred during the reporting period (or before, if not previously reported).

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.

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 CONTRIBUTIONS

Committees which receive a contribution of \$1,000 or more, between 20 and 2 days before the election, must report it within 48 hours of its receipt.

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.

89040750043



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

BQ-7

November 10, 1988

Abe U. Malae, Treasurer
Committee to Elect Tufele
to Congress
P.O. Box 105
Pago Pago, American Samoa 96799

Identification Number: C00231605

Reference: 12 Day Pre-General Report (10/20/88-11/02/88)

Dear Mr. Malae:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced Report of Receipts and Disbursements as required by the Federal Election Campaign Act. You were previously notified of the due date for this report.

It is important that you file this report immediately 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, 232 Hart Senate Office Building, Washington, DC 20510, as appropriate. A copy of the report should also be filed with the Secretary of State or equivalent state officer of your state.

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 Kevin Salley on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

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

John D. Gibson
Assistant Staff Director
Reports Analysis Division

This notice was telefaxed via satellite.

FEDERAL ELECTION COMMISSION

ATTACHMENT 4



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 18, 1988

CONTACT: FRED EILAND
SHARON SNYDER
SCOTT MOXLEY

FEC CITES CONGRESSIONAL CAMPAIGN FOR FAILING TO FILE 12 DAY PRE-RUNOFF ELECTION REPORT

WASHINGTON — The Federal Election Commission has cited the campaign committee of one 1988 U.S. House candidate for failing to file the required 12 day pre-runoff election report.

A financial disclosure report from the following committee had not been filed as of 5 p.m., November 18:

[AMERICAN SAMOA...COM. TO ELECT TUFELE TO CONGRESS...F. LI'AMATUA TUFELE...IND]

K.R.S.

The report was due November 10, covering activity from October 20 through November 2. If sent by regular mail or hand-delivered, the report should have been received by close-of-business on November 10. If sent by certified or registered mail, the reports were to have been postmarked by November 10. Committees were notified of their filing requirements on October 3 and those which failed to file were again notified on November 14. The runoff is scheduled for November 22.

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 may have also been required to file.

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

Further 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.

REGULAR MAIL

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee
(Summary Page)

NOV 17 1988

K.R.S.

RECEIVED
NOV 23 PM 2:10

USE FEC MAILING LABEL

TYPE OR PRINT

1. NAME OF COMMITTEE (in full)

Committee to Elect Tufele for Congress

ADDRESS (number and street) ☐ Check if different than previously reported

P.O. Box 105

CITY, STATE AND ZIP CODE

Pago Pago

STATE/DISTRICT

American Samoa 96799

2. FEC IDENTIFICATION NUMBER

C00231606

129887

3. IN THIS REPORT AN AMENDMENT

YES

☒ NO

4. TYPE OF REPORT

☐ April 15 Quarterly Report☐ Twelfth day report preceding

General

☐ July 15 Quarterly Report

election on 11-8-88

(Type of Election)

in the State of American Samoa

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

in the State of

☐ July 31 Mid-Year Report (Non-election Year Only)☐ Termination ReportThis report contains
activity for☐

Primary Election

☒

General Election

☐

Special Election

☐

Runoff Election

SUMMARY

5. Covering Period 10-20-88 through 11-02-88

6. Net Contributions (other than loans)

(a) Total Contributions (other than loans) (from Line 11(a))

8,857.00

58,180.53

(b) Total Contribution Refunds (from Line 28(a))

0

0

(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))

8,857.00

58,180.53

7. Net Operating Expenditures

(a) Total Operating Expenditures (from Line 17)

7,503.20

55,928.85

(b) Total Offsets to Operating Expenditures (from Line 14)

0

0

(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))

7,503.20

55,928.85

8. Cash on Hand at Close of Reporting Period (from Line 27)

2,569.68

9. Debts and Obligations Owed TO the Committee
(Review all on Schedule C and/or Schedule D)

0

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

2,569.68

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

Abe U. Mahe

Signature of Treasurer

Abe U. Mahe

Date

11/15/88

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 9437g.

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FEC FORM 3
(revised 4/87)

R 0 0 1 3 6 9 2 1 6 4

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

RECEIVED
FEDERAL ELECTION COMMISSION
ELECTORAL

89 FEB 23 PM 12:01

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD Referral 88 NF-59
Staff Member: Keith V. Morgan

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Committee to Elect Tufele to Congress and Abe A. Malae, as treasurer

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

INTERNAL REPORTS CHECKED: Referral Material

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the Committee to Elect Tufele to Congress (the "Committee") and Abe U. Malae, as treasurer, to the Office of the General Counsel on December 27, 1988 (Attachment A). The basis for the referral is the Committee's failure to file a 12 Day Pre-Runoff Election Report in a timely fashion.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that a political committee that is the principal campaign committee of a candidate for the House of Representatives must file a pre-election report, which shall be filed no later than the 12th day before any election in which such candidate shall be seeking election or nomination for election, and which shall be complete as of the 20th day before such election. 2 U.S.C. § 434(a)(2)(A)(i). The Committee is F. Li Amatua Tufele's principal campaign committee. Tufele was a candidate in the November 22, 1988 runoff election for a seat in

