



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2969

DATE FILMED 11/12/89 CAMERA NO. 2

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990407B1929



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

June 16, 1989

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

FROM: JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: UNAUTHORIZED QUARTERLY FILERS WHICH FAILED TO FILE
THE 1988 12 DAY PRE-GENERAL REPORT BY ELECTION DAY

7 JUN 19 11:41

The attached list of unauthorized committees consists of thirty-seven (37) quarterly filers which failed to file a 1988 12 Day Pre-General Report by Election Day, November 8, 1988.

Unlike the mandatory reporting requirement placed upon monthly filers, 2 U.S.C. §434(a)(4)(A)(ii) requires quarterly filers to submit 12 Day Pre-General Reports only if the committees make contributions to or expenditures on behalf of federal candidates in the general election. All unauthorized committees were sent prior notification regarding the pre- and post-general filing requirements on October 3, 1988 (Attachment 38).

The Party/Non-Party Branch conducted a thorough examination to identify quarterly filers disclosing contributions or expenditures between October 1 and October 19, 1988. The research revealed committees that submitted:

- a) 12 Day Pre-General Reports in an untimely manner;
- b) 30 Day Post-General Reports indicating that 12 Day Pre-General Reports should have been filed; and
- c) Year End Reports indicating that 12 Day Pre-General Reports should have been filed.

If you have any questions regarding this matter, please contact Lisa J. Stolaruk at 376-2480.

A-000-1

8904071930

List of Committees and Prior Commission Actions

- 1.
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A-00002

890407B1931

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29. C00134742

Plasterers' and Cements Masons'
Action Committee

89NF-97

A-00003

89040721932

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38.

A-00004

COMMITTEE ID, NAME AND ADDRESS

CONTACTS
WITH FILER ATCH

REPORTS FILED
RESPONSES

89040761934

A-000005

3 2 0 4 0 7 6 1 9 3 5

A-00000

COMMITTEE ID, NAME AND ADDRESS

CONTACTS
WITH FILER ATCH

REPORTS FILED/
RESPONSES

89040761936

A-00007

8 9 9 4 0 7 6 : 9 3 7

A-00000

COMMITTEE ID, NAME AND ADDRESS

CONTACTS
WITH FILER ATCH

REPORTS FILED/
RESPONSES

8 7 0 4 0 7 6 1 9 3 8

A-00000

8 2 0 4 0 7 6 1 9 3 9

.....
 C00134742
 PLASTERERS' AND CEMENTS MASONS' ACTION COMMITTEE
 TREASURER'S NAME: VINCENT J PANEPINTO (5/1/87 to present)*
 1125 17TH STREET NW 6TH FLOOR
 WASHINGTON DC 20036

None

Attachments 29a-29d

1988 12 Day Pre
 General Report
 filed 12/9/88

*Robert J. Holton (pre-1/1/87-4/30/87)

A-00010

COMMITTEE ID, NAME AND ADDRESS

CONTACTS
WITH FILER ATCH

REPORTS FILED/
RESPONSES

8 3 0 4 0 7 6 1 9 4 0

A-00011

82040761941

A-000-2

Plasterers' and Cements Masons' Action Committee
(Attachments 29a - 29d)

82040761942

3 9 0 4 0 7 6 1 9 4 3

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

DATE 17MAY89

PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
				TYPE OF FILER		
PLASTERERS' AND CEMENT MASON'S ACTION COMMITTEE						
CONNECTED ORGANIZATION: OPERATIVE PLASTERERS' & CEMENT MASONS'						
ID #C00134742 NON-PARTY QUALIFIED						
1987	STATEMENT OF ORGANIZATION - AMENDMENT			5MAY87	2	87FEC/466/5218
	MID-YEAR REPORT	15,334	34,955	1JAN87 -30JUN87	7	87FEC/473/5335
	YEAR-END	8,614	461	1JUL87 -31DEC87	7	88FEC/501/3553
1988	APRIL QUARTERLY	2,705	3,305	1JAN88 -31MAR88	5	88FEC/519/1012
	JULY QUARTERLY	3,668	2,600	1APR88 -30JUN88	4	88FEC/534/5253
	OCTOBER QUARTERLY	3,712	5,241	1JUL88 -30SEP88	8	88FEC/552/2976
	PRE-GENERAL	740	500	1OCT88 -19OCT88	6	88FEC/572/4326
	POST-GENERAL	3,812	9,750	20OCT88 -28NOV88	7	88FEC/572/4333
	YEAR-END	1,602	0	29NOV88 -31DEC88	5	89FEC/582/0610
TOTAL		40,187	0	56,812	0	51 TOTAL PAGES

All reports have been reviewed.

