



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

THIS IS THE BEGINNING OF MUR # 2891

DATE FILMED 2/7/91 CAMERA NO. 4

CAMERAMAN AS

91040323261

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: April 12, 1989

ANALYST: Mike Tangney

I. COMMITTEE: New Hampshire State Democratic Committee  
(C00178038)  
James M. Demers, Treasurer  
(1/3/89 to Present)  
Warren C. Nighswander, Treasurer  
(1/1/87-1/2/89)  
922 Elm Street  
Manchester, NH 03101

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

III. BACKGROUND:

Failure to Timely File Reports

The New Hampshire State Democratic Committee ("the Committee") failed to file four (4) Reports of Receipts and Disbursements in a timely manner for the 1987-1988 election cycle (see Late Filing History Chart). The reports were filed between fourteen (14) and two hundred eighty-seven (287) calendar days late.

The Committee was notified on July 7, 1987, that the 1987 Mid-Year Report was due on July 31, 1987 (Attachment 2). A Non-Filer Notice was sent to the Committee on February 24, 1988, for failure to file the 1987 Mid-Year Report (Attachment 4).

A Chronic Late Filer Notice was sent to the Committee on April 20, 1988, for failing to file the 1987 Mid-Year and Year End Reports in a timely manner (Attachment 7). The Notice advised the Committee that any additional late filing of reports may result in legal enforcement action.

Subsequent to the sending of the Chronic Late Filer Notice, the Committee failed to file the 1988 April Quarterly and 30 Day Post-General Reports in a timely manner. A representative of the Committee contacted the analyst on May 10, 1988, and stated that reports had been prepared and would be sent to the Commission (Attachment 9).

91040323262

**NEW HAMPSHIRE STATE DEMOCRATIC  
COMMITTEE  
REPORTS ANALYSIS OGC REFERRAL  
PAGE 2**

The 1987 Mid-Year and 1988 April Quarterly Reports were filed on May 13, 1988 (Attachments 10, 11 and 12). The 1988 30 Day Post-General Report was filed on December 22, 1988 (Attachment 14).

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

None.

91040323263

## LATE FILING HISTORY

REPORT TYPE	PRIOR NOTICE	DATE DUE	NON-FILED NOTICE	DATE FILED
1987 Mid-Year <sup>1/</sup> (1/1/87-6/30/87)	7/7/87 (Attachment 2)	7/31/87	2/24/88 (Attachment 4)	5/13/88 (Attachments 10 and 11)
1987 Year End (7/1/87-12/31/87)	12/13/87 (Attachment 3)	1/31/88	2/24/88 (Attachment 4)	3/8/88 (Attachment 5)
1988 April Quarterly (1/1/88-3/31/88)	3/22/88 (Attachment 6)	4/15/88	5/6/88 (Attachment 8)	5/13/88 (Attachment 12)
1988 30 Day Post-General (10/22/88-11/28/88)	10/3/88 (Attachment 13)	12/8/88	None	12/22/88 (Attachment 14)

<sup>1/</sup> The Committee chose to file two quarterly reports which covered the reporting period of the 1987 Mid-Year Report.



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

DATE 22MAR89

PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
						TYPE OF FILER
NEW HAMPSHIRE STATE DEMOCRATIC COMMITTEE						
CONNECTED ORGANIZATION: BLANK						
	1987 APRIL QUARTERLY	2,122	0	1JAN87 -31MAR87	4	88FEC/525/1702
	MID-YEAR REPORT	297	337	1APR87 -30JUN87	3	88FEC/525/1264
	OCTOBER QUARTERLY	45	0	1JUL87 -30SEP87	2	88FEC/525/1268
	YEAR-END	-	-	1JUL87 -31DEC87	36	88FEC/512/4167
	YEAR-END - AMENDMENT	41	1,079	1OCT87 -31DEC87	3	88FEC/525/1271
	NOTICE OF FAILURE TO FILE			31DEC87	1	88FEC/510/3727
	REQUEST FOR ADDITIONAL INFORMATION			1JUL87 -31DEC87	4	88FEC/521/5524
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL87 -31DEC87	5	88FEC/525/1234
	1988 MISCELLANEOUS NOTICE FROM FEC			20APR88	1	88FEC/521/5467
	APRIL QUARTERLY	33	0	1JAN88 -31MAR88	2	88FEC/525/1275
	NOTICE OF FAILURE TO FILE			1JAN88 -31MAR88	1	88FEC/524/4825
	JULY QUARTERLY	5,033	5,000	1APR88 -30JUN88	6	88FEC/536/3924
	OCTOBER QUARTERLY	32,716	6,372	1JUL88 -30SEP88	7	88FEC/555/5288
	OCTOBER QUARTERLY - AMENDMENT	32,796	6,372	1JUL88 -30SEP88	7	88FEC/565/3090
	OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL88 -30SEP88	2	89FEC/576/0442
	REQUEST FOR ADDITIONAL INFORMATION			1JUL88 -30SEP88	2	88FEC/565/4279
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL88 -30SEP88	3	88FEC/574/5370
	PRE-GENERAL	4,671	33,080	1OCT88 -21OCT88	6	88FEC/565/3084
	POST-GENERAL	49,328	48,744	22OCT88 -28NOV88	9	88FEC/575/2561
	POST-GENERAL - AMENDMENT	-	-	22OCT88 -28NOV88	2	89FEC/586/3702
	REQUEST FOR ADDITIONAL INFORMATION			22OCT88 -28NOV88	1	89FEC/579/4495
	REQUEST FOR ADDITIONAL INFORMATION 2ND			22OCT88 -28NOV88	2	89FEC/585/1388
	TERMINATION REPORT	1,430	2,900	29NOV88 -31DEC88	7	89FEC/584/1034
	TOTAL	95,798	0 97,512 0		116	TOTAL PAGES

All reports have been reviewed  
Cash on hand as of 12/31/88 \$0  
Debts owed to the committee \$0  
Debts owed by the committee \$0

# SEMI-ANNUAL REPORT NOTICE

## FEDERAL ELECTION COMMISSION

PARTIES AND PACS

July 7, 1987

**WHO MUST FILE**

ALL PARTY COMMITTEES AND PACS (NONCONNECTED COMMITTEES AND SEPARATE SEGREGATED FUNDS) must file a report in July.

**REPORTING DATES**

Semiannual. The Mid-Year Report is due July 31 and must disclose financial activity that occurred from January 1 through June 30, 1987. Committees which have previously filed 1987 reports should only report activity from the closing date of the last report filed.

Monthly. If the committee chooses to file on a monthly basis, the next monthly report is due July 20 and must disclose financial activity from June 1 through June 30, 1987. Monthly reports are due by the 20th of each month and cover all financial activity of the previous month.

**WHAT MUST BE REPORTED**

A report must disclose all receipts and disbursements (not previously reported) that occurred during the reporting period. A newly registered political committee filing its first report should also include all amounts received and expended before the committee registered. See 11 CFR 104.3. For more detailed information on reporting instructions, consult your Campaign Guide.

**WHERE AND HOW TO FILE**

Committees should consult the instructions on the enclosed FEC FORM 3X for details. Affix the peel-off label from the envelope to line 1 of the report. Any corrections should be made directly on the label.

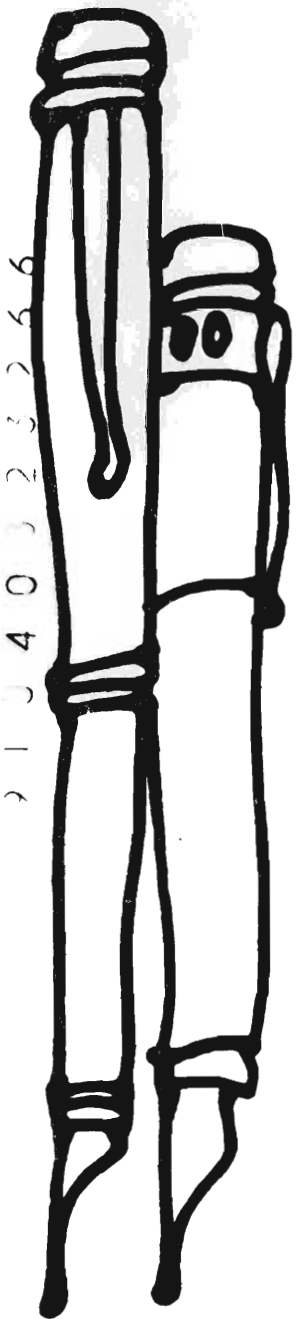
**CHANGE IN FILING FREQUENCY**

Committees that wish to change their reporting schedule (for example, from monthly to semiannual) must notify the Commission by sending a letter with the next report due under their current reporting schedule. Committees may change their filing frequency only once a year.

**COMPLIANCE**

Political committees are responsible for filing all reports required under the Act in a timely fashion. Committees and treasurers who file late reports, or fail to file reports, are subject to enforcement action. Illegible reports and reports submitted on non-FEC forms will not be accepted; committees filing such documents will be required to refile.

(over)



**1987 UPCOMING FILING SCHEDULE  
PARTIES AND PACS**

Retain this report notice for future reference. The next notice will be sent December 18, 1987. Also, see the January 1987 issue of the FEC Record, which lists 1987 reporting dates.

**SEMIANNUAL FILERS**

Report	Period Covered 1/	Reg./Cert.	Filing
		Mailing Date 2/	Date 2/
Mid-Year	01/01 - 06/30	07/31/87	07/31/87
Year-End	07/01 - 12/31	01/31/88	01/31/88

**MONTHLY FILERS**

Report	Period Covered 1/	Reg./Cert.	Filing
		Mailing Date 2/	Date 2/
July	06/01 - 06/30	07/20/87	07/20/87
August	07/01 - 07/31	08/20/87	08/20/87
September	08/01 - 08/31	09/20/87	09/20/87
October	09/01 - 09/30	10/20/87	10/20/87
November	10/01 - 10/31	11/20/87	11/20/87
December	11/01 - 11/30	12/20/87	12/20/87
Year-End	12/01 - 12/31	01/31/88	01/31/88

1/ A newly registered committee should refer to "WHAT MUST BE REPORTED," on the reverse side.

2/ Reports sent by certified or registered mail must be postmarked by the mailing date. Reports mailed first class or hand delivered must be received by the filing date.

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

21040323267

# YEAR-END REPORT NOTICE

Attachment 3

## FEDERAL ELECTION COMMISSION

**PARTIES AND PACS**

December 18, 1987

### **WHO MUST FILE**

ALL PARTY COMMITTEES and PACs (NON-CONNECTED COMMITTEES AND SEPARATE SEGREGATED FUNDS) must file a Year End Report in January.