89040750047

the House of Representatives representing American Samoa. The 12 Day Pre-Runoff Election Report of receipts and disbursements was therefore due on November 10, 1988. The Committee did not file its Pre-Runoff Report until November 23, 1988, one day after the election and 13 days late. Accordingly, the Office of the General Counsel recommends that the Commission open a Matter Under Review and find reason to believe that the Committee to Elect Tufele to Congress and Abe A. Malae, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

8 2 0 4 0 7 5 0 0 4 8

99040750049

IV. RECOMMENDATIONS

1. Open a Matter Under Review.
2. Find reason to believe that the Committee to Elect Tufele, and Abe D. Malae, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i).
3. Enter into conciliation prior to finding probable cause to believe.
4. Approve the attached letter, factual and legal analysis and proposed conciliation agreement.

Lawrence M. Noble
General Counsel

Date

2/22/88

BY:


Lois G. Lerner
Associate General Counsel

Attachments

- A. Referral Material
- B. Proposed Conciliation Agreement
- C. Letter and Factual and Legal Analysis

Staff Person: Keith V. Morgan

BEFORE THE FEDERAL ELECTION COMMISSION

(*muh*
2830)

In the Matter of)

Committee to Elect Tufele to Congress)
and Abe A. Malae, as treasurer)

RAD Ref. 88NF-59

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 28, 1989, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 88NF-59:

1. Open a Matter Under Review.
2. Find reason to believe that the Committee to Elect Tufele, and Abe D. Malae, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i).
3. Enter into conciliation prior to finding probable cause to believe, as recommended in the First General Counsel's Report signed February 22, 1989.

(Continued)

89040750050

Federal Election Commission
Certification for RAD Ref. 88NF-59
February 28, 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 22, 1989.

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

Attest:

2/28/89

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Thurs., 2-23-89, 12:01
Circulated on 48 hour tally basis: Fri., 2-24-89, 12:00
Deadline for vote: Tues., 2-28-89, 4:00

8 2 0 4 0 7 5 0 0 5 1



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 3, 1989

Abe U. Malae, Treasurer
Committee to Elect Tufele
to Congress
P.O. Box 105
Pago Pago, American Samoa 96799

RE: MUR 2830
Committee to Elect
Tufele to Congress

Dear Mr. Malae:

On February 28, 1989, the Federal Election Commission found that there is reason to believe the Committee to Elect Tufele to 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 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.

If you are interested in expediting the resolution of this matter by pursuing preprobable 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,

8 3 7 4 0 7 5 0 0 5 2

Abe U. Malae
Page 2

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.

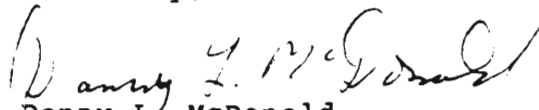
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 Keith Morgan, the attorney 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

cc: F. Li'Amatua Tufele

3 3 0 4 0 7 5 0 0 5 3

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Committee to Elect Tufele to
Congress and Abe A. Malae, as
treasurer

MUR: 2830

8 3 0 4 0 7 5 0 0 5 4

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that a political committee that is the principal campaign committee of a candidate for the House of Representatives must file a pre-election report, which shall be filed no later than the 12th day before any election in which such candidate shall be seeking election, or nomination for election, and which shall be complete as of the 20th day before such election. The Committee is F. Li Amatua Tufele's principal campaign committee. Tufele was a candidate in the November 22, 1988 runoff election for a seat in the House of Representatives representing American Samoa. The 12 Day Pre-Runoff Election Report of receipts and disbursements was therefore due on November 10, 1988. The Committee did not file its Pre-Runoff Report until November 23, 1988, one day after the election and 13 days late.

Therefore, there is reason to believe that the Committee to Elect Tufele to Congress and Abe A. Malae, as treasurer violated 2 U.S.C. § 434(a)(2)(A)(i).

March 17, 1989

Mr. Danny L. McDonald, Chairman
Federal Election Commission
Washington, D.C. 20463

RE: Your Memo of 3/3/89
Received 3/13/89, MUR 2830

Dear Mr. McDonald,

When I volunteered to work part time as Treasurer for a campaign committee I had no idea I would be paying for a civil penalty out of my own pocket. Nevertheless, the check for \$750 is attached along with the signed Conciliation Agreement.

The reason the pre-election report was late was because of the tremendous workload I am faced with which gives me little time for myself. There are four other civic, church and community organizations for which I volunteer my time in addition to my own full time job. There was no intent whatsoever in trying to break any laws and am sorry that my report was late.