Ending cash-on-hand as of 12/31/88; \$27,458

Outstanding debts owed to or by the committee as of 12/31/88: \$0

REPORT OF RECEIPTS AND DISBURSEMENTS AND DELIVERIES

For Other Than An Authorized Committee
(Summary Page)

88 DEC -9 1:14:39

ATTACHMENT 29b

USE PREC MAILING LABEL OR TYPE OR PRINT

1 NAME OF COMMITTEE (in full) Plasterers' & Cement Masons' Action Committee		2 PREC IDENTIFICATION NUMBER C00134742
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported 1125-17th Street, NW		
CITY, STATE and ZIP CODE Washington, DC 20036		
3 This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date)		

4. TYPE OF REPORT

- (a) ☐ April 15 Quarterly Report

☐ July 15 Quarterly Report

☐ October 15 Quarterly Report

☐ January 31 Year End Report

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

☒ Pre-General

☐ Termination Report

Monthly Report Due On

<input type="checkbox"/> February 20	<input type="checkbox"/> June 20	<input type="checkbox"/> October 20
<input type="checkbox"/> March 20	<input type="checkbox"/> July 20	<input type="checkbox"/> November 20
<input type="checkbox"/> April 20	<input type="checkbox"/> August 20	<input type="checkbox"/> December 20
<input type="checkbox"/> May 20	<input type="checkbox"/> September 20	<input type="checkbox"/> January 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>10/1/88</u> through <u>19/19/88</u>		
6	(a) Cash on Hand January 1, 19 <u>88</u>		\$ 32,615.62
	(b) Cash on Hand at Beginning of Reporting Period	\$ 31,554.07	
	(c) Total Receipts (from Line 18)	\$ 740.00	\$ 10,825.00
	(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 32,294.07	\$ 43,440.62
7	Total Disbursements (from Line 28)	\$ 500.00	\$ 11,646.55
8	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 31,794.07	\$ 31,794.07
9	Debt, 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
 Vincent J. Fanepinto
 Signature of Treasurer

Date
 12/8/88

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)

3 3 0 4 0 7 7 2 6 1 3 9 4 0 4

DETAILED SUMMARY PAGE of Receipts and Disbursements (PAGE 2, FEC FORM 278)

Name of Committee (in full) Plasterers' & Cement Masons' Action Committee		Report Covering the Period From 10/1/88 To 10/19/88	
		COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
I. RECEIPTS			
11 CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals Persons Other Than Political Committees			
(i) Remitted (use Schedule A)		570.00	2,200.00
(ii) Unremitted		170.00	8,625.00
(iii) Total of contributions from individuals		740.00	10,825.00
(b) Political Party Committees		0	0
(c) Other Political Committees (such as PACs)		0	0
(d) TOTAL CONTRIBUTIONS (add 11(a)(iii), (b), and (c))		740.00	10,825.00
12 TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES			
13 ALL LOANS RECEIVED			
14 LOAN REPAYMENTS RECEIVED			
15 OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)			
16 REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES			
17 OTHER RECEIPTS (Dividends, Interest, etc.)			
18 TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)		740.00	10,825.00
II. DISBURSEMENTS			
19 OPERATING EXPENDITURES		0	2,116.55
20 TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES		0	130.00
21 CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		500.00	9,400.00
22 INDEPENDENT EXPENDITURES (use Schedule E)			
23 COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 USC 441a(d)) (use Schedule F)			
24 LOAN REPAYMENTS MADE			
25 LOANS MADE			
26 REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals Persons Other Than Political Committees			
(b) Political Party Committees			
(c) Other Political Committees (such as PACs)			
(d) TOTAL CONTRIBUTION REFUNDS (add 26(a), (b), and (c))			
27 OTHER DISBURSEMENTS			
28 TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26(d), and 27)		500.00	11,646.55
III. NET CONTRIBUTIONS OPERATING EXPENDITURES			
29 TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)		740.00	10,825.00
30 TOTAL CONTRIBUTION REFUNDS (from Line 26(d))		0	0
31 NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)		740.00	10,825.00
32 TOTAL OPERATING EXPENDITURES (from Line 19)		0	2,116.55
33 OFFSETS TO OPERATING EXPENDITURES (from Line 15)		0	0
34 NET OPERATING EXPENDITURES (subtract Line 33 from 32)		0	2,116.55

