



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE BEGINNING OF MUR # 3076

DATE FILMED 8/24/90 CAMERA NO. 3

CAMERAMAN AS

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FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

April 23, 1990

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

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

SUBJECT: REFERRAL OF VICTORY 88

According to the 1989-1990 RAD Review and Referral Procedures for Unauthorized Committees further examination is required by your office.

Please note that Victory 88 was referred for a possible 2 U.S.C. §438(b) audit on May 26, 1989; however, the audit was disapproved by the Commission on October 3, 1989 (see #A89-34).

If you have any questions regarding this matter, please contact Margo Tucker at 376-2480.

Attachment

90040742149

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: April 23, 1990ANALYST: Margo Tucker

I. COMMITTEE: Victory 88
(C00230680)
David A. Johnson, Treasurer
c/o The Republican Party of Virginia
115 East Grace Sreet
Richmond, VA 23219

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

III. BACKGROUND:

Failure to Timely File the 1989 Mid-Year Report

Victory 88 ("the Committee") failed to timely file the 1989 Mid-Year Report of Receipts and Disbursements covering the period from January 1, 1989 to June 30, 1989. The Committee was notified on June 26, 1989 that the report was due on July 31, 1989 (Attachment 2). A Non-Filer Notice was sent to the Committee on August 23, 1989 (Attachment 3).

On September 12, 1989, Mr. David Johnson, the treasurer, called to ask why he had received a Non-Filer Notice. The Reports Analysis Division ("RAD") analyst explained that although the Committee had submitted a termination report (11/29/88-12/31/88), the Commission had not sent out an acknowledgement of termination because of outstanding correspondence from RAD about the Committee's 1988 reports. The analyst stated that a report needed to be filed immediately and that Mr. Johnson should address the outstanding Requests for Additional Information ("RFAIs") (Attachment 4).

The same day, the RAD analyst sent Mr. Johnson copies of the outstanding RFAIs to his home address at his request.

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VICTORY 88
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

On September 25, 1989, Mr. Johnson called to say that a two page Mid-Year Report would be filed within a week (Attachment 5).

The Committee filed the 1989 Mid-Year Report on October 2, 1989 (Attachment 6).

On April 18, 1990, the Commission received a letter from Mr. Johnson. He indicated that he had erroneously filed the 1989 Mid-Year Report as a termination report, and that the Committee did have some financial activity during the 1989 calendar year (Attachment 7).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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

DATE 17OCT89

PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
						TYPE OF FILER
VICTORY 88						
CONNECTED ORGANIZATION:	REPUBLICAN PARTY OF VIRGINIA					
	1988 STATEMENT OF ORGANIZATION			8AUG88	2	88FEC/541/0844
	REQUEST FOR ADDITIONAL INFORMATION			24AUG88	1	88FEC/543/2289
	STATEMENT OF ORGANIZATION - AMENDMENT			19SEP88	3	88FEC/546/1363
	STATEMENT OF ORGANIZATION - AMENDMENT			26SEP88	2	88FEC/547/5233
	REQUEST FOR ADDITIONAL INFORMATION 2ND			15SEP88	2	88FEC/545/5170
	OCTOBER QUARTERLY	158,214	128,677	1AUG88 -30SEP88	32	88FEC/554/5162
	REQUEST FOR ADDITIONAL INFORMATION			1AUG88 -30SEP88	7	88FEC/575/4083
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1AUG88 -30SEP88	8	89FEC/578/4604
	PRE-GENERAL	86,108	63,655	1OCT88 -19OCT88	24	88FEC/561/3072
	REQUEST FOR ADDITIONAL INFORMATION			1OCT88 -19OCT88	8	89FEC/584/3351
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1OCT88 -19OCT88	14	89FEC/586/3937
	POST-GENERAL	126,970	114,525	20OCT88 -28NOV88	26	88FEC/574/3070
	REQUEST FOR ADDITIONAL INFORMATION			20OCT88 -28NOV88	5	89FEC/584/3372
	REQUEST FOR ADDITIONAL INFORMATION 2ND			20OCT88 -28NOV88	14	89FEC/586/3923
	REQUEST FOR ADDITIONAL INFORMATION			20OCT88 -28NOV88	2	89FEC/594/1259
	REQUEST FOR ADDITIONAL INFORMATION 2ND			20OCT88 -28NOV88	4	89FEC/596/2048
	1ST LETTER INFORMATIONAL NOTICE			29NOV88 -31DEC88	1	89FEC/586/4923
	REQUEST FOR ADDITIONAL INFORMATION			29NOV88 -31DEC88	1	89FEC/594/1257
	REQUEST FOR ADDITIONAL INFORMATION 2ND			29NOV88 -31DEC88	4	89FEC/596/2044
	TERMINATION REPORT	75	60,126	29NOV88 -31DEC88	6	89FEC/583/0943
	TOTAL	371,367	0 366,983 0		166	TOTAL PAGES