### **REPORTING DATES**

Semiannual. The Year End Report is due January 31, 1988, and must disclose financial activity that occurred from July 1 through December 31, 1987. Committees which have previously filed 1987 reports should only report activity from the closing date of the last report filed.

Monthly. Committees that choose to file on a monthly basis must file the Year End Report due January 31, 1988. The report must disclose financial activity from December 1 through December 31, 1987. All other monthly reports are due by the 20th of each month and cover all financial activity of the previous month.

### **WHAT MUST BE REPORTED**

A report must disclose all receipts and disbursements that occurred during the reporting period. A newly registered political committee filing its first report should also include all amounts received and expended before the committee registered. See 11 CFR 104.3. For more detailed information on reporting instructions, consult your Campaign Guide.

### **WHERE AND HOW TO FILE**

Committees should consult the instructions on the enclosed FEC Form 3X for details. Affix the peel-off label from the envelope to line 1 of the report. Any corrections in the information should be made directly on the label.

### **CHANGE IN FILING FREQUENCY**

Committees that wish to change their reporting schedule (for example, from semiannual to monthly) must notify the Commission by sending a letter with the next report due under their current reporting schedule. Committees may change their filing frequency only once a year.

### **COMPLIANCE**

Political committees are responsible for filing all reports required under the Act in a timely fashion. Committees and treasurers who file late reports, or fail to file reports, are subject to enforcement action. Illegible reports and reports submitted on non-FEC forms will not be accepted; committees filing such documents will be required to refile.

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



21-40-23333



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

BQ-7

February 24, 1988

Warren C. Nighswander, Esquire  
New Hampshire State Democratic  
Committee  
922 Elm Street  
Manchester, NH 03101

Identification Number: C00178038

Reference: Reports not filed through 12/31/87

Dear Mr. Nighswander:

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 Reports of Receipts and Disbursements. You were notified previously of the due dates for these reports.

It is important that you file these reports 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). Copies of the reports 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 regarding this matter, please contact Robert DiNardo 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

33725135727

**DEVINE, MILLIMET, STAHL & BRANCH**  
PROFESSIONAL ASSOCIATION  
VICTORY PARK  
111 AMHERST STREET BOX 710  
MANCHESTER, N. H. 03105  
TELEPHONE (603) 660-1000  
TELECOPIER (603) 660-8847

MAURICE P. DEVINE  
11000-1000  
J. MURRAY DEVINE  
11010-1000

JOSEPH A. MILLMET	NANCY V. DISCHONORI
GERARD H. STANLEY	PAUL D. MATTHEW
MARTIN C. BRANCH	ROBERT C. GEMMINS
MATTHEW J. BETHUNE	ELLEN FCH
JOHN D. HOLLAND	LAURENCE W. GETMAN
S. DONALD DUFFIN	JAMES K. THOMPSON
J. D. MCDONOUGH, II	DAVID S. MCDONOUGH
MARIE W. HAYDON	STEPHEN J. SCHULTE
RICHARD E. GILMAN	DONALD R. STACEY
JOHN T. BRODERICK, JR.	ELIZABETH A. STAN
PAUL C. DEVINE	DOUGLAS D. STEVENS
ANDREW S. BURN	PAUL J. ALFARO
DAVID H. BARNES	JILL M. GULLFERN
GEORGE R. MOORE	MARIE W. DEAN
SUSAN VERICHO SUPREY	MARIE W. LEBLANC
RICHARD C. NELSON	DAVID W. LAMONTAGNE
RONALD E. GIBSON	ARNOLD W. HUSTALIN
DANIEL J. CALLAGHAN	MARIE W. WISEMAN
MARTHA V. GIBSON	THOMAS CHARLES JR
FREDERICK J. COLEBROTH	MAURICE A. JOHNSON
STEVEN CONER	EDWARD F. RAYCH

March 8, 1988

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Mr. Robert DiWardo  
Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

Re: New Hampshire Democratic Party Report of  
Receipts and Disbursements

Dear Mr. DiWardo:

By letter dated February 24, 1988 addressed to Warren  
Highsvander, Esquire, former Treasurer of the New Hampshire  
Democratic Party, Mr. Gibson advised that the New Hampshire  
Democratic Party had failed to file its Report of Receipts  
and Disbursements.

I spoke yesterday to Mr. Gibson and informed him that,  
to the best of my knowledge, the Report was filed before the  
end of January by Robert Hogan, the current Party Treasurer.

In any event, I am enclosing a duplicate copy for  
filing and regret any inconvenience this might have caused.

Very truly yours,

John T. Broderick, Jr.

ec

Enclosure

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAR 11 1988

88 MAR 11 AM 10:40

2 1 0 4 5 0 1 3 2 1 2 7 0



# REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee  
(Summary Page)

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAR 11 1988

88 MAR 11 AM 10:41

1. NAME OF COMMITTEE (in full)  
New Hampshire Democratic State Committee

ADDRESS (number and street) ☐ Check if different than previously reported  
922 Elm Street Suite 0210

CITY, STATE and ZIP CODE  
Manchester, NH 03101

2. IDENTIFICATION NUMBER  
C-00178038

3. ☐ This committee qualified as a multi-candidate 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:  
☐ 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 of \_\_\_\_\_  
in the State of \_\_\_\_\_
- ☐ Termination Report

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

## SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>7/1/87</u> through <u>12/31/87</u>		
6. Cash on Hand January 1, 19 <u>87</u>		\$ 1,709.34
7. Cash on Hand at Beginning of Reporting Period	\$ 22,048.33	
8. Total Receipts from Line 18	\$ 57,622.83	\$ 137,292.77
9. Subtotal (Add Lines 6 and 8 for Column A and Lines 7 and 8 for Column B)	\$ 79,671.16	\$ 139,002.71
10. Total Disbursements from Line 20	\$ 66,434.54	\$ 125,766.09
11. Cash on Hand at Close of Reporting Period (Subtract Line 10 from Line 9)	\$ 13,236.62	\$ 13,236.62
12. Debt to and from the Committee TO the Committee (Indicate on Schedule C and in Schedule D)	\$ NONE	For further information contact Federal Election Commission 100 E Street, N.W. Washington, D.C. 20543
13. Debt to and from the Committee BY the Committee (Indicate on Schedule C and in Schedule D)	\$ 4,700.00	

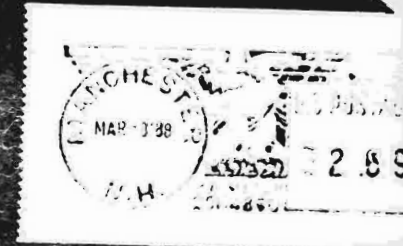
Robert A. Hogan, Jr.

FEC FORM 3X

4 2 0 2  
**CERTIFIED**

P 782 956 959

**MAIL**



Mr. Robert DiNardo  
Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

# QUARTERLY REPORT NOTICE

## FEDERAL ELECTION COMMISSION

PARTIES AND PACS

March 22, 1988

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
April Quarterly	01/01/88**-03/31/88	04/15/88	04/15/88

**WHO MUST FILE**

PARTY COMMITTEES AND PACS (NONCONNECTED COMMITTEES AND SEPARATE SEGREGATED FUNDS) filing on a quarterly basis must file their next report in April.

**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 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

210403273





## FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20543

MS-L

APR 20 1988

Warren C. Nighswander, Esq., Treasurer  
 New Hampshire State Democratic Committee  
 922 Elm Street  
 Manchester, NH 03101

Identification Number: C00178038

Reference: 1987-1988 Election Cycle Reports

Dear Mr. Nighswander:

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

<u>Report Type</u>	<u>Due Date</u>	<u>Date Filed</u>
Mid-Year (1/1/87-6/30/87)	7/31/87	not filed
Year End (7/1/87-12/31/87)	1/31/88	3/8/88

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

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

Sincerely,

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



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, DC 20543

EO-7

May 6, 1980

Warren C. Highsvander Esq., Treasurer  
New Hampshire State Democratic Committee  
922 Elm Street  
Manchester, NH 03101

Identification Number: C00178038

Reference: April Quarterly Report (1/1/80-3/31/80)

Dear Mr. Highsvander:

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

Sincerely,

John D. Gibson  
Assistant Staff Director  
Reports Analysis Division

8803354204482575



MEMORANDUM TO FILES:

DATE: 5/10/88

TELECON \_\_\_X\_\_\_

VISIT -----

NAME OF COMMITTEE: New Hampshire State Democratic Committee

SUBJECT: Request For Additional Information (1987 Year End) and  
Non Filer Notices (1987 Mid-Year and 1988 April Quarterly)

FEC REP: Mike Tangney

COMMITTEE REP: John T. Broderick

6

Mr. Broderick called in response to the RFAI. Additionally, we discussed

the fact that the Committee had not filed the 1987 Mid-Year and 1988

April Quarterly Reports. He stated that he had prepared the necessary reports

for the period of 1/1/87 thru 3/31/88 and that he corrected the problems

addressed in the RFAI.