Sincerely,



ABE U. MALAE

/et

Attachment

cc: Clerk of the House of Representatives

0750056

 **ABE MALAE**
P. O. BOX 105
PAGO PAGO, AMERICAN SAMOA 96799

1724

1989 101-402 1214

Pay to the Order of Federal Election Commission \$ 750.00

Seven hundred fifty Dollars

Amerika Samoa Bank
P. O. BOX 3790, PAGO PAGO
AMERICAN SAMOA 96799

For MUR 2830

⑆⑆2⑆404022⑆⑆724 ⑆7⑆⑆0⑆54⑆3⑆⑆

06C 2321

MEMORANDUM

TO: DEBRA A. TRIMIEW

TO: CECILIA LIEBER

FROM: CECILIA LIEBER

FROM: DEBRA A. TRIMIEW

CHECK NO. 1724 { A COPY OF WHICH IS ATTACHED } RELATING TO
MUR 2830 AND NAME Committee to Elect Tufele to Congress
(Morgan)
WAS RECEIVED ON 3/29/89. PLEASE INDICATE THE ACCOUNT INTO
WHICH IT SHOULD BE DEPOSITED:

/ ☒ / BUDGET CLEARING ACCOUNT { 95F3875.16 }
/ / CIVIL PENALTIES ACCOUNT { 95-1099.160 }
/ / OTHER _____

SIGNATURE Debra A. Trimiew DATE 3/30/89

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION
3/27/89

89 APR -6 AM 12:40

In the Matter of)

Committee to Elect Tufele to)
Congress and Abe U. Malae,)
as treasurer)

MUR 2830

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Abe U. Malae, the treasurer of the Committee to Elect Tufele to Congress.

The attached agreement contains no changes from the agreement approved by the Commission on March 1, 1989. A check for the civil penalty has been received.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the Committee to Elect Tufele to Congress and Abe U. Malae, as treasurer.
2. Close the file.
3. Approve the attached letter.

Lawrence M. Noble
General Counsel

April 5, 1989
Date

BY:

George F. Rishel
George F. Rishel
Acting Associate General Counsel

Attachments

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

Staff Assigned: Keith V. Morgan

89040750057

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Committee to Elect Tufele to
Congress and Abe U. Malae,
as treasurer

)
)
)
)
)

MUR 2830

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal
Election Commission, do hereby certify that on April 10,
1989, the Commission decided by a vote of 5-0 to take
the following actions in MUR 2830:

1. Accept the conciliation agreement with the
Committee to Elect Tufele to Congress and
Abe U. Malae, as treasurer, as recommended
in the General Counsel's report signed
April 6, 1989.
2. Close the file.
3. Approve the letter, as recommended in the
General Counsel's report signed April 6,
1989.

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

Attest:

4-10-89

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary:	Thurs.,	4-6-89,	12:40
Circulated on 48 hour tally basis:	Thurs.,	4-6-89,	4:00
Deadline for vote:	Mon.,	4-10-89,	4:00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 14, 1989

Abe U. Malae, Treasurer
Committee to Elect Tufele to Congress
P.O. Box 105
Pago Pago, American Samoa 96799

RE: MUR 2830
Committee to Elect Tufele
to Congress

Dear Mr. Malae:

On April 10, 1989, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your behalf 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. 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 questions, please contact Keith V. Morgan, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: George F. Risher
Acting Associate General Counsel

Enclosure
Conciliation Agreement

99040750059

06C 2321

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Committee to Elect Tufele to
Congress and Abe A. Malae, as
treasurer

)
) MUR 2830
)
)
)

89 MAR 29 PM 3:35

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 the Committee to Elect Tufele to Congress and Abe U. Malae, 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. Committee to Elect Tufele to Congress is a political committee within the meaning of 2 U.S.C. § 431(4)(A).

2. Abe U. Malae is the treasurer of the Committee to Elect Tufele to Congress.

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3. Section 434(a)(2)(A)(i) of Title 2 provides that a political committee that is the principal campaign committee of a candidate for the House of Representatives must file a pre-election report, which shall be filed no later than the 12th day before any election in which such candidate is seeking election or nomination for election.

4. The respondent committee was F. Li Amatha Tufele's principal campaign committee within the meaning of 2 U.S.C. § 431(5). Tufele was a candidate for a seat in the House of Representatives representing American Samoa, in a November 22, 1988 runoff election.

5. Respondents were required to file a Pre-Runoff Election Report 12 days before the November 22, 1988 runoff election. The report was due no later than November 10, 1988. Respondents filed the Pre-Runoff Report on November 23, 1988, thirteen days late, disclosing \$8,857 in receipts and \$7,503.20 in disbursements.

V. Respondents failed to file the 12 Day Pre-Runoff Election Report in a timely fashion 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 seven hundred and fifty dollars (\$750.00), 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

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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 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. Lerner
Associate General Counsel

Date

April 13, 1989

FOR THE RESPONDENTS:

(Name)
(Position)

THUNDER

Date

3/21/89

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2830

DATE FILMED 5/19/89 CAMERA NO. 4

CAMERAMAN J.A.Q.

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