All reports have been reviewed.
Cash-on-hand as of 12/31/88: \$0
Debts owed to/by Committee: \$0

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FEDERAL ELECTION COMMISSION
1989-1990
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 23APR90

PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
						TYPE OF FILER
VICTORY 88						ID #C00230680 PARTY QUALIFIED
CONNECTED ORGANIZATION:	REPUBLICAN PARTY OF VIRGINIA					
	1989 MID-YEAR REPORT	0	0	1JAN89 -31JUL89	3	89FEC/610/4088
	NOTICE OF FAILURE TO FILE			1JAN89 -30JUN89	1	89FEC/608/1265
	YEAR-END	0	1,380	1JUL89 -31DEC89	4	90FEC/626/5414
	YEAR-END - AMENDMENT	-	-	1JUL89 -31DEC89	3	90FEC/636/5032
	REQUEST FOR ADDITIONAL INFORMATION			1JUL89 -31DEC89	1	90FEC/629/5197
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL89 -31DEC89	2	90FEC/631/4469
1990	APRIL QUARTERLY - TERMINATED	0	3,838	1JAN90 -31MAR90	4	90FEC/638/3251
	TOTAL	0	0	5,218	0	18 TOTAL PAGES

All reports except the 1990 April Quarterly Report have been reviewed.

Cash-on-hand as of 3/31/90: \$0

Debts owed to/by the Committee: \$0

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REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

June 26, 1989

REPORT	REPORTING PERIOD	REG./CERT.	FILING
		MAILING DATE*	DATE
Mid-Year	01/01/89**-06/30/89	07/31/89	07/31/89

WHO MUST FILE

PARTY COMMITTEES AND PACs (NONCONNECTED COMMITTEES AND SEPARATE SEGREGATED FUNDS) which normally file on a quarterly basis must file a Mid-Year Report in July.

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.

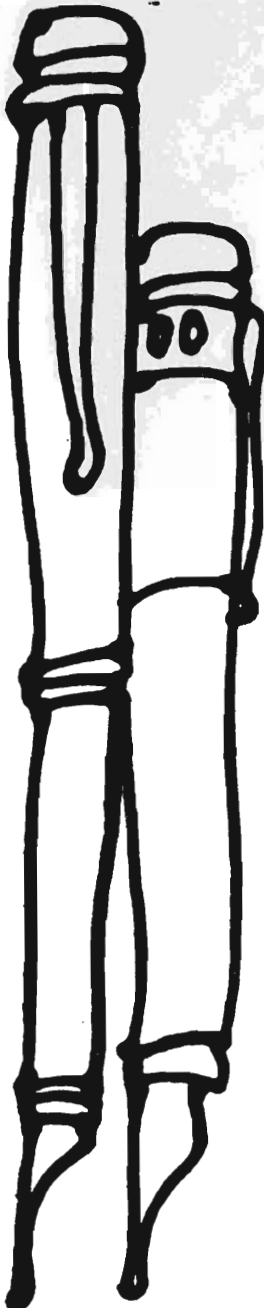
COMPLIANCE

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 OR UNAPPROVED SCHEDULES WILL BE REQUIRED TO REFILE.