0

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0

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9





# REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee  
(Summary Page)

RECEIVED  
FEDERAL ELECTION COMMISSION

08 MAY 13 1:11:23

C00178038

030788

NEW HAMPSHIRE STATE DEMOCRATIC  
COMMITTEE  
922 ELN STREET  
MANCHESTER NH 03101

FEC IDENTIFICATION NUMBER

C00178038

3. ☐ The 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)

☐ Termination Report

Monthly Report Due On:

☐ February 28 ☐ June 30 ☐ October 30  
☐ March 31 ☐ July 31 ☐ November 30  
☐ April 30 ☐ August 31 ☐ December 31  
☐ May 31 ☐ September 30 ☐ 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

	COVERING PERIOD	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5	Covering Period 1/1/87 through 3/31/87		
6	(a) Cash on Hand January 1, 1987		\$ 1709.94
	(b) Cash on Hand at Beginning of Reporting Period	\$ 1709.94	
	(c) Total Receipts (from Line 18)	\$ 2122.69	\$ 2122.69
	(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 3832.63	3832.63
7	Total Disbursements (from Line 28)	\$ - 0 -	\$ - 0 -
8	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 3832.63	\$ 3832.63
9	Debits and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	\$ - 0 -	
10	Debits and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	\$ - 0 -	

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

For further information contact:  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20003  
Tel: Free 800-424-9530  
Local 202-376-3120

Type or Print Name of Treasurer

D.C. Pansay McLaughlin, Executive Director

Signature of Treasurer

*[Signature]*

Date

5/1/88

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 9637g

FEC FORM 3X

(revised 4/87)

3 1 8 9 4 3 0 3 2 5 2 1 3 7 2 7 8

USE PRE-PAID LABELS  
ON  
TYPE OR PRINT

DEVINE, MILLIMET, STAHL & BRANCH  
PROFESSIONAL ASSOCIATION

VICTORY PARK

111 AMHERST STREET BOX 719

MANCHESTER, N. H. 03105

TELEPHONE (603) 669-1000

TELECOPIER (603) 669-8547

JOSEPH MILLIMET  
NORMAN W. STAHL  
BARTRAM C. BRANCH  
MATTHIAS J. REYNOLDS  
JOHN S. HOLLAND  
E. DONALD DUFRESNE  
J. M. McDONOUGH, III  
MARK W. VAUGHN  
RICHARD E. GALWAY  
JOHN T. BRODERICK, JR.  
PAUL C. REMUS  
ANDREW D. DUNN  
DAVID H. BARNES  
GEORGE R. MOORE  
SUSAN VERCILLO DUPREY  
RICHARD C. NELSON  
DONALD E. GARDNER  
DANIEL J. CALLAGHAN  
MARTHA V. GORDON  
FREDERICK J. COOLBROTH  
STEVEN COHEN

NANCY V. BISEMOORE  
PAUL G. MATTAINI  
ROBERT C. DEWHIRST  
EILEEN FOX  
LAURENCE W. GETMAN  
JAMES N. TAMPOSI, JR.  
KAREN S. MCGINLEY  
STEPHEN J. SCHULTHESS  
DONALD R. STACEY  
ELIZABETH A. RYAN  
DOUGLAS N. STEERE  
PAUL J. ALFANO  
JILL M. SULLIVAN  
MARK W. DEAN  
KAREN M. LODIGIANI  
OVIDE M. LAMONTAGNE  
ARNOLD H. HUFTALEN  
MARK D. WISEMAN  
THOMAS QUARLES, JR.  
KATHLEEN A. JOHNSON  
EDWARD F. PATCH

May 12, 1988

Mr. Michael Tangney  
Reports Analyst  
Reports Analysis Division  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Re: New Hampshire Democratic Party  
ID No. C00178038

Dear Mr. Tangney:

In follow up to your recent correspondence and our telephone conference of May 10, 1988, I am enclosing the following:

1. Report of Receipts and Disbursements, January 1, 1987 through March 31, 1987;
2. Report of Receipts and Disbursements, April 1, 1987 through June 30, 1987;
3. Report of Receipts and Disbursements, July 1, 1987 through September 30, 1987;
4. Report of Receipts and Disbursements, October 1, 1987 through December 31, 1987;
5. Report of Receipts and Disbursements, January 1, 1988 through March 31, 1988.

# REPORT OF RECEIPTS AND DISBURSEMENTS

For State Use in Authorized Committee  
(Summary Page)

USE PRE-PAID LABEL  
ON  
TYPE OR PRINT

CO0178038 030788  
NEW HAMPSHIRE STATE DEMOCRATIC  
COMMITTEE  
922 BLM STREET  
MANCHESTER NH 03101

1. FEC IDENTIFICATION NUMBER

C00178038

2. ☐ This committee qualified as a non-federally  
committee during this Reporting Period  
(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)

☐ 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

☐ Tenth 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	COLUMN B
Covering Period		This Period	Calendar Year-to-Date
4/1/87 through 6/30/87			
1. (a) Cash on Hand January 1, 1987			\$ 1709.94
(b) Cash on Hand at Beginning of Reporting Period		\$ 3832.63	
(c) Total Receipts (from Line 16)		\$ 297.52	\$ 2420.21
(d) Subtotal (add Lines 8(b) and 8(c) for Column A and Lines 8(a) and 8(c) for Column B)		\$ 4130.15	4130.15
7. Total Disbursements (from Line 28)		\$ 337.00	\$ 337.00
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 8(d))		\$ 3793.15	\$ 3793.15
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		\$ - 0 -	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)		\$ - 0 -	

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

Signature of Treasurer

*Dr. Roy McLeod*

Date

5/1/88

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  
(revised 4/87)

88035251264

**DEVINE, MILLIMET, STAHL & BRANCH  
PROFESSIONAL ASSOCIATION**

**VICTORY PARK**

**111 AMHERST STREET BOX 719**

**MANCHESTER, N. H. 03103**

**TELEPHONE (603) 669-1000**

**TELECOPIER (603) 669-8847**

JOSEPH A. MILLIMET  
NORMAN W. STAHL  
BARTMAN C. BRANCH  
MATTHIAS J. REYNOLDS  
JOHN S. HOLLAND  
E. DONALD DUPRESNE  
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DONALD E. GARDNER  
DANIEL J. CALLAGHAN  
MARTHA V. GORDON  
FREDERICK J. COOLBROTH  
STEVEN COHEN

MAURICE P. DEVINE  
(1939-1999)  
J. MURRAY DEVINE

837-11:22 AM

NANCY V. BISEMOORE  
PAUL G. MATTAINI  
ROBERT C. DEWHIRST  
EILEEN FOX  
LAURENCE W. GETMAN  
JAMES N. TAMPOS, JR.  
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MARK D. WISEMAN  
THOMAS QUARLES, JR.  
KATHLEEN A. JOHNSON  
EDWARD F. PATCH

**May 12, 1988**

Mr. Michael Tangney  
Reports Analyst  
Reports Analysis Division  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Re: New Hampshire Democratic Party  
ID No. C00178038

Dear Mr. Tangney:

In follow up to your recent correspondence and our telephone conference of May 10, 1988, I am enclosing the following:

1. Report of Receipts and Disbursements, January 1, 1987 through March 31, 1987;
2. Report of Receipts and Disbursements, April 1, 1987 through June 30, 1987;
3. Report of Receipts and Disbursements, July 1, 1987 through September 30, 1987;
4. Report of Receipts and Disbursements, October 1, 1987 through December 31, 1987;
5. Report of Receipts and Disbursements, January 1, 1988 through March 31, 1988.

# REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee  
(Summary Page)

USE FEC MAILING LABEL  
OR  
TYPE ON POST

C00178038

030788

NEW HAMPSHIRE STATE DEMOCRATIC  
COMMITTEE  
922 ELM STREET  
MANCHESTER NH 03101

1. FEC IDENTIFICATION NUMBER

C00178038

3 ☐ The committee qualified as a multicandidate  
committee during the 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)

☐ 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>1/1/88</u> through <u>3/31/88</u>		
6. (a) Cash on Hand January 1, 19 <u>88</u>		\$ 2800.14
(b) Cash on Hand at Beginning of Reporting Period	\$ 2800.14	
(c) Total Receipts (from Line 18)	\$ 33.22	\$ 33.22
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 2833.22	2833.22
7. Total Disbursements (from Line 28)	\$ - 0 -	\$ - 0 -
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 2833.22	\$ 2833.22
9. Debts and Obligations Owed TO the Committee (itemize all on Schedule C and/or Schedule D)	\$ - 0 -	
10. Debts and Obligations Owed BY the Committee (itemize all on Schedule C and/or Schedule D)	\$ - 0 -	

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

Print or Type Name of Treasurer

J. Patrick McLaughlin, Executive Director

Date  
5/1/88

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

FEC FORM 3X

Revised 4/87

3 9 0 3 5 2 3 1 2 7 5  
2 3 2 8 2



# GENERAL ELECTION REPORT NOTICE

Attachment 13

## 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)

## REPORT OF RECEIPTS AND DISBURSEMENTS

FEDERAL ELECTION COMMISSION

DEC 22 2010 37

New Hampshire State Democratic Committee

ADDRESS (Number and street)

922 Elm Street

CITY, STATE and ZIP CODE

Manchester, N.H. 03101

E. THE COMMITTEE'S NAME

Coolidge

☐ This committee qualified as a multi-state committee during THIS Reporting Period

## A. TYPE OF REPORT

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

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 21

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

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

☒ Tenth day report following the General Election on

Nov. 8 in the State of NH

☐ Termination Report

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

## SUMMARY

6. Covering Period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
11-22-88 through 11-25-88		
(a) Cash on Hand January 1, 1988		\$ 2800.14
(b) Cash on Hand at Beginning of Reporting Period	\$ 885.22	
(c) Total Receipts (from Line 10)	\$ 49328.95	\$ 91866.79
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(d) for Column B)	\$ 50214.17	\$ 94666.93
7. Total Disbursements (from Line 20)	\$ 48744.84	\$ 93197.60
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 1469.33	\$ 1469.33
9. Debts and Obligations Owed TO the Committee (Items all on Schedule C and/or Schedule D)	\$ 0	For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-6530 Local 202-453-3120
10. Debts and Obligations Owed BY the Committee (Items all on Schedule C and/or Schedule D)	\$ 0	

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

James M. Demers

Signature of Treasurer

James M. Demers

Date

12/5/88

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

(revised 4/87)

89 MAY 24 AM 10:49

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

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

RAD Referral #89 NF-63  
Staff Member: Jeffrey Long

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

RESPONDENTS: New Hampshire State Democratic  
Committee and James M. Demers,  
as treasurer

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

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the New Hampshire State Democratic Committee and James M. Demers, as treasurer ("the Committee"), to the Office of General Counsel on April 12, 1989. The basis for the attached referral is the Committee's failure to file the 1987 Mid-year, 1987 Year-End, 1988 April Quarterly, and the 1988 Post-General Election Reports in a timely manner.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that for unauthorized committees filing quarterly, in a non-election year such committees shall file the Mid-year Report, covering the period beginning January 1 and ending June 30, no later than July 31, and shall file the Year-End Report, covering the period beginning July 1 and ending

21040323235

December 31, no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(4)(A)(iv). The committee did not file the 1987 Mid-Year Report until May 13, 1988, which was 287 days late, and did not file the 1987 Year-End Report until March 8, 1987, which was 37 days late.

Unauthorized committees filing quarterly shall file quarterly reports in a calendar year in which a regularly scheduled election is held, no later than the 15th day after the last day of each calendar quarter. 2 U.S.C. § 434(a)(4)(A)(i). The Committee did not file the 1988 April Quarterly Report until May 13, 1988, which was 28 days late.

Unauthorized committees shall file post-general election reports in a year in which a regularly scheduled election is held, no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election. 2 U.S.C. § 434(a)(4)(A)(iii). The Committee did not file the 1988 Post-General Report until December 22, 1988, which was 14 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 New Hampshire State Democratic Committee and James M. Demers, as treasurer, violated 2 U.S.C.