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SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedule(s)
for each category of the
Detailed Summary PagePAGE 1 OF 1
FORM NUMBER 21

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

NAME OF COMMITTEE (No Full)

Plasterers' & Cement Masons' Action Committee

AED

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement contribution	Date (month, day, year)	Amount of Each Disbursement This Period
David O'Brien for Congress 2403 Court Street Sioux City, IA 51104	Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/12/88	\$500.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (see line 1)

\$500.00

TOTAL This Period (see line 1 and line 2)

\$500.00

20040972613846

89 AUG -9 AM 10:03

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD REFERRAL: 89NF-69 thru
89NF-105

STAFF MEMBER: Gregory Baker

SOURCE: Internally Generated

RESPONDENTS: a.

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cc. Plasterers' and Cements Masons' Action Committee
and Vincent J. Panepinto, as treasurer (89NP-97)

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RELEVANT STATUTE: 2 U.S.C. § 434(a)(4)(A)(ii)

INTERNAL REPORTS CHECKED: Disclosure Reports and
Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the above
(37) committees to the Office of the General Counsel on June 16,
1989. (Attachment 1). The basis for the attached referral is

8 3 0 4 0 7 6 1 9 4 9

the committees' failure to file the 12 Day Pre-General Report by October 27, 1988.

II. FACTUAL AND LEGAL ANALYSIS

A. Filing of Reports

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that for unauthorized committees filing quarterly, such committees shall submit 12 Day Pre-General Reports if the Committees make any contributions to or expenditures on behalf of federal candidates in the general election. 2 U.S.C. § 434(a)(4)(A)(ii). The 12 Day Pre-General Report is due as of the 12th day before the election (October 27, 1988) and should be complete as of the 20th day before the election (October 19, 1988). The Committees were notified on October 3, 1988, that the report was due on October 27, 1988.

The (37) committees fall into three categories;

(1) committees that filed 12 Day Pre-General Reports in an untimely manner, (2) committees that filed 30 Day Post-General Reports indicating that 12 Day Pre-General Reports should have been filed, and (3) committees that filed Year End Reports indicating that 12 Day Pre-General Reports should have been filed. The following Committees did not file the 1988 12 Day Pre-General Report by October 27, 1988:

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Plasterers' and Cements Masons' Action December 9, 1988
Committee (89NF-97)

- (2) 30 Day Post-General Reports Indicating that 12 Day
Pre-General Reports should have been filed.

33040761352

- (3) Year End Reports Indicating that 12 day Pre-General Reports should have been filed.

8 7 7 4 0 7 6 1 9 5 3

Accordingly, the Office of the General Counsel recommends that the Commission open Matters Under Review and find reason to believe that the above committees and their treasurers violated 2 U.S.C. § 434(a)(4)(A)(ii).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

This Office also recommends that the Commission offer to enter into conciliation prior to a finding of probable cause to believe with respect to the (37) referred committees. Attached for the Commission's approval are proposed conciliation agreements (Attachment 2). The proposed agreements provide for an admission of the violation and civil penalties computed as follows:

82040761954

PAGES 9 THROUGH 44 DO NOT PERTAIN TO THESE RESPONDENTS.

8 2 0 4 0 7 6 1 9 5 5

IV. RECOMMENDATIONS

1. Open Matters Under Review with respect to the following committees and their treasurers and find reason to believe that these committees and their treasurers violated 2 U.S.C. § 434(a)(4)(A)(ii).

89040761955

89740761957

Plasterers' and Cements Masons' Action Committee and
Vincent J. Panepinto, as treasurer (89NF-97)

2. Enter into conciliation with the following committees and their treasurers prior to a finding of probable cause to believe.

89040761958

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Plasterers' and Cements Masons' Action Committee and
Vincent J. Panepinto, as treasurer (89NF-97)

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3. Approve the attached letters, Factual and Legal Analyses, and proposed conciliation agreements to be sent to the respective respondents listed in Recommendation 2.