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

**Or from the close of books of the last report filed. If no previous reports filed, the date of the committee's first activity.

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



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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

RQ-7

August 23, 1989

David A. Johnson, Treasurer
Victory 88
c/o Republican Party of VA
115 East Grace Street
Richmond, VA 23219

Identification Number: C00230680

Reference: Mid-Year Report (1/1/89-6/30/89)

Dear Mr. Johnson:

It has come to the attention of the Federal Election Commission ("the Commission") that your committee may be in violation of 2 U.S.C. §434(a) for failing to file the above referenced Report of Receipts and Disbursements. You were notified previously of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or the relevant portions should also be filed with the Secretary of State or equivalent State officer. See 2 U.S.C. §439.

Although the Commission may initiate an audit or legal enforcement action concerning this matter, your prompt response and a letter of explanation will be taken into consideration.

If you have any questions, please contact Anthony Raymond on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

A handwritten signature in dark ink, appearing to read "John D. Gibson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John D. Gibson
Assistant Staff Director
Reports Analysis Division

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TELECON

ANALYST: TONY RAYMOND

CONTACT: DAVID JOHNSON

COMMITTEE: VICTORY 88

DATE: SEPTEMBER 12, 1989

SUBJECT: 1989 MID-YEAR NON-FILER

Mr. Johnson called to ask why he received a Non-Filer Notice for the 1989 Mid-Year Report. I checked the Committee's status and called him back. I explained that although he filed a termination report, his committee still needed to file reports until he received an acknowledgment from the Commission. I informed Mr. Johnson that he had not received the acknowledgment because there are outstanding RFAs to Victory 88 for the 1987-88 election cycle. I suggested he file a report immediately and address the RFAs very soon. He said that he would file the report. Mr. Johnson requested that copies of the outstanding RFAs be mailed to his home address.

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TELECON

ANALYST: TONY RAYMOND

CONTACT: DAVID JOHNSON

COMMITTEE: VICTORY 88

DATE: SEPTEMBER 25, 1989

SUBJECT: 1989 MID-YEAR NON-FILER

Mr. Johnson called to say that a two page 1989 Mid-Year Report will be filed within the week.

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Attachment #6

0002-2-1989-02

Victory 88

Address (Number and Street)

115 East Grace Street

City, State and Zip Code

Richmond, VA 23219

C00230680

☐ This committee qualified as a non-federally financed 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 on _____

_____ in the State of _____

☐ Termination Report

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

SUMMARY

5. Covering Period	COLUMN A	COLUMN B
1/1/89 through 7/31/89	This Period	Calendar Year-to-Date
6. (a) Cash on Hand January 1, 1989		\$ 0.00
(b) Cash on Hand at Beginning of Reporting Period	\$ 0.00	
(c) Total Receipts (from Line 16)	\$ 0.00	\$ 0.00
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 0.00	\$ 0.00
7. Total Disbursements (from Line 28)	\$ 0.00	\$ 0.00
8. Cash on Hand at Close of Reporting Period (Subtract Line 7 from Line 6(d))	\$ 0.00	\$ 0.00
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	\$ 0.00	For further information contact: Federal Election Commission 950 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-376-3120
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	\$ 0.00	

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

David A. Johnson

Signature of Treasurer

David A. Johnson

Date

7/2/89

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)

39036104033

90 APR 18 AM 9:10

April 11, 1990

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

Dear Mr. Raymond:

May this memo serve as a response to the FEC inquiry of February 28, 1990 regarding the beginning cash balance of the 1989 Year-End report and the ending balance of the 1989 Mid-Year report.

The 1989 Mid-Year report was erroneously filed as a termination report because

1) I was not aware of any additional funds remaining in the bank (see below) and

2) I was not aware of any inquiries of the Victory '88 report because they had not been passed on to me by the previous bookkeeper at the Republican Party of Virginia who received the Victory '88 mail. These inquiries have since been answered satisfactorily by our committee to Mrs. Margo Tucker of your office.

Concerning the discrepancy addressed in your February letter, Line 8 of the Summary Page of the 1989 Mid-Year report should have read \$5,218. I erroneously believed there to be no cash on hand because the following information was inadvertently left off of the ledger I used to file the reports:

1) a \$3,368 deposit on August 31, 1988 was left off of the ledger,

2) two deposits (\$700 on August 12, 1988 and \$100 on November 30) both unitemized were left off of the ledger and

3) three disbursement checks for
#106 for \$25
#108 for \$25
#214 for \$1500

were never cashed by our vendors.

This amount totals \$5,218. A contribution of \$500 made in September was returned for insufficient funds thus totalling \$5,218.

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6

Should there be any further inquiry, please do not hesitate to call me.

Sincerely,

David A. Johnson

David A. Johnson
Treasurer (804) 550-3311

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90 JUN 11 AM 11:42

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral # 90NF-5
Staff Member Phillip L. Wise

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

RESPONDENTS: Victory 88 and David A. Johnson, as treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(4)(A)(iv)
11 C.F.R. § 104.5(c)(2)(i)(A)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

Victory 88 ("Victory") and David A. Johnson, as treasurer, were referred to the Office of the General Counsel by the Reports Analysis Division ("RAD") for failure to timely file its 1989 Mid-Year Report, in violation of 2 U.S.C. § 434(a)(4)(A)(iv). (Attachment 1).

II. FACTUAL AND LEGAL ANALYSIS

For the factual and legal annalysis, see Attachment 3(3) and 3(4).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

This Office also recommends that the Commission offer to enter into conciliation with the respondents prior to a finding of probable cause to believe. Attached for the Commission's approval is a proposed conciliation agreement. (Attachment 2). The proposed agreement provides for an admission of the violation, and the payment of a \$250.00 civil penalty. The amount of the civil penalty is computed as follows:

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III. RECOMMENDATIONS


1. Open a MUR.
2. Find reason to believe Victory 88 and David A. Johnson as treasurer, violated 2 U.S.C. § 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

6/8/90

BY:


Lois G. Lerner
Associate General Counsel

Attachments

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

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Victory 88 and David A. Johnson,
as treasurer

)
) RAD Referral 90NF-5
)

(MUR)
3076

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 13, 1990, the Commission decided by a vote of 4-0 to take the following actions in RAD Referral 90NF-5:

1. Open a MUR.
2. Find reason to believe Victory 88 and David A. Johnson, as treasurer, violated 2 U.S.C. § 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 General Counsel's Report dated June 8, 1990.

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

Attest:

June 13, 1990
Date

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

Received in the Secretariat: Monday, June 11, 1990 11:42 a.m.
Circulated to the Commission: Monday, June 11, 1990 4:00 p.m.
Deadline for vote: Wednesday, June 13, 1990 4:00 p.m.

dh

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 14, 1990

David A. Johnson, Treasurer
Victory 88
c/o Republican Party Of VA
115 East Grace Street
Richmond, Virginia 23219

RE: MUR 3076
Victory 88 and David A.
Johnson, as treasurer

Dear Mr. Johnson:

On June 13, 1990, the Federal Election Commission found that there is reason to believe Victory 88 ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv), 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.

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David A. Johnson, 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 Phillip L. Wise, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,


Lee Ann Elliott
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Victory 88 and David A. Johnson, MUR: 3076
as treasurer

Victory 88 ("Victory") and David A. Johnson, as treasurer, were referred to the Office of the General Counsel by the Reports Analysis Division ("RAD") for failure to timely file its 1989 Mid-Year Report, in violation of 2 U.S.C.

§ 434(a)(4)(A)(iv).

Victory failed to file its 1989 Mid-Year Report of Receipts and Disbursements for the period from January 1, 1989 to June 30, 1989. Victory was notified on June 26, 1989 that the report was due on July 31, 1989. A Non-filer Notice was sent to Victory on August 23, 1989.

On September 12, 1989, Victory's treasurer called to inquire into why the committee had received a Non-Filer Notice since a termination report had been filed. The RAD analyst explained that although Victory had submitted a termination report (11/29/88 - 12/31/88), the Commission had not acknowledged said attempted termination because of outstanding correspondence from RAD about the committee's 1988 reports. In addition the RAD analyst, at Mr. Johnson's request, sent copies of the outstanding Requests for Additional Information ("RFAs") to his home address.

Victory filed the 1989 Mid-Year Report on October 2, 1989. On April 18, 1990, the Commission received a letter from Mr.

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Johnson. He indicated that he had erroneously filed the 1989 Mid-Year Report as a termination report, and that the committee did have some financial activity during the 1989 calendar year.

All political committees other than authorized committees of a candidate, which file reports quarterly shall during calendar years in which there is no regularly scheduled general election, file a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31. 2 U.S.C § 434(a)(4)(A)(iv). See, also, 11 C.F.R. § 104.5(c)(2)(i)(A).

Victory 88 and David A. Johnson, as treasurer, failed to file its 1989 Mid-Year Report, for the period beginning January 1, 1989 and ending June 30, 1989 no later than July 31, 1989. Therefore, there is reason to believe Victory 88 and David A. Johnson, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv).

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 12, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David A. Johnson, Treasurer
Victory 88
c/o Republican Party Of VA
115 East Grace Street
Richmond, Virginia 23219

RE: MUR 3076
Victory 88 and David A.
Johnson, as treasurer

Dear Mr. Johnson:

On June 14, 1990, 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. On or about June 26, 1990, you responded by telephone stating that you would sign the proposed agreement and pay the civil penalty contained therein. To date the signed agreement and the civil penalty has not been received by this Office. The 30 day period for negotiations will soon expire. Unless we receive a written 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 Phillip L. Wise, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,


George F. Rishel
Assistant General Counsel

90040792168

06C 6987

90 JUL 18 PM 12:30

FEDERAL ELECTION COMMISSION
RECEIVED

David A. Johnson, Treasurer
Victory 88
c/o Republican Party of
Virginia
115 E. Grace Street
Richmond, Virginia 23219
July 5, 1990

90 JUL 13 PM 5:12
FEDERAL ELECTION COMMISSION
RECEIVED

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

Attention: Ms. Lee Ann Elliott
Room 905

Subject: MUR 3076
Victory 88

Dear Ms. Elliott:

Please find attached a signed Conciliation Agreement with a check from me for \$250.00. I have spoken with Mr. Phillip Wise to express my feelings of frustration over this fine. The non-filing was the result of your mail not being forwarded to me by the Republican Party of Virginia for a several-month period. As a result, Victory 88 was not aware of the outstanding Requests for Additional Information, nor did I receive notification of the 1989 Mid-Year Report. However, in an effort to get this matter over with, I have elected to agree to the Conciliation Agreement as outlined in your letter dated June 14, 1989.

There is an error in the FEC Factual and Legal Analysis that I would like to correct. In the last sentence of the fourth paragraph located at the top of page two, it states: "He indicated that he had erroneously filed the 1989 Mid-Year Report as a Termination Report, and that the committee did have financial activity during the 1989 calendar year." This is incorrect. I have attached a copy of my April 11, 1990 letter. In it I state that we had erroneously reported a \$0.00 balance in our 1989 Mid-Year Report, and that we did have a positive cash balance. At the time (September, 1989) we were

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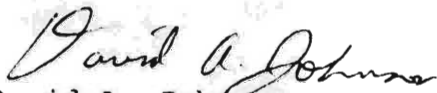
Federal Election Committee
page 2

not aware why there was a positive balance and it took some time to research and report on this. There was absolutely no financial activity during the 1989 calendar year.

I trust this matter is now complete and, likewise, trust we will be terminating shortly.

We look forward to hearing from your office to this effect. If there are any questions, please call on me at my office telephone (804) 550-3311. Thank you.

Regards,


David A. Johnson
Treasurer
Victory 88

enclosure

00040792170

90 JUL 31 PM 3:21

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Victory 88 and David A. Johnson,) MUR 3076
as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by David A. Johnson, the treasurer of Victory 88. Also attached is civil penalty check in the amount approved by the Commission in the above referenced conciliation agreement. (Attachment 1).

The attached agreement contains no changes from the agreement approved by the Commission on June 13, 1990. However, respondents have requested that their response accompanying the conciliation agreement be place on the public record. In this response respondents contend, (1) that they failed to file the 1989 Mid-Year Report because their mail was not being forwarded by the Republican Party of Virginia, and; (2) that they did not erroneously file their 1989 Mid-Year Report as a Termination Report but erroneously reported a \$0.00 balance.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Victory 88 and David A. Johnson, as treasurer.


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2. Close the file as to these respondents.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

7/31/90
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check

Staff Assigned: Phillip L. Wise

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Victory 88 and David A. Johnson,) MUR 3076
as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 3, 1990, the Commission decided by a vote of 6-0 to take the following actions in MUR 3076:

1. Accept the conciliation agreement with Victory 88 and David A. Johnson, as treasurer, as recommended in the General Counsel's Report dated July 31, 1990.
2. Close the file as to these respondents.
3. Approve the letter, as recommended in the General Counsel's Report dated July 31, 1990.

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

Attest:

8-6-90

Date

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

Received in the Secretariat:	Tues., July 31, 1990	3:21 p.m.
Circulated to the Commission:	Wed., Aug. 1, 1990	11:00 a.m.
Deadline for vote:	Fri., Aug. 3, 1990	11:00 a.m.

dh

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 9, 1990

CLOSED

David A. Johnson, Treasurer
Victory 88
c/o Republican Party Of VA
115 East Grace Street
Richmond, Virginia 23219

RE: MUR 3076
Victory 88 and David A.
Johnson, as treasurer

Dear Mr. Johnson:

On August 3, 1990, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(iv), 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 Phillip L. Wise, the attorney assigned to this matter, at (202) 376-8200.

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)
Victory 88 and David A. Johnson,) MUR 3076
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 Victory 88 and David A. Johnson, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(4)(A)(iv).

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

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

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

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

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

1. Victory 88 is a political committee within the meaning of 2 U.S.C. § 431(4).
2. David A. Johnson is the treasurer of Victory 88.
3. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iv), all

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political committees which file reports quarterly, other than authorized committees of a candidate, during calendar years in which there is no regularly scheduled general election shall file a report covering the period beginning January 1 and ending June 30 no later than July 31.

4. Respondents filed their 1989 Mid-Year Report on October 2, 1989, which was 62 days later than the July 31, 1989 deadline for the filing of this report.

V. Respondents failed to file their 1989 Mid-Year Report no later than July 31, 1989, in violation of 2 U.S.C. § 434(a)(4)(A)(iv).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Two Hundred Fifty dollars (\$250.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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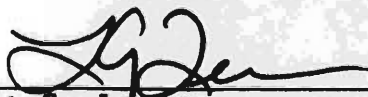
notify the Commission.

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

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

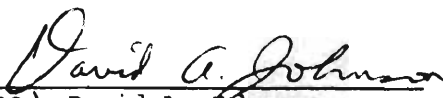
BY:


Lois G. Lerner
Associate General Counsel

Date

8/8/90

FOR THE RESPONDENTS:


(Name) David A. Johnson
(Position) Treasurer
Victory '88 (Virginia)

Date

7/4/90

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3076

DATE FILMED 8/24/90 CAMERA NO. 3

CAMERAMAN AS

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