§§ 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 434(a)(4)(A)(iv).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

91040323286

91040323287

91040323288



21040323289

**IV. RECOMMENDATIONS**

1. Open a MUR.
2. Find reason to believe the New Hampshire State Democratic Committee and James M. Demers, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 434(a)(4)(A)(iv), 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 5/23/89

BY:   
Lois G. Lerner  
Associate General Counsel

**Attachments**

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

91040323290

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

New Hampshire State Democratic  
Committee and James M. Demers,  
as treasurer

RAD Ref. 89NF-63

(MUR)  
2891

CERTIFICATION


I, Marjorie W. Emmons, Secretary of the Federal  
Election Commission, do hereby certify that on May 26,  
1989, the Commission decided by a vote of 5-0 to take  
the following actions in RAD Ref. 89NF-63:

1. Open a MUR.
2. Find reason to believe the New Hampshire State  
Democratic Committee and James M. Demers, as  
treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i),  
434(a)(4)(A)(iii), and 434(a)(4)(A)(iv), 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 May 23,  
1989.

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

Attest:

May 26, 1989  
Date

  
for Marjorie W. Emmons  
Secretary of the Commission

Received in the Office of Commission Secretary:	Wed., 5-24-89,	10:49
Circulated on 48 hour tally basis:	Wed., 5-24-89,	4:00
Deadline for vote:	Fri., 5-26-89,	4:00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 5, 1989

James M. Demers, Treasurer  
New Hampshire State Democratic  
Committee  
922 Elm Street  
Manchester, New Hampshire 03101

RE: MUR 2891  
New Hampshire State  
Democratic Committee and  
James M. Demers, as  
treasurer

Dear Mr. Demers:

On May 26, 1989, the Federal Election Commission found that there is reason to believe New Hampshire State Democratic Committee ("Committee") and you, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), 434(a)(4)(A)(iii) and 434(a)(4)(A)(iv), 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.

91040323292

James M. Demers, Treasurer  
Page 2

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, 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.

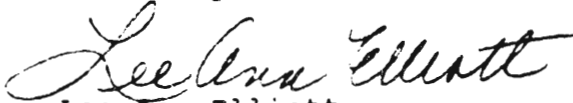
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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

Sincerely,

  
Lee Ann Elliott  
Vice Chairman

Enclosures

Factual and Legal Analysis  
Procedures  
Designation of Counsel Form  
Conciliation Agreement

21040323293

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS:** New Hampshire State  
Democratic Committee  
and James M. Demers,  
as treasurer

**MUR 2891**

21040323294  
The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that for unauthorized committees filing quarterly, in a non-election year such committees shall file the Mid-year Report, covering the period beginning January 1 and ending June 30, no later than July 31, and shall file the Year-End Report, covering the period beginning July 1 and ending December 31, no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(4)(A)(iv). The committee did not file the 1987 Mid-Year Report until May 13, 1988, which was 287 days late, and did not file the 1987 Year-End Report until March 8, 1988, which was 37 days late.

Unauthorized committees filing quarterly shall file quarterly reports in a calendar year in which a regularly scheduled election is held, no later than the 15th day after the last day of each calendar quarter. 2 U.S.C. § 434(a)(4)(A)(i). The Committee did not file the 1988 April Quarterly Report until May 13, 1988, which was 28 days late.

Unauthorized committees shall file post-general election reports in a year in which a regularly scheduled election is held, no later than the 30th day after the general election and which shall be complete as of the 20th day after such general



election. 2 U.S.C. § 434(a)(4)(A)(iii). The Committee did not file the 1988 Post-General Report until December 22, 1988, which was 14 days late.

Therefore, there is reason to believe that the New Hampshire State Democratic Committee and James M. Demers, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 434(a)(4)(A)(iv).

21040323295



RECEIVED  
FEDERAL ELECTION COMMISSION  
ADMINISTRATIVE DIVISION

89 JUN 22 PM 12:42

State Headquarters  
Bell Building, Suite 210  
922 Elm Street  
Manchester, NH 03101  
(603) 622-9606

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF LEGAL COUNSEL  
89 JUN 22 PM 1:24

June 21, 1989

Jeffrey Long, Esquire  
Staff Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Re: MUR 2891  
New Hampshire State Democratic Committee and  
James M. Demers, as treasurer

Dear Mr. Long:

I write to acknowledge receipt of the Federal Election Commission's letter of June 5, 1989 and attachments. I serve as counsel to the State Democratic Committee and wish to respond to the recent correspondence.

As you know, you and I spoke by telephone last week about the Commission's recent findings. I informed you at that time that I would follow up in writing to address the issues raised by the Commission.

It is my understanding that all reports required by the Federal Election Commission have, in fact, been filed. The Commission's concern relates to four reports which were filed in an untimely fashion. Specifically, the 1987 mid-year report was not filed until May 13, 1988; the year-end 1987 report was not filed until March 8, 1988; the 1988 April quarterly report was not filed until May 13, 1988; and the 1988 post-general report was not filed until December 22, 1988.

91040323296

June 21, 1989  
Page 2

To the best of my knowledge, the New Hampshire Democratic State Committee has historically filed its reports in a timely fashion. I can assure you that the Committee takes federal statutes and regulations very seriously and has, as a rule, made a timely effort to respond to campaign reporting deadlines.

Unfortunately, during 1987 and the early part of 1988 the former treasurer for the New Hampshire Democratic State Committee was not filing required reports in a timely fashion. This situation was unknown to me, as counsel for the Committee, nor was it known to other officers and officials within the Party. In at least one instance, a representation was made to me that a report had been filed when, in fact, it had not been filed.

I recall that during early 1988 I spoke to the Federal Election Commission, which at that time apparently brought to our attention the fact that reports were overdue. I subsequently spoke to then-treasurer Robert Hogan and asked him for an explanation. I assured the FEC that the report would be submitted, and I apologized profusely for the delay. To the best of my knowledge, the reports that were filed were complete and accurate.

Because our treasurer had been recalcitrant in his duties to file appropriate reports with the State of New Hampshire and the Federal Election Commission and because there was other dissatisfaction expressed relative to his performance as treasurer, a Petition for Removal was circulated among the members of the New Hampshire Democratic State Committee in the spring of 1988. Before the State Committee could act to remove Mr. Hogan under its constitution, Mr. Hogan tendered his resignation. James Demers, his replacement, was elected by the State Committee in May, 1988. Since that date, Mr. Demers has done an excellent job in executing his duties as treasurer. Accordingly, three of the four reports questioned in the Commission's recent correspondence were prepared and filed under the direction of former treasurer Robert Hogan. As noted, I communicated Mr. Hogan's deficiencies to the legal

91040323297

June 21, 1989  
Page 3

staff of the Federal Election Commission in early winter of 1988. It was my impression at that time that the Commission was sympathetic to our problems and understood the actions we were taking to resolve it.

Our new treasurer has undertaken his job with a seriousness of purpose lacking in the previous treasurer. Mr. Demers, a former Congressional candidate, is an account executive with Dean Witter Reynolds, Inc. of Portsmouth, New Hampshire. He is experienced in business matters and accounting procedures. In fact, he requested, upon assuming his position as treasurer, that an independent audit be conducted of State Committee books, records and accounts. The audit was performed and a favorable opinion rendered.

I would hope that the Commission would understand the rather unique circumstances confronting the New Hampshire Democratic State Committee during 1987 and early 1988. Be assured that we took strong and appropriate action to correct the situation and that, to the best of our knowledge, the problems which resulted in the Commission's finding of possible violations of the Federal Election Campaign Act of 1971 have now been remedied.

I hope that the Commission would not feel the need to take action against the New Hampshire Democratic State Committee or Mr. Demers. If, however, a conciliation agreement is deemed necessary, I would request that no fine be imposed under the peculiar circumstances presented in this case. In addition, I would not want Mr. Demers to acknowledge the violations of the Federal Election Campaign Act of 1971 for which former treasurer, Robert Hogan, appears responsible.

If I can furnish any additional information to the Commission or respond to any specific inquiries that the Commissioner's may have, I would be more than pleased to do so.

I can assure you that the Democratic State Committee takes your recent communication very

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June 21, 1989  
Page 4

seriously and will execute its responsibilities under the Federal Election Campaign Act of 1971 very diligently.

I look forward to hearing from you.

Very truly yours,

  
John T. Broderick, Jr.

JTB:dam

91040323299



**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20463

September 1, 1989

James M. Demers, Treasurer  
New Hampshire State Democratic  
Committee  
922 Elm Street  
Manchester, NH 03101

MUR 2891

Dear Mr. Demers:

On August 27, 1989, you requested that the Federal Election Commission permit the New Hampshire State Democratic Committee ("Committee") to terminate pursuant to 2 U.S.C. § 433(d) and Section 102.3 of the Commission's Regulations. Because of the ongoing enforcement matter involving your Committee, this request has been denied. Therefore, you are reminded that the Committee must continue to file all the required reports with the Commission until such time as the enforcement matter has been closed as to the Committee.

If you have any questions, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble  
General Counsel

A handwritten signature in dark ink, appearing to be "L. G. Lerner", is written over a horizontal line.

BY: Lois G. Lerner  
Associate General Counsel

9104032300



**SENSITIVE**

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

New Hampshire State Democratic  
Committee and James M. Demers,  
as treasurer

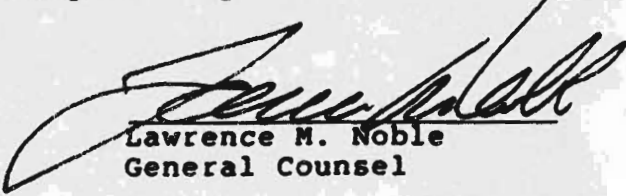
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**GENERAL COUNSEL'S REPORT**

The Office of the General Counsel is prepared to close the investigation in this matter as to the New Hampshire State Democratic Committee and James M. Demers, as treasurer, based on the assessment of the information presently available.

Date

1/29/90

  
Lawrence M. Noble  
General Counsel

91040323301



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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**SENSITIVE**

January 29, 1990

**MEMORANDUM**

TO: The Commission

FROM: Lawrence M. Noble *LMN*  
General Counsel

SUBJECT: MUR 2891

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe were mailed on January 29, 1990. Following receipt of the respondent's reply to this notice, this Office will make a further report to the Commission.

**Attachments**

1. Brief
2. Letter to respondent

2104032302



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 29, 1990

John T. Broderick, Esquire  
New Hampshire Democratic Party  
Bell Building, Suite 210  
922 Elm Street  
Manchester, NH 03101

RE: MUR 2891  
New Hampshire State  
Democratic Committee and  
James M. Demers, as  
treasurer

Dear Mr. Broderick:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, on May 26, 1989, the Federal Election Commission found reason to believe that your clients, the New Hampshire State Democratic Committee and James M. Demers, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 434(a)(4)(A)(iv), and instituted an investigation in this matter.

After considering all the evidence available to the Commission, including information provided by your clients with regard to 2 U.S.C. § 433(c), the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that 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.

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Letter to John Broderick, Esquire  
Page 2

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

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

Sincerely,

  
Lawrence M. Noble  
General Counsel

Enclosure  
Brief

21040323304

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

New Hampshire State Democratic )  
Committee and James M. Demers, ) MUR 2891  
as treasurer )

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On May 26, 1989, the Commission found reason to believe that the New Hampshire State Democratic Party and James M. Demers, as treasurer, ("Respondents") violated 2 U.S.C. §§ 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 434(a)(4)(A)(iv) for failing to file timely the 1987 Mid-Year and Year End Reports, and the 1988 April Quarterly and Post-General Election Reports.

II. ANALYSIS

Section 434(a)(4)(A)(i) of Title 2 provides that unauthorized committees filing quarterly shall file quarterly reports in a calendar year in which a regularly scheduled election is held, no later than the 15th day after the last day of each calendar quarter. Respondents were required to file the 1988 April Quarterly Report on April 15, 1988. Respondents did not file the 1988 April Quarterly Report until May 13, 1988, which was 28 days late, disclosing \$33.22 in receipts and no disbursements.

Section 434(a)(4)(A)(iii) of Title 2 provides that unauthorized committees shall file a post-general election report in a year in which a regularly scheduled election is

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held, no later than the 30th day after the general election and which shall be complete as of the 20th day after such election. Respondents were required to file the 1988 Post-General Report on December 8, 1988. Respondents did not file the 1988 Post-General Report until December 22, 1988, which was 14 days late, disclosing \$49,328.95 in receipts and \$48,744.84 in disbursements.

Section 434(a)(4)(A)(iv) of Title 2 provides that unauthorized committees filing quarterly, in a non-election year, shall file a report covering the period beginning January 1 and ending June 30 no later than July 31; and shall file a report covering the period beginning July 1 and ending December 31 no later than January 31 of the following year. Respondents were required to file the 1987 Mid-Year Report on July 31, 1987, and to file the 1987 Year-End Report on January 31, 1988. Respondents did not file the 1987 Mid-Year Report until May 13, 1988, which was 287 days late, disclosing \$2,420.21 in receipts and \$337.00 in disbursements; and did not file the 1987 Year-End Report until March 8, 1988, which was 37 days late, disclosing \$41.36 in receipts and \$1,079.97 in disbursements.

Of the four reports filed late, the previous treasurer Robert Hogan signed the 1987 Year End Report filed on March 11, 1988; Committee Executive Director D. C. Ramsay McLaughlin signed the 1987 Mid Year and 1988 April Quarterly Reports filed on May 13, 1988; the current treasurer James Demers signed the

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1988 Post General Election Report filed on December 5, 1988. <sup>1</sup>

In addition, the Committee failed to timely notify the Commission of its change of treasurer. According to 2 U.S.C. § 433(c) of the Federal Election Campaign Act of 1971, as amended, any change in information previously submitted in a statement of organization shall be reported within 10 days after the date of change. Mr. Demers became the treasurer of the New Hampshire State Democratic Committee in May, 1988. However, the Committee did not file the required amended statement of organization until January 30, 1989.

III. GENERAL COUNSEL'S RECOMMENDATION

Find probable cause to believe that the New Hampshire State Democratic Committee and James M. Demers, as treasurer, violated 2 U.S.C. §§ 433(c), 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 434(a)(4)(A)(iv).

Date

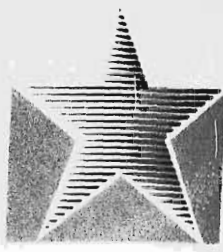
1/29/90

  
Lawrence M. Noble  
General Counsel

1. The Executive Director also signed amended 1987 Mid-Year and Year End Reports filed on May 13, 1988.

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NEW HAMPSHIRE  
**Democratic  
Party**

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February 9, 1990

State Headquarters  
Bell Building, Suite 210  
922 Elm Street  
Manchester, NH 03101  
(603) 622-9606

Jeffrey Long, Esquire  
Staff Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Re: MUR 2891  
New Hampshire State Democratic Committee and  
James M. Demers, as treasurer

Dear Mr. Long:

Would you please forward me a copy of any form required to be completed for a change in the position of treasurer for a state Democratic committee.

Apparently, the statement of organization earlier filed with the FEC should be amended.

If this letter should be redirected within the Commission, I would appreciate your doing that so we can make an appropriate filing.

Very truly yours,  
*John T. Broderick, Jr.*  
John T. Broderick, Jr.  
Legal Counsel

JTB:dam

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NEW HAMPSHIRE  
**Democratic  
Party**

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February 9, 1990

State Headquarters  
Bell Building, Suite 210  
922 Elm Street  
Manchester, NH 03101  
(603) 622-9606

90 FEB 13 AM 11:27

Lawrence M. Noble, Esquire  
General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Re: MUR 2891  
New Hampshire State Democratic Committee and  
James M. Demers, as treasurer

Dear Mr. Noble:

I write to acknowledge receipt of your letter of January 29, 1990.

I spoke yesterday with Jeffrey Long and informed him that I was in Los Angeles attending the ABA convention and that I would be going to Philadelphia on other business from Los Angeles.

I will not be back in my office until next Thursday. In view of my current schedule, I asked for an extension to March 1, 1990 to file a responsive brief. Mr. Long informed me that that would not present a problem but that I should confirm my request in writing.

When I return from Philadelphia, I will prepare an appropriate response to the General Counsel's submission.

Thank you in advance for your anticipated cooperation.

Very truly yours,

*John T. Broderick, Jr.*  
John T. Broderick, Jr.

JTB:dam

cc: Jeffrey Long, Esquire

210403302



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 16, 1990

John Broderick, Esquire  
Meryl & Broderick  
707 Chestnut Street  
Manchester, Vermont 03105

RE: MUR 2891  
New Hampshire State Democratic  
Committee and James M. Demers,  
as treasurer

Dear Mr. Broderick:

This is in response to your letter dated February 9, 1990, which we received on February 13, 1990, requesting an extension of 16 days. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on March 1, 1990.

If you have any questions, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble  
General Counsel

BY: Lois G. Lerner  
Associate General Counsel

Enclosure  
Statement of Organization

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**Merrill & Broderick**

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**HAND DELIVERED**

Attorneys at Law

Stephen E. Merrill  
John T. Broderick, Jr.  
Richard C. Nelson  
Martha V. Gordon  
Mark W. Dean

March 1, 1990

707 Chestnut Street  
P.O. Box 1420  
Manchester  
N.H. 03105  
603 626-1000

FAX 603 626-1001

**FEDERAL EXPRESS**

Ms. Marjorie Emmons, Secretary  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Re: MUR 2891  
New Hampshire State Democratic Committee and  
James M. Demers, as treasurer

Dear Ms. Emmons:

Enclosed please find the original and ten copies of a  
brief submitted on behalf of the New Hampshire State  
Democratic Committee and James M. Demers as treasurer.

A copy of this letter and three copies of the brief  
have been forwarded this date to Lawrence M. Noble, Esquire,  
General Counsel.

Very truly yours,

*John T. Broderick, Jr.*  
John T. Broderick, Jr.

JTB/prg  
Enclosures  
cc: Lawrence M. Noble, Esq.

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OFFICE OF THE CLERK

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
New Hampshire State Democratic ) MUR 2891  
Committee and James M. Demers )  
as treasurer )

RESPONDENTS' BRIEF

I. STATEMENT OF THE CASE

On May 26, 1989, the Commission found reason to believe that the New Hampshire State Democratic Committee and James M. Demers, as treasurer, violated 2 U.S.C. § 434 (a) (4) (A) (i), § 434 (a) (4) (A) (iii) and § 434 (a) (4) (A) (iv) for failing to file timely the 1987 Mid-Year and Year End Reports, and the 1988 April Quarterly and Post-General Election Reports.

No claim was advanced nor was any finding made that there had been any violation of 2 U.S.C. § 433 (c) of the Federal Election Campaign Act of 1971, as amended.

II. BACKGROUND

It is not disputed that 1987 Mid-Year and Year End Reports and the 1988 April Quarterly and Post-General Election Reports were not filed on the exact dates prescribed by statute. Further, it is not disputed that with the exception of the Post-General Election Report which was filed 14 days late on December 22, 1988 Robert Hogan was serving as treasurer of the New Hampshire Democratic State Committee during all applicable filing periods. Robert Hogan resigned as treasurer in May 1988 and James Demers was duly and unanimously elected as his replacement. Mr. Demers completed and



timely filed all subsequent reports during 1988. As noted, the Post-Election report for 1988 was filed 14 days late.

There is no controversy in this matter with the quality, accuracy or content of the various reports. The issue before the Commission relates solely to timeliness.

### III. ISSUES

1. Should the Commission find probable cause to believe that the New Hampshire Democratic State Committee violated 2 U.S.C. § 434 (a) (4) (A) (i), § 434 (a) (4) (A) (iii) and § 434 (a) (4) (A) (iv) when its treasurer Robert Hogan deceived and misrepresented his actions to the Committee and its counsel?
2. Should the Commission find probable cause to believe that James Demers, who was elected treasurer in May, 1988, violated 2 U.S.C. § 434 (a) (4) (A) (i) for failing to timely file a report due before he was even elected treasurer?
3. Should the Commission find probable cause to believe that James Demers violated 2 U.S.C. § 434 (a) (4) (A) (iv) for failing to file the required 1987 reports when he was not even elected treasurer until May, 1988?
4. Should the Commission find probable cause to believe that James Demers violated 2 U.S.C. § 434 (a) (4) (A) (iii) by filing a Post-Election Report 14 days late although he was assured by staff of the Commission prior to December 8, 1988 "not to worry" and that he could have

a 15 day grace period to complete this filing?

5. Does the Commission have jurisdiction to find probable cause that the New Hampshire Democratic State Committee violated 2 U.S.C. § 433 (c) when the Commission never earlier found "reason to believe" such a violation occurred and the claim is raised for the first time at this late date?

#### IV. ANALYSIS

The Commission's concerns relate to four reports which were not filed when required by statute. Specifically, the 1987 Mid-Year Report was not filed until May 13, 1988; the Year-End 1987 Report was not filed until May 13, 1988; the 1988 April Quarterly Report was not filed until May 13, 1988; and the 1988 Post-General Election Report was not filed until December 22, 1988.

Unfortunately, during 1987 and the early part of 1988, Robert Hogan, then treasurer of the State Committee, was not filing reports with the Commission in a timely fashion. This was unknown to counsel to the Committee until May 1988 nor was it known to other officers and officials within the Committee. In at least one instance, a representation was made to counsel by Mr. Hogan that a report had been filed with the Commission when it had not been filed.

In fact, once counsel for the Committee realized that a filing problem existed, he contacted legal staff at the Commission to discuss his concerns and place the Commission on notice of the Committee's predicament. Thereafter, efforts were made to retrieve

all books, records and accounts from Mr. Hogan who was reluctant to return them. This delay, in turn, delayed the April 1988 filing. The Committee did not knowingly aid, abet or condone Mr. Hogan's conduct and, in fact, was deceived by him to believe that reports had been filed. The circumstances surrounding Mr. Hogan's management of his duties as treasurer ultimately culminated in a petition being executed by executive committee members of the State Committee in early 1988 demanding Mr. Hogan's removal as treasurer. Ultimately, he "voluntarily" resigned before the State Committee could act under its constitution to remove him. He was replaced by James Demers who was unanimously elected treasurer in May, 1988 at a duly called meeting of the State Committee.

The State Committee was a victim of Mr. Hogan's recalcitrance and dereliction of duty. He knowingly deceived the Committee and its counsel and officers about his activities. Once the problem was detected, the Committee acted quickly, candidly and effectively to remedy the situation. Indeed, Mr. Demers requested an audit of the Committee's books which was accomplished soon after his election. Equity and fundamental fairness dictate that the State Committee not be financially saddled with Mr. Hogan's wrongdoing. Fortunately, the reports ultimately filed were accurate and complete. Imposing a fine on the Committee will constitute a punishment on a party already aggrieved. It would be likewise unfair to hold Mr. Demers liable.

Mr. Demers did not become treasurer of the State Committee until May, 1988. As a matter of law, the Commission cannot make

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a finding that he violated filing deadlines which expired before he assumed the office of treasurer. Three of the four reports at issue were due and in fact filed before his election. Accordingly, those allegations should be dismissed.

Finally, in early December 1988, Mr. Demers spoke by telephone with a staff member at the Commission about securing an extension on the post-election filing due December 8, 1988. He was informed that he need not worry because the Committee was entitled to a 15-day grace period. Mr. Demers, who was then employed as an account executive with Dean Witter, accepted and relied on that advice. The report was filed December 22, 1988.

The Commission is apparently considering a finding of probable cause for violation of 2 U.S.C. § 433 (c). That issue has never been previously raised and was not the basis of the Commission's findings on May 26, 1989. It would be inappropriate to make a probable cause finding without first determining that there was reason to believe that such a violation occurred. Accordingly, it is the Respondents' position that any alleged violation of 2 U.S.C. § 433 (c) is not properly before the Commission and that it lacks jurisdiction at this point to consider it.

V. SUMMARY

The Committee did not knowingly violate the report filing requirements established by statute. Its former treasurer, without its knowledge, participation or approval, failed to timely file required reports. When the Committee learned of this activity, it moved quickly to replace Mr. Hogan, collect and analyze the records

in his possession, and file accurate and complete reports. Through its counsel, it timely notified the Commission of the pending problem once it was known. The Committee was every bit as much of a victim of Mr. Hogan's conduct as was the Commission. Imposing a fine on the Committee will work a hardship on its treasury and unfairly reflect on its history of cooperation with the Commission.

Mr. Demers cannot be held lawfully accountable for the conduct of his predecessor. Specifically, he cannot be found to have missed filing deadlines at a time when he did not hold the office of treasurer. On the one occasion where he personally filed a Post-Election Report 14 days beyond the deadline, he did so on the express representation by a Commission staff member that he had a "15-day grace period."

Finally, the Commission cannot now consider any alleged violation of 2 U.S.C. § 433 (c) because it was not earlier raised.

WHEREFORE, the Respondents respectfully request the Commission not find probable cause to believe that the alleged violations occurred. Fundamental fairness would dictate that result.

Respectfully submitted,

NEW HAMPSHIRE STATE DEMOCRATIC  
COMMITTEE AND JAMES DEMERS  
AS TREASURER

By their attorney,

Dated: 3/1/90

John T. Broderick, Jr.

90 MAY -1 PM 4:12

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

New Hampshire State Democratic  
Executive Committee and James M.  
Demers, as treasurer

)  
) MUR 2891  
)  
)

**SENSITIVE**

**MAY 8 1990**

GENERAL COUNSEL'S REPORT

**EXECUTIVE SESSION**

I. BACKGROUND

On May 26, 1989, the Commission found reason to believe the New Hampshire State Democratic Executive Committee and James M. Demers, as treasurer, violated 2 U.S.C.

§§ 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 434(a)(4)(A)(iv).

During the investigation of the above violations it was discovered that the Committee had failed to timely file an amended statement of organization identifying their change of treasurer in May of 1988, in violation of 2 U.S.C. § 433(c). The General Counsel's Brief, signed January 29, 1990, informed the Respondents of this Office's intent to recommend that the Commission find probable cause to believe on the filing violations noted above, as well as the 433(c) violation.

The Committee's response brief received March 5, 1990, (Attachment 1) raises a question of jurisdiction, in that the Commission did not notify the Respondents of the 433(c) violation at the reason to believe stage. The response brief also includes arguments for making no findings against the Committee's current treasurer. Also, the Respondent's claim that the Commission should not find probable cause against the Committee when it was the Committee's past treasurer, who

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through deception and misrepresentation to the Committee, is responsible for the filing violations.

II. ANALYSIS

This Office relies on the factual and legal analysis in the General Counsel's Brief dated January 29, 1990. Counsel for the Respondents argues first, that the Committee should not be held accountable for their past treasurer's conduct because they were not aware of his "dereliction of duty." Counsel also argues that Mr. Demers cannot be held lawfully accountable for the conduct of his predecessor. According to Counsel, Mr. Demers also should not be held accountable for the report he personally filed late because "he did so on the express representation by a Commission staff member that he had a '15-day grace period'." Finally, Counsel argues that the Commission cannot now consider the alleged 433(c) violation because it was not earlier raised.

A. Treasurer of a Political Committee

The treasurer of a political committee is a representative of that committee. The Act requires that each committee have a treasurer, and that a committee cannot receive contributions or make expenditures during any period in which the office of treasurer is vacant. 2 U.S.C. § 432(a). A committee's treasurer shall also sign and file each report. 2 U.S.C. § 434(a). Robert Hogan was the treasurer of the New Hampshire State Democratic Committee and in that capacity his actions were on behalf of the Committee.

The Respondents further argue that the Commission cannot

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make a finding that the Committee's current treasurer, James M. Demers, violated filing deadlines which expired before he assumed office as treasurer. However, as discussed in the legal memorandum entitled Proceeding Against a Committee Treasurer, dated May 10, 1984, "The Commission is justified in naming current treasurers in their official capacity in actions seeking compliance from a committee for statutory violations committed by past treasurers." As also discussed in the memorandum, the basis for this Commission policy is found in the Federal Rules of Civil Procedure, which provide:

When a public officer is a party to an action in his official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the action does not abate and his successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party....

Respondents also seek to remove Mr. Demers from the agreement by arguing that the 1988 Post-General Election Report, which Mr. Demers signed as treasurer, should not be considered late. The Respondents claim that Mr. Demers was informed by staff from the Reports Analysis Division ("RAD") that the Committee had a "15 day grace period" to complete the filing. It is RAD policy to assure committees that no such leniency exists. However, even if the Respondents claim could be substantiated, such statements are not binding. Therefore, the 1988 Post-General Report was filed late.

Therefore, the Committee's current treasurer, James M.

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Demers, is identified as the current treasurer.

**B. Probable Cause to Believe on 2 U.S.C. § 433(c)**

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In their response brief, the Respondents also claim that the Commission can not at this late date recommend a probable cause to believe finding on the 433(c) violation. It has been this Office's position that it is not necessary, when an additional violation is discovered during an investigation, to produce a reason to believe finding against the Respondents after the matter has advanced to Briefs. This position is supported in Federal Election Commission v. National Rifle Association, 553 F. Supp. 1331 (D.D.C. 1983), in which the court suggests that respondents must be notified of allegations and given an opportunity to resolve the apparent violations through conciliation at some stage during the administrative process. The court does not indicate that a reason to believe finding is necessary, only that the Commission should follow its own enforcement procedures. In the present matter the Respondents were notified of the 433(c) violation in the General Counsel's Brief, and could have addressed the alleged violation in its response brief. Furthermore, enforcement procedures provide opportunity for the Respondents to conciliate the violation at the probable cause stage.

Therefore, this Office recommends that the Commission

find probable cause to believe Respondents violated 2 U.S.C. § 433(c) for failing to file an amended statement of organization. This Office also recommends that the Commission find probable cause to believe the Respondents violated 2 U.S.C. §§ 433(a)(4)(A)(i), 434(a)(4)(A)(iii), and 434(A)(4)(A)(iv).

II. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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IV. RECOMMENDATIONS

1. Find probable cause to believe that New Hampshire State Democratic Committee and James M. Demers, as treasurer, violated 2 U.S.C. §§ 433(c), 434(a)(4)(A)(i), 434(a)(4)(A)(iii), 434(a)(4)(A)(iv).
2. Approve the attached conciliation agreement and letter.

Date

4/30/90

Lawrence M. Noble  
General Counsel

Attachments:

1. Response Brief
2. Conciliation Agreement
2. Letter

Staff assigned: Jeffrey Long

21040323325

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

New Hampshire State Democratic  
Executive Committee and James M.  
Demers, as treasurer

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MUR 2891

CERTIFICATION

I, Marjorie W. Emmons, recording secretary of the  
Federal Election Commission executive session on May 8,  
1990, do hereby certify that the Commission decided by a  
vote of 6-0 to take the following actions in MUR 2891:

1. Find probable cause to believe that New  
Hampshire State Democratic Committee and  
James M. Demers, as treasurer, violated  
2 U.S.C. §§ 433(c), 434(a)(4)(A)(i),  
434(a)(4)(A)(iii), and 434(a)(4)(A)(iv).
2. Approve the conciliation agreement and  
letter attached to the General Counsel's  
report dated April 30, 1990.

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

Attest:

5-9-90  
Date

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

210403326



**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20463

May 11, 1990

John Broderick, Esquire  
Meryl & Broderick  
707 Chestnut Street  
Manchester, Vermont 03105

RE: MUR 2891  
New Hampshire State  
Democratic Committee and  
James M. Demers, as  
treasurer

Dear Mr. Broderick:

On May 8, 1990, the Federal Election Commission found that there is probable cause to believe your clients, New Hampshire State Democratic Committee and James M. Demers, as treasurer, violated 2 U.S.C. §§ 433(c), 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 434(a)(4)(A)(iv), provisions of the Federal Election Campaign Act of 1971, as amended, in connection with the filing of required statement of organization and reports of receipts and disbursements.

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.

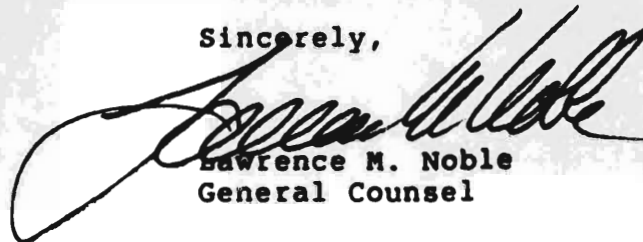
Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission accept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

910403327

John Broderick, Esquire  
Page 2

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,



Lawrence M. Noble  
General Counsel

Enclosure  
Conciliation Agreement

21040823328



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 25, 1990

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

John Broderick, Esquire  
Meryl & Broderick  
707 Chestnut Street  
Manchester, Vermont 03105

RE: MUR 2891  
New Hampshire State  
Democratic Committee and  
James M. Demers, as  
treasurer

Dear Mr. Broderick:

On May 11, 1990, you were notified that the Federal Election Commission found probable cause to believe that your clients, the New Hampshire State Democratic Committee and James M. Demers, as treasurer, violated 2 U.S.C. §§ 433(c), 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 434(a)(4)(A)(iv). 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 your receipt of this letter.

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

Sincerely,

Lawrence M. Noble  
General Counsel

BY: Lois G. Herner  
Associate General Counsel

21040323329



New Hampshire  
Democratic Party

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

90 JUL -2 AM 10: 38

State Headquarters  
Bell Building, Suite 210  
922 Elm Street  
Manchester, NH 03101  
(603) 622-9606

June 29, 1990

Lois G. Lerner, Esquire  
Associate General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Re: MUR 2891  
New Hampshire State Democratic Committee and  
James M. Demers, as treasurer

Dear Ms. Lerner:

Thank you for your letter of June 25, 1990.

I am still in the process of discussing the  
probable cause finding with the Democratic Party  
Chairman and should have a response for you within 30  
days.

I would hope you would hold off filing any civil  
suit until that time.

Hopefully, litigation will not be required.

Very truly yours,

John T. Broderick, Jr.

JTB:dam

cc: Edgar Helms, Chairman  
NH Democratic Party

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FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
90 JUL -2 PM 12: 02

00C 6794

9104032330



90 OCT 10 AM 11:33

OCT 16 1990

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

EXECUTIVE SESSION

New Hampshire State Democratic  
Committee and James M. Demers, as  
as treasurer

MUR 2891

SENSITIVE

## GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 8, 1990, the Commission found probable cause to believe that the New Hampshire State Democratic Committee and James M. Demers, as treasurer ("Respondents"), violated 2 U.S.C. §§ 433(c), 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 434(a)(4)(A)(iv), and voted to enter into conciliation with the Respondents. This Office mailed to the Respondents the proposed conciliation agreement on May 11, 1990. Having received no response from the Committee, this Office mailed a reminder letter on June 25, 1990, informing the Committee that if no response was received within five days of their receipt of that letter, this Office would make a recommendation to the Commission concerning the filing of a civil suit. (Attachment 1). Replying to that letter, John T. Broderick, Jr., counsel for the Respondents, informed the Commission that discussions were continuing with his clients and that a response would be forthcoming within 30 days. (Attachment 2). On or about August 22, 1990, staff from this Office contacted Mr. Broderick to determine if the Respondents were prepared to file a response.

Pursuant to 2 U.S.C. §437g(a)(4)(A)(i), the conciliation period may not extend for more than 90 days, but may cease after 30 days. The post-probable cause conciliation period in this matter has extended for 150 days. It is the opinion of this Office that an agreement in this matter at this stage is unlikely. Therefore, the Office of the General Counsel recommends that the Commission authorize the filing of a civil suit for relief.

II. RECOMMENDATIONS

1. Authorize the Office of the General Counsel to file a civil suit for relief in United States District Court against the New Hampshire State Democratic Committee and James M. Demers, as treasurer.
2. Approve the appropriate letter.

Date

10/9/90

Lawrence M. Noble  
General Counsel

Attachment

1. Reminder Letter
2. Reply letter

Staff Assigned: Jeffrey Long

210403332

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

New Hampshire State Democratic )  
Committee and James M. Demers, as )  
treasurer. )

MUR 2891

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the  
Federal Election Commission executive session on October 16,  
1990, do hereby certify that the Commission decided by a vote  
of 6-0 to take the following actions in MUR 2891:

1. Direct the Office of General Counsel to submit  
a revised conciliation agreement, as discussed  
in the Commission meeting, to the respondents  
and advise the respondents that they are being  
given ten business days to sign the agreement.
2. Authorize the Office of the General Counsel  
to file a civil suit for relief in United  
States District Court against the New Hampshire  
State Democratic Committee and James M. Demers,  
as treasurer, if the Commission's conciliation  
agreement has not been accepted within ten  
business days.

(continued)

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Federal Election Commission  
Certification for MUR 2891  
October 16, 1990

Page 2

3. Send appropriate letters pursuant to the actions noted above.

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

Attest:

10-19-90

Date

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

91040323334



FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

October 25, 1990

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

John Broderick, Esquire  
Meryl & Broderick  
707 Chestnut Street  
Manchester, Vermont 03105

RE: MUR 2891  
New Hampshire State  
Democratic Committee and  
James M. Demers, as  
treasurer

Dear Mr. Broderick:

On May 8, 1990, the Federal Election Commission found that there is probable cause to believe your clients, New Hampshire State Democratic Committee and James M. Demers, as treasurer, violated 2 U.S.C. §§ 433(c), 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 434(a)(4)(A)(iv), provisions of the Federal Election Campaign Act of 1971, as amended, in connection with the filing of required statement of organization and reports of receipts and disbursements.

Enclosed herewith is a proposed conciliation agreement which the Commission has approved for settlement of this matter, which we submit for your client's signature.

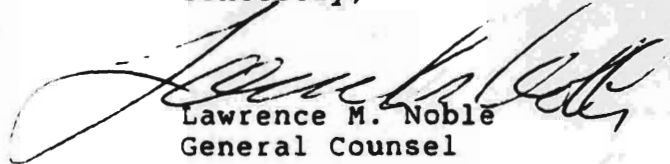
Although I am hopeful that this matter can be settled through a conciliation agreement, please be advised that in the absence of your client's acceptance of the enclosed agreement within 10 days, the Commission has authorized this Office to institute a civil suit in the U.S. District Court.

910403335

John Broderick, Esquire  
Page 2

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,



Lawrence M. Noble  
General Counsel

Enclosure  
Conciliation Agreement

210403336



90 NOV 21 AM 11:53

BEFORE THE FEDERAL ELECTION COMMISSION

**SENSITIVE**

In the Matter of )  
 )  
New Hampshire State ) MUR 2891  
Democratic Committee and )  
James M. Demers, as )  
treasurer )

GENERAL COUNSEL'S REPORT

On May 8, 1990, the Commission found probable cause to believe the New Hampshire State Democratic Committee and James M. Demers, as treasurer, ("Respondents") violated 2 U.S.C. §§ 433(c), 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 434(a)(4)(A)(iv). On October 16, 1990, the Commission approved a final counterproposal to the Respondents and authorized the filing of a civil suit if the agreement was not accepted within 10 days of its receipt. The final offer and notification letter were sent by certified mail on October 25, 1990.

Counsel for the Respondents has informed this Office that he did not receive the final offer and letter until November 9, 1990. Staff of this Office discussed the offer with counsel on several occasions. On November 20, 1990, counsel informed this Office that he and the state party chairman planned to recommend that the state party's executive committee accept the final offer. He noted that the next executive committee meeting would occur on November 29, 1990. Counsel stated that he would call staff of this Office on November 30 with the results of the executive committee's action.

In view of these events and the possibility that this matter may reach an acceptable settlement, this Office will wait for

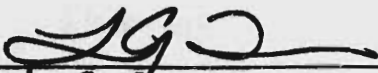
2104032337

counsel's call on November 30 before proceeding further.

Lawrence N. Noble  
General Counsel

Date 11/20/90

BY:

  
Lois G. Verner  
Associate General Counsel

Staff assigned: Jeff Long

21040323338



New Hampshire  
Democratic Party

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

91 JAN 14 AM 11:53

State Headquarters  
Bell Building, Suite 210  
922 Elm Street  
Manchester, NH 03101  
(603) 622-9606

January 7, 1990

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

RE: MUR 2891  
New Hampshire Democratic Committee and James M. Demers

Dear Commission:

Enclosed is the first installment payment concerning the fine assessed the New Hampshire Democratic Party. The signed agreement has been sent previously.

Respectfully,

Robert B. Coates  
Executive Director  
New Hampshire Democratic Party  
120 North Main Street  
Concord, New Hampshire 03301  
603-225-6899

RECEIVED  
FEDERAL ELECTION COMMISSION  
91 JAN 16 PM 12:45

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
91 JAN 15 12:27

In the Matter of

New Hampshire State Democratic  
Committee and its treasurer

)  
) MUR 2891  
)

**SENSITIVE**

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Edgar Helms, the Chairman of the New Hampshire Democratic Party.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the New Hampshire State Democratic Committee and its treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble  
General Counsel

Date 1/14/91

BY:

Lois G. Lerner  
Lois G. Lerner  
Associate General Counsel

Attachments

1. Conciliation Agreement

Staff Assigned: Jeffrey Long

21040323340

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
New Hampshire State Democratic ) MUR 2891  
Committee and its treasurer. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 16, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 2891:

1. Accept the conciliation agreement with the New Hampshire State Democratic Committee and its treasurer, as recommended in the General Counsel's Report dated January 14, 1991.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated January 14, 1991.

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

Attest:

*Jan 17 1991*  
Date

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

Received in the Secretariat: Mon., Jan. 14, 1991 12:27 p.m.  
Circulated to the Commission: Mon., Jan. 14, 1991 4:00 p.m.  
Deadline for vote: Wed., Jan. 16, 1991 4:00 p.m.

dr



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 22, 1991

SED

John Broderick, Esquire  
Meryl & Broderick  
707 Chestnut Street  
Manchester, Vermont 03105

RE: MUR 2891  
New Hampshire State  
Democratic Committee and  
its treasurer

Dear Mr. Broderick:

On January 16, 1991, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of the New Hampshire State Democratic Committee and its treasurer, in settlement of a violation of 2 U.S.C. §§ 433(C), 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 434(a)(4)(A)(iv), 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. We have received the first installment payment of the civil penalty, leaving a balance of \$1,500 to be paid in five installments of \$300 each.

210403342

John Broderick, Esquire  
Page 2

If you have any questions, please contact Jeffrey Long, the  
staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble  
General Counsel



BY: Lois G. Lerner  
Associate General Counsel

Enclosure  
Conciliation Agreement

3104033343



91 JAN -7 PM 12:38

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

New Hampshire State Democratic )  
Committee and its treasurer ) MUR 2891  
)

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 New Hampshire State Democratic Committee and its treasurer ("Respondents") violated 2 U.S.C. §§ 433(c), 434(a)(4)(A)(i), 434(a)(4)(A)(iii) and 434(a)(4)(A)(iv).

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, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

I. 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:

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF LEGAL COUNSEL  
91 JAN -8 PM 1:19

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1. New Hampshire State Democratic Committee is a political committee within the meaning of 2 U.S.C. § 431(4).

2. James M. Demers succeeded Robert Hogan as the treasurer of the New Hampshire State Democratic Committee in May, 1988. Robert Hogan was the treasurer at the time of the filing of the 1987 Mid-Year and Year End Reports and the 1988 April Quarterly Report. James M. Demers was the treasurer of record at the time of the filing of the 1988 Post-General Election Report.

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

4. Respondents were required to file the 1988 April Quarterly Report on April 15, 1988. Respondents did not file the 1988 April Quarterly Report until May 13, 1988, which was 28 days late, disclosing \$33.22 in receipts and no disbursements.

5. Section 434(a)(4)(A)(iii) of Title 2 provides that unauthorized committees shall file a post-general election report in a year in which a regularly scheduled election is held, no later than the 30th day after the general election and which shall be complete as of the 20th day after such election.

6. Respondents were required to file the 1988 Post-General Report on December 8, 1988. Respondents did not file the 1988 Post-General Report until December 22, 1988, which

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was 14 days late, disclosing \$49,328.95 in receipts and \$48,744.84 in disbursements.

7. Section 434(a)(4)(A)(iv) of Title 2 provides that unauthorized committees filing quarterly, in a non-election year such committees shall file a report covering the period beginning January 1 and ending June 30, no later than July 31; and shall file a report covering the period beginning July 1 and ending December 31 no later than January 31 of the following year.

8. Respondents were required to file the 1987 Mid-Year Report on July 31, 1987, and to file the 1987 Year-End Report on January 31, 1988. Respondents did not file the 1987 Mid-Year Report until May 13, 1988, which was 287 days late, disclosing \$2,420.21 in receipts and \$337.00 in disbursements; and did not file the 1987 Year-End Report until March 8, 1988, which was 37 days late, disclosing \$41.36 in receipts and \$1,079.97 in disbursements.

9. According to 2 U.S.C. § 433(c), any change in information previously submitted in a statement of organization shall be reported within 10 days after the date of change. The amendment need list only the name of such committee and the change or correction. 11 C.F.R. § 102.2(a)(2).

10. James Demers became the treasurer of the New Hampshire State Democratic Committee in May, 1988. The Committee did not file the required amended statement of organization until January 30, 1989.

210403346

V. 1. Respondents failed to file in a timely manner the 1987 Mid-Year Report and Year-End Reports in violation of 2 U.S.C. § 434(a)(4)(A)(iv); the 1988 April Quarterly Report in violation of 2 U.S.C. § 434(a)(4)(A)(i); and the 1988 Post-General Report in violation of 2 U.S.C. § 434(a)(4)(A)(iii).

2. Respondents failed to file an amended statement of organization in violation of 2 U.S.C. § 433(c).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of one thousand nine hundred dollars (\$1,900.00), pursuant to 2 U.S.C. § 437g(a)(5)(A), such penalty to be paid as follows:

1. One initial payment of \$400, due upon ratification of this agreement;

2. Thereafter, beginning on the first day of the first month after the ratification of this agreement, five consecutive monthly installment payments of \$300 each;

3. Each such installment shall be paid on the first day of the month in which it becomes due;

4. In the event that any installment payment is not received by the Commission by the fifth day of the month in which it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the respondents. Failure by the Commission to accelerate the payments with regard to any overdue installment shall not be construed as a waiver of its right to do so with regard to future overdue installments.

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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 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.

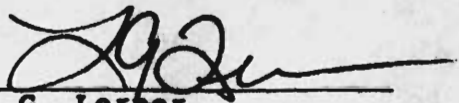
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X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble  
General Counsel

BY:

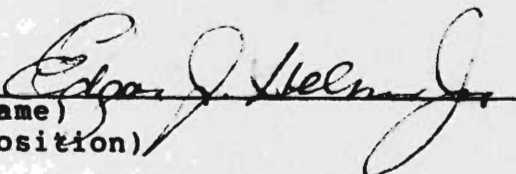
  
Lois G. Lerper  
Associate General Counsel

Date

1/22/91

FOR THE RESPONDENTS:

(Name)  
(Position)



Date

December 16, 1990

CHAIR, DEMOCRATIC PARTY, NH

91040323349



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

THIS IS THE END OF MUR # 2891

DATE FILMED 2/2/91 CAMERA NO. 4

CAMERAMAN AS

91040323350





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 2891.

2104035421

BOB WALSH  
121 Dallaire Street  
Manchester, NH 03104

06C 0242  
RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

91 MAR -4 AM 10:25

March 1, 1991

**CLOSED**

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

91 MAR -5 AM 10:46

RECEIVED  
FEDERAL ELECTION COMMISSION

Re: MUR 2891  
NH Democratic State Committee

Dear Sir or Madam:

Enclosed is our check for \$600.00 which represents the  
February and March payments (\$300.00 each) on the assessed fine.

Very truly yours,



Robert M. Walsh, Esq.

cc: C. Spirou  
R. Verney  
R. Backus

21040634272



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 4, 1991

TWO WAY MEMORANDUM

TO: Fabrae Brunson  
OGC, Docket

FROM: Philomena Brooks *OP*  
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from NH Democratic Federal  
Account, check number 140, dated  
February 28, 1991, and in the amount of \$ 600.00.  
Attached is a copy of the check and any correspondence that  
was forwarded. Please indicate below the account into which  
it should be deposited, and the MUR number and name.

-----  
TO: Philomena Brooks  
Accounting Technician

FROM: Fabrae Brunson *FOB*  
OGC, Docket

In reference to the above check in the amount of  
\$ 600.00, the MUR number is 95F3875.16 and in the name of  
NH Democratic Federal Account. The account into  
which it should be deposited is indicated below:

- ☒ Budget Clearing Account (OGC), 95F3875.16  
☐ Civil Penalties Account, 95-1099.160  
☐ Other: \_\_\_\_\_

Philomena Brooks  
Signature

March 4, 1991  
Date

21040334273

NH DEMOCRATIC FEDERAL ACCOUNT 3 12/89

TEL. 603-622-9606

922 ELM STREET, SUITE 210

MANCHESTER, NH 03101

FEB 28 1991

140

54-3  
114

PAY TO THE ORDER OF F.E.C.

\$ 600.00

Six HUNDRED

DOLLARS

**First NH Bank, N.A.**

Manchester, New Hampshire 03101

MEMO

NR 2891

partial payment  
Feb 2, March 1991

J. P. Walsh

TREAS

⑆011400039⑆ 02320251⑈06 0140



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 2891.

6/20/91

91040845381





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 17, 1991

**CLOSED**

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Robert M. Walsh, Esquire  
121 Dallaire Street  
Manchester, New Hampshire 03104

RE: MUR 2891

Dear Mr. Walsh:

On January 16, 1991, the Federal Election Commission and the New Hampshire State Democratic Committee entered into a conciliation agreement in settlement of violation of 2 U.S.C. §§ 433(c), 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 434(a)(4)(A)(iv). According to the agreement, the Committee was required to pay a civil penalty of \$1,900.00. The conciliation agreement provided for a \$400 initial payment and five installment payments of \$300, with the first payment due on February 1, 1991, and additional payments due on the first day of each successive month, until June 1, 1991.

According to Commission records, only \$1,000.00 of the Committee's payments have been received. Please be advised that, pursuant to 2 U.S.C. § 437g(a)(5)(D), violation of any provision of the conciliation agreement may result in the institution of a civil suit for relief in the United States District Court. Unless we receive the payments from you in five days, this Office will recommend that the Commission file suit to remedy this violation.

If you believe the Commission's records are in error, or if you have any questions, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble  
General Counsel

BY: Lois G. Lerner  
Associate General Counsel

91040845382



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 28, 1991

TWO WAY MEMORANDUM

TO: Fabrae Brunson  
OGC, Docket

FROM: Philomena Brooks *RB*  
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from NH Democratic State Committee, check number 2596, dated May 21, 1991, and in the amount of \$ 900.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Philomena Brooks  
Accounting Technician

FROM: Fabrae Brunson *YDB*  
OGC, Docket

In reference to the above check in the amount of \$ 900.00, the MUR number is 2891 and in the name of New Hampshire Democratic State Committee. The account into which it should be deposited is indicated below:

- ☐ Budget Clearing Account (OGC), 95F3875.16  
☒ Civil Penalties Account, 95-1099.160  
☐ Other: \_\_\_\_\_

Fabrae D. Brunson  
Signature

5/29/91  
Date

91040845383



NH DEMOCRATIC STATE COMMITTEE 1/5 3 8 4

120 NORTH MAIN ST.  
CONCORD, NH 03301

2596

PAY  
TO THE  
ORDER OF

*Federal Election Commission*

*May 21* 19*91*

\$ *900.00*

*Nine hundred*

DOLLARS

 **First NH Bank, N.A.**  
NEW HAMPSHIRE'S LEADING BANK

FOR *MUR 2891*

*R. Wahl* TREAS.

⑆002596⑆ ⑆011400039⑆ 01897278⑆06