



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3287

DATE FILMED 9/5/91 CAMERA NO. 3

CAMERAMAN AS

1104006126



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

4 February 1991

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 MONTHLY UNAUTHORIZED COMMITTEES
FOR FAILING TO FILE THE 1990 12 DAY PRE-GENERAL
REPORT BY ELECTION DAY

Attached is a listing of thirty-five (35) monthly unauthorized committees which failed to file the 1990 12 Day Pre-General Report by Election Day, November 6, 1990.

For your information, each committee was sent Prior Notice of the due date of the report on October 1, 1990 (Attachment 36). Twenty-nine (29) of the committees were sent Non-Filer Notices on November 15, 1990 (Attachment 37). Six (6) of the committees

were not sent Non-Filer Notices because their 12 Day Pre-General Reports were filed by November 15, 1990.

If you have any questions, please contact Lisa Stolaruk at 376-2480.

Attachment

C00034306 First City Bancorporation - PAC

91NF-29

11-40-53-29

FIRST CITY BANCORPORATION - PAC

(Attachment 13a - 13c)

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

DATE 1989/

PAGE 9

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
FIRST CITY BANCORPORATION - PAC						
CONNECTED ORGANIZATION:	FIRST CITY BANCORPORATION OF TEXAS INC					
	1989 STATEMENT OF ORGANIZATION - AMENDMENT			16MAY89	2	89FED/595/1505
	STATEMENT OF ORGANIZATION - AMENDMENT			19JUN89	3	89FED/597/3405
	STATEMENT OF ORGANIZATION - AMENDMENT			21AUG89	3	89FED/617/3505
	FEBRUARY MONTHLY	1,752	21,137	17JAN89 - 31JAN89	5	89FED/595/1405
	MARCH MONTHLY	4,315	3,200	1FEB89 - 28FEB89	5	89FED/595/3544
	APRIL MONTHLY	2,831	4,440	1MAR89 - 31MAR89	7	89FED/592/1599
	MAY MONTHLY	2,511	5,000	1APR89 - 30APR89	7	89FED/595/4000
	JUNE MONTHLY	7,730	18,050	1MAY89 - 31MAY89	8	89FED/595/1000
	JUNE MONTHLY - AMENDMENT	7,730	18,050	1MAY89 - 31MAY89	2	89FED/600/0100
	JULY MONTHLY	1,679	21,534	1JUN89 - 30JUN89	8	89FED/610/214
	AUGUST MONTHLY	2,455	13,850	1JUL89 - 31JUL89	9	89FED/610/114
	SEPTEMBER MONTHLY	2,835	5,450	1AUG89 - 31AUG89	10	89FED/610/1000
	OCTOBER MONTHLY	13,195	1,650	1SEP89 - 30SEP89	12	89FED/610/5010
	NOVEMBER MONTHLY	7,516	13,511	1OCT89 - 31OCT89	12	89FED/610/0100
	NOVEMBER MONTHLY - AMENDMENT	7,516	14,500	1OCT89 - 31OCT89	5	89FED/610/1400
	DECEMBER MONTHLY	11,617	100	1NOV89 - 30NOV89	10	89FED/610/1401
	YEAR-END	7,449	5,000	1DEC89 - 31DEC89	12	89FED/602/1404
	1ST LETTER INFORMATIONAL NOTICE			1DEC89 - 31DEC89	1	89FED/601/0200
	1990 REGULAR MONTHLY	5,721	500	1JAN90 - 31JAN90	5	89FED/625/0300
	MARCH MONTHLY	5,939	2,525	1FEB90 - 28FEB90	5	89FED/620/1100
	MARCH MONTHLY - AMENDMENT	5,949	2,525	1FEB90 - 28FEB90	2	89FED/641/0100
	1ST LETTER INFORMATIONAL NOTICE			1FEB90 - 28FEB90	1	89FED/641/0101
	APRIL MONTHLY	5,445	9,600	1MAR90 - 31MAR90	7	89FED/637/0074
	APRIL MONTHLY - AMENDMENT	5,445	9,600	1MAR90 - 31MAR90	2	89FED/641/0100
	MAY MONTHLY	5,254	10,350	1APR90 - 31APR90	9	89FED/641/0100
	JUNE MONTHLY	13,222	13,110	1MAY90 - 31MAY90	10	89FED/643/4000
	1ST LETTER INFORMATIONAL NOTICE			1MAY90 - 31MAY90	1	89FED/651/0100
	JULY MONTHLY	11,219	1,250	1JUN90 - 30JUN90	12	89FED/649/1100
	AUGUST MONTHLY	5,115	1,000	1JUL90 - 31JUL90	14	89FED/650/4070
	SEPTEMBER MONTHLY	5,379	5,500	1AUG90 - 31AUG90	17	89FED/655/4000
	OCTOBER MONTHLY	5,244	11,500	1SEP90 - 30SEP90	19	89FED/659/1000
	NOTICE OF FAILURE TO FILE			1OCT90 - 17OCT90	1	89FED/671/5100
	NOVEMBER MONTHLY	7,663	30,050	1OCT90 - 31OCT90	30	89FED/671/1471
	DECEMBER MONTHLY	7,570	1,200	1NOV90 - 30NOV90	25	89FED/675/1175

ID #000034306 NON-PARTY QUALIFIED

TOTAL

145,759

219,686

285 TOTAL PAGES

ALL REPORTS HAVE BEEN REVIEWED EXCEPT DECEMBER MONTHLY
ENDING CASH ON HAND AS OF 11/30/90: 33,935.00
OUTSTANDING DEBTS OWED BY THE COMMITTEE AS OF 11/30/90: 0.00

REPORT OF RECEIPTS AND DISBURSEMENTSFor Other Than An Authorized Committee
(Summary Page)

C

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1 NAME OF COMMITTEE (in full) FIRST CITY BANCORPORATION - PAC		90 NOV 26 PM 12:02
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported 1301 FANNIN		2 FEC IDENTIFICATION NUMBER C00034306
CITY, STATE and ZIP CODE HOUSTON, TEXAS 77002		3 <input type="checkbox"/> 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)☐ 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 21☐ Tenth day report preceding _____

(Type of Election)

election on _____ in the State of _____

☐ Tenth 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>10-1-90</u> through <u>10-31-90</u>		
6	(a) Cash on Hand January 1, 19 <u>90</u>		\$ 29,992.38
	(b) Cash on Hand at Beginning of Reporting Period	\$ 49,950.92	
	(c) Total Receipts (from Line 1B)	\$ 7,663.80	\$ 82,947.34
	(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 57,614.72	\$ 112,939.72
7	Total Disbursements (from Line 2B)	\$ 30,050.00	\$ 85,375.00
8	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 27,564.72	\$ 27,564.72
9	Debits and Obligations Owed TO the Committee (Items as on Schedule C and or Schedule D)	\$ -	
10	Debits and Obligations Owed BY the Committee (Items as on Schedule C and or Schedule D)	\$ -	

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

Kurt R. Fredland

Signature of Treasurer

Date

11/20/90

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 6437g

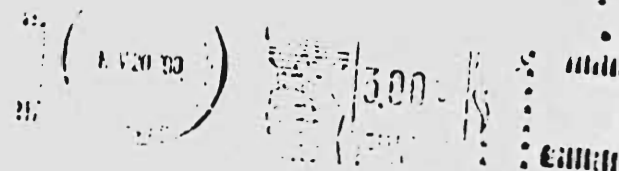
FEC FORM 13X
(Revised 4-97)

City Bancorporation
of Texas

PO Box 2587
Houston, TX 77252

FIRSTCITY®

7 0 5 8 7 1 1 3 9



FEDERAL ELECTION COMMISSION
999 E STREET, NW
WASHINGTON, DC 20463



RETURN RECEIPT
REQUESTED

ATTACHMENT

5/10/23 11:12:02

GENERAL ELECTION REPORT NOTICE

ATTACHMENT 36
(Page 1 of 2)

FEDERAL ELECTION COMMISSION

PARTIES AND PACs

October 1, 1990

I. ALL MONTHLY FILERS

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
Pre-General	10/01/90**-10/17/90	10/22/90	10/25/90
Post-General	10/18/90 - 11/26/90	12/06/90	12/06/90

II. QUARTERLY FILERS THAT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 17***

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
Pre-General	10/01/90**-10/17/90	10/22/90	10/25/90
Post-General	10/18/90 - 11/26/90	12/06/90	12/06/90

III. QUARTERLY FILERS WHICH DO NOT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 17***

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
Post-General	10/01/90**-11/26/90	12/06/90	12/06/90

WHO MUST FILE

Party committees and PACs (nonconnected committees and separate segregated funds) 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.

**The period begins with the close of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

***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.

113400333

PARTIES AND PACs

GENERAL ELECTION

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.

LAST-MINUTE INDEPENDENT EXPENDITURES

Any PAC which makes any independent expenditures aggregating \$1,000 or more during the period beginning October 18 and ending November 4 must report them within 24 hours. Call the FEC for more information.

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.

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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

RQ-7

November 15, 1990

TREASURER
COMMITTEE
STREET
CITY, STATE ZIP

Identification Number: ID NUMBER

Reference: 12 Day Pre-General Report (10/1/90-10/17/90)

Dear TREASURER:

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 previously notified 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 its relevant portions should also be filed with the Secretary of State or equivalent state officer (see 11 CFR §§108.2, 108.3, 108.4).

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 ANALYST on our toll-free number (800) 424-9530. Our local number is (202) 376-4480.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

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

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD Referral: 91NF 17 - 51
Staff Member: Noriega E. James

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

RESPONDENTS:

400333

First City Bancorporation - PAC and Jeffrey
Wright Hill, as treasurer (91NF-29)

715405337

RELEVANT STATUTES: 434(a)(4)(B)
INTERNAL REPORTS CHECKED: Referral Materials
FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the above thirty-five (35) committees and their treasurers to the Office of the General Counsel on February 5, 1991. The basis of the attached RAD referral is the committees' failure to file the

1990 12 Day Pre-General Report in a timely manner, in violation of 2 U.S.C. § 434(a)(4)(B).

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that all unauthorized political committees that file monthly reports, shall file a pre-general election report in lieu of filing the report otherwise due in November of any year in which a regularly scheduled general election is held. 2 U.S.C. § 434(a)(4)(B). According to Section 434(a)(2)(A)(i) the pre-election report must be filed no later than the 12th day before any election, and should be complete as of the 20th day before the election.

With regard to the 1990 general election, unauthorized committees were required to file a 12 Day Pre-General Election Report, covering the pre-election period of October 1 through October 17, by October 25, 1990. The committees referred by RAD failed to file the 1990 Pre-General Report or a report covering the pre-election period by the required deadline. However, seven of the committees filed 1990 November Monthly Reports with coverage dates of October 1 through 31, 1990.¹ These reports

1.

Accordingly, the Office of the General Counsel recommends that the Commission open Matters Under Review and find reason to believe that 34 of the 35 previously referenced committees and their treasurers (See Recommendation I) violated 2 U.S.C. § 434(a)(4)(B) by failing to file timely the 1990 12 Day Pre-General Report.

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.

1
4
3
5
1
4
1

PAGES 7 THROUGH 27 DO NOT PERTAIN TO THESE RESPONDENTS.

010400:6042

IV. RECOMMENDATIONS

1. Open Matters Under Review, find reason to believe that the following committees and their treasurer violated 2 U.S.C. § 434(a)(4)(B) and enter into conciliation prior to a finding of probable cause to believe:

A.

B.

C.

D.

E.

F.

G.

H.

I.

J.

К.

L.

M. First City Bancorporation - PAC and Jeffrey Wright Hill, as treasurer (91NF-29)

N.

Q.

P.

Q.

R.

S.

T.

U.

V.

W.

X.

Y.

Z.

AA.

BB.

CC.

DD.

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01040060040

FF.

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HH.

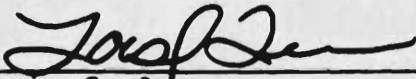
2.

3. Approve the attached Factual and Legal Analyses and proposed conciliation agreements and the appropriate letters.

Lawrence M. Noble
General Counsel

5/2/91
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachments:

1. RAD Referral
2. Factual and Legal Analysis (34)
3. Conciliation Agreement (34)

44005345

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Thirty-five (35) Committees and) RAD Referrals
their treasurers) #91NF 17-51
)

CERTIFICATION

I, Marjorie W. Emmons, do hereby certify that
the Commission took the following actions with respect
to the above-captioned referrals:

1. Decided by a vote of 6-0 to
- a) Open Matters Under Review, find reason
to believe that the following committees
and their treasurer violated 2 U.S.C.
§ 434(a)(4)(B) and enter into concili-
ation prior to a finding of probable
cause to believe:
 - A.
 - B.
 - C.

(continued)

Federal Election Commission
Certification: RAD 91NF 17-51
May 14, 1991

Page 2

D.

E.

F.

G.

H.

I.

J.

K.

(continued)

21040050043

Federation Election Commission
Certification: RAD 91NF 17-51
May 14, 1991

Page 3

L. First City Bancorporation - PAC
and Jeffrey Wright Hill, as
treasurer (91NF-29)

M.

N.

Q.

P.

Q.

R.

S.

(continued)

Federal Election Commission
Certification: RAD 91NF 17-51
May 14, 1991

Page 4

T.

U.

V.

W.

X.

Y.

Z.

AA.

(continued)

BB.

CC.

DD.

EE.

FF.

GG.

b)

- c) Approve the Factual and Legal Analyses
and proposed conciliation agreements
and the appropriate letters as
recommended in the General Counsel's
Report dated May 2, 1991.

(continued)

Federal Election Commission
Certification: RAD 91NF 17-51
May 14, 1991

Page 6

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

Attest:

5-17-91
Date

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

0104063002



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 28, 1991

Sabrina Foster, Treasurer
First City Bancorporation of Texas Inc.,
Political Action Committee
1001 Main Street
Houston, TX 77002

RE: MUR 3287
First City Bancorporation of Texas Inc.
Political Action Committee and
Sabrina Foster, as treasurer

Dear Ms. Foster:

On May 14, 1991, the Federal Election Commission found that there is reason to believe First City Bancorporation of Texas Inc. Political Action Committee ("Committee") and its treasurer, violated 2 U.S.C. § 434(a)(4)(B), 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.

Sabrina Foster, 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,

Joan D. Aikens

Joan D. Aikens
Vice Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

MUR: 3287

RESPONDENTS: First City Bancorporation of Texas Inc. Political Action Committee and Sabrina Foster, as treasurer

1104055
The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that all unauthorized political committees that file monthly reports, shall file a pre-general election report in lieu of filing the report otherwise due in November of any year in which a regularly scheduled general election is held. 2 U.S.C. § 434(a)(4)(B). According to Section 434(a)(2)(A)(i) the pre-election report must be filed no later than the 12th day before any election, and should be complete as of the 20th day before the election.

With regard to the 1990 general election, unauthorized committees were required to file a 12 Day Pre-General Election Report, covering the pre-election period of October 1 through October 17, by October 25, 1990. The above referenced committee failed to file the 1990 Pre-General Report or a report covering the pre-election period by the required deadline. Therefore, there is reason to believe First City Bancorporation of Texas Inc. Political Action Committee and Sabrina Foster, as treasurer, violated 2 U.S.C. § 434(a)(4)(B) by failing to timely file the 1990 12 Day Pre-General Report.

FIRST CITY, TEXAS.

06C 1562
RECEIVED
FEDERAL ELECTION COMMISSION
MAY 20 1991

91 JUN 17 AM 9:36

First City Bancorporation of Texas
P.O. Box 2557
Houston, Texas 77252
(713) 658-6792
Fax: (713) 658-5532

Robert M. Craig, III
Senior Vice President &
Associate General Counsel

June 13, 1991

MUR 3287

Lois G. Lerner, Esq.
Federal Election Commission
Associate General Counsel
Washington, D.C. 20463

91 JUN 17 PM 3:40

RE: In the Matter of First City Bancorporation of Texas
Inc. Political Action Committee and Sabrina Foster,
as treasurer

Dear Ms. Lerner:

Please be advised that the First City Political Action Committee has received Vice Chairman Joan D. Aikens' letter of May 28, 1991 related to an FEC finding that a required filing was not made in October of 1990. Regrettably, the person to whom the letter was addressed was no longer with the bank at the time the letter was received. It was not delivered to me until June 11, 1991.

The First City Political Action Committee does not dispute the fact that the filing was not made. While we are very precise in our attempts to file the required documents, it had not been clear that a special filing was needed as a result of the General Election. While it is no excuse, I feel comfortable in believing that such an error was common with PACs across the country.

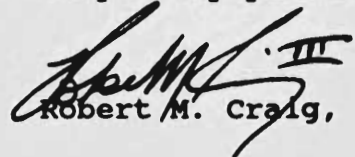
We are concerned, however, at the severity of the fine. We believe this fine is unwarranted in its size, even if the levying of the fine is warranted. Additionally, we need to inform you that Sabrina Foster was not the treasurer at the time of the required filing. Although she was treasurer during the first part of 1991, she is no longer with the bank and the position of PAC treasurer is being taken by Mark W. Peterson. Assuming that a Conciliation Agreement will be reached, Ms. Foster should neither be a party nor be identified as the Treasurer at the time the required filing was to have been made. According to our records, the

Lois G. Lerner, Esq.
June 13, 1991
Page 2
=====

treasurer at the time the filing had been required was officially Jeffrey Wright Hill. We believe this is also reflected in your records and that there is no need to submit an affidavit to that effect.

Because of the delay in our receipt of Vice Chairman Aikens' letter we are also formally requesting an extension of 20 days to further negotiate a Conciliation Agreement. I have completed the Statement of Designation of Counsel and all correspondence can be directed to me for action by the First City PAC. Thank you.

Very truly yours,


Robert M. Craig, III

cc: Lawrenc M. Noble
General Counsel
Federal Election Commission
Associate General Counsel
Washington, D.C. 20463

Joan D. Aikens
Vice Chairman
Federal Election Commission
Associate General Counsel
Washington, D.C. 20463

James Elkins, III
Eilene Alamia

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3287

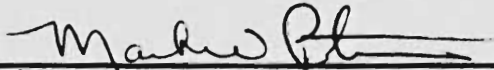
NAME OF COUNSEL: ROBERT M. CRAIG, III

ADDRESS: FIRST CITY BANCORPORATION OF TEXAS
P.O. BOX 2557
(FCM-20)
HOUSTON, TEXAS 77252

TELEPHONE: 713/658-6792

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

6/14/91
Date


Signature

RESPONDENT'S NAME: FIRST CITY BANCORPORATION OF TEXAS INC.
POLITICAL ACTION COMMITTEE

ADDRESS: P. O. BOX 2557
HOUSTON, TEXAS 77252

HOME PHONE: _____

BUSINESS PHONE: (713) 658-6304

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3287

NAME OF COUNSEL:

ROBERT M. CRAIG, III

ADDRESS:

FIRST CITY BANCORPORATION OF TEXAS

P.O. BOX 2557

(FCM-20)

HOUSTON, TEXAS 77252

TELEPHONE:

713/658-6792

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date

6/14/91

Signature

Mark R. Blum

RESPONDENT'S NAME:

FIRST CITY BANCORPORATION OF TEXAS INC.

POLITICAL ACTION COMMITTEE

ADDRESS:

P. O. BOX 2557

HOUSTON, TEXAS 77252

HOME PHONE:

BUSINESS PHONE:

(713) 658-6304

8560 780 4016



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 20, 1991

Robert M. Craig, III, Esquire
First City Bancorporation Of Texas
P.O. Box 2557
Houston, Texas 77252

RE: MUR 3287
First City Bancorporation Of
Texas Inc. Political Action
Committee and Mark W.
Peterson, as treasurer

Dear Mr. Craig:

This is in response to your letter dated June 13, 1991, which we received on June 14, 1991, requesting an extension of 20 days to respond to the Commission reason to believe notification and proposed conciliation agreement. 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 July 5, 1991.

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

A handwritten signature in cursive script, reading "George F. Rishel", is written over the typed name of George F. Rishel.

BY: George F. Rishel