Lawrence M. Noble
General Counsel

8/7/89
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments:

- A. Referral materials
- B. Proposed Conciliation Agreements (37),
Letters and Factual and Legal Analyses (37)

89040761961

33707962

[illegible]

(continued)

2 2 0 4 0 7 6 1 9 6 5

Plasterers' and Cements Masons' Action)
Committee and Vincent J. Panepinto,)
as treasurer (89NF-97))

(continued)

Federal Election Commission
Certification for RAD Referrals
89NF-69 through 89 NF-105
August 22, 1989

Page 5

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session of August 22,
1989, do hereby certify that the Commission decided by a
vote of 4-0 to take the following actions with respect to
RAD Referrals 89NF-69 through 89NF-105:

1. Open Matters Under Review with respect to the
following committees and their treasurers and
find reason to believe that these committees
and their treasurers violated 2 U.S.C.
§ 434(a)(4)(A)(ii):

(continued)

33040761950

Federal Election Commission
Certification for RAD Referrals
89NF-69 through 89NF-105
August 22, 1989

Page 6

89040761967

(continued)

Federal Election Commission
Certification for RAD Referrals
89NF-69 through 89NF-105
August 22, 1989

Page 7

89040761968

(continued)

Federal Election Commission
Certification for RAD Referrals
89NF-69 through 89NF-105
August 22, 1989

Page 8

Plasterers' and Cements Masons' Action Committee
and Vincent J. Panepinto, as treasurer (89NF-97)

33040761959

2. Enter into conciliation with the following committees and their treasurers prior to a finding of probable cause to believe:

(continued)

Federal Election Commission
Certification for RAD Referrals
89NF-69 through 89NF-105
August 22, 1989

Page 9

8 3 0 4 0 7 6 1 9 7 0

(continued)

Federal Election Commission
Certification for RAD Referrals
89NF-69 through 89NF-105
August 22, 1989

Page 10

22040761971

(continued)

Federal Election Commission
Certification for RAD Referrals
89NF-69 through 89NF-105
August 22, 1989

Page 11

Plasterers' and Cements Masons' Action
Committee and Vincent J. Panepinto, as
treasurer (89NF-97)

(continued)

89040761972

3. Approve the letters, Factual and Legal Analyses, and proposed conciliation agreements to be sent to the respective respondents listed in Action 2 above, as recommended in the General Counsel's report dated August 7, 1989, subject to amendment of two of the agreements as agreed in the meeting of August 22, 1989.

Commissioners Aikens, Elliott, Josefiak, and McDonald voted affirmatively for the decision; Commissioners McGarry and Thomas were not present.

Attest:

8-25-89

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 12, 1989

Vincent J. Panepinto, Treasurer
Plasterers' and Cements Masons'
Action Committee
1125 17th Street, N.W.
6th Floor
Washington, D.C. 20036

RE: MUR 2969
Plasterers' and Cements Masons'
Action Committee and
Vincent J. Panepinto, as treasurer

Dear Mr. Panepinto:

On August 22, 1989, the Federal Election Commission found that there is reason to believe Plasterers' and Cements Masons' Action Committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

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

29040761274

Vincent J. Panepinto, Treasurer
Page 2

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

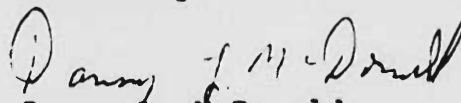
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Tamara Kapper, the staff person assigned to this matter, at (202) 376-5690.

Sincerely,


Danny L. McDonald
Chairman

Enclosures

- A. Factual and Legal Analysis
- B. Procedures
- C. Designation of Counsel Form
- D. Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

September 22, 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Vincent J. Panepinto, Treasurer
Plasterers' and Cements Masons'
Action Committee
1125 17th Street, N.W.
6th Floor
Washington, D.C. 20036

RE: MUR 2969
Plasterers' and Cements Masons'
Action Committee and Vincent J.
Panepinto, as treasurer

Dear Mr. Panepinto:

On September 12, 1989, you were notified that, the Federal Election Commission determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On that same date you were sent a conciliation agreement offered by the Commission in settlement of this matter.

Please note that conciliation negotiations entered into prior to a finding of probable cause to believe are limited to a maximum of 30 days. To date, you have not responded in writing to the proposed agreement. The 30 day period for negotiations will soon expire. Unless we receive a response from you within five days, this Office will consider these negotiations terminated and will proceed to the next stage of the enforcement process.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: *Lois G. Lerner* (LEK)
Lois G. Lerner
Associate General Counsel

89040761976

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

89 OCT 24 AM 9:59

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Plasterers' and Cements Masons')
Action Committee and Vincent J.)
Panepinto, as treasurer)

MUR 2969

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached for Commission approval is a conciliation agreement signed by Jeffery M. Sandman, counsel for the Plasterers' and Cements Masons' Action Committee and Vincent J. Panepinto, as treasurer, along with a check in payment of the civil penalty.

89040761977

II. RECOMMENDATIONS

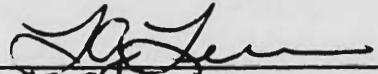
1. Approve the revised conciliation agreement with the Plasterers' and Cements Masons' Action Committee and Vincent J. Panepinto, as treasurer.
2. Approve the attached letter.
3. Close the file in this matter.

Lawrence M. Noble
General Counsel

Date

10-23-89

BY:


Lois G. Lerher
Associate General Counsel

Attachments

1. Signed Conciliation Agreement and Letter dated 9/26/89
2. Civil Penalty Check
3. Proposed Letter

Staff Assigned: Tamara Kapper

8904076:978

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Plasterers' and Cements Masons') MUR 2969
Action Committee and Vincent J.)
Panepinto, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 27, 1989, the Commission decided by a vote of 5-0 to take the following actions in MUR 2969:

1. Approve the revised conciliation agreement with the Plasterers' and Cements Masons' Action Committee and Vincent J. Panepinto, as treasurer, as recommended in the General Counsel's Report dated October 23, 1989.
2. Approve the letter, as recommended in the General Counsel's Report dated October 23, 1989.
3. Close the file in this matter.

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

Attest:

10-24-89

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Tuesday, October 24, 1989 9:59 a.m.
Circulated to the Commission: Tuesday, October 24, 1989 4:00 p.m.
Deadline for vote: Thursday, October 26, 1989 4:00 p.m.

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FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

October 31, 1989

Jeffery M. Sandman, Esquire
The Kamber Group
1920 L Street, NW, Suite 700
Washington, D.C. 20036

RE: MUR 2969
Plasterers' and Cements
Masons' Action Committee
and Vincent J. Panepinto,
as treasurer

Dear Mr. Sandman:

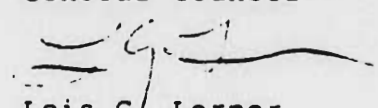
On October 27, 1989, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(A)(ii), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Tamara Kapper, 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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Plasterers' and Cements Masons') MUR 2969
Action Committee and Vincent J.)
Panepinto, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Plasterers' and Cements Masons' Action Committee and Vincent J. Panepinto, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(4)(A)(ii).

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

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

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

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

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

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1. Plasterers' and Cements Masons' Action Committee is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Vincent J. Panepinto is the treasurer of Plasterers' and Cements Masons' Action Committee.

3. Section 434(a)(4)(A)(ii) of Title 2 provides that unauthorized committees filing quarterly shall file 12 Day Pre-General Reports if the committee makes any contributions to or expenditures on behalf of federal candidates in the general election. The pre-election reports are to be filed no later than the 12th day before the election and should be complete as of the 20th day before the election.

4. Respondents were required to file the 1988 12 Day Pre-General Report no later than October 27, 1988. Respondents did not file the 12 Day Pre-General Report until December 9, 1988, 43 days late, disclosing \$740.00 in receipts and \$500.00 in disbursements for the relevant reporting period.

V. Respondents failed to file the 1988 12 Day Pre-General Report in a timely fashion in violation of 2 U.S.C. § 434(a)(4)(A)(ii).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of three hundred dollars (\$300.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at

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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 the same and the Commission has approved the entire agreement.

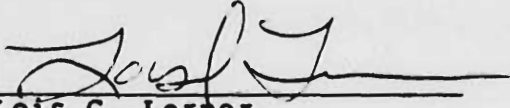
IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

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

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

10-31-89
Date

FOR THE RESPONDENTS:


(Name)
(Position)

JEFFREY D. SANKOV, ESQ.
Designated Counsel, PACMAS
and Vincent J. Sarapente, Treasurer

26 September 1989
Date



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # A969

DATE FILMED 4/12/82 CAMERA NO. 2

CAMERAMAN AS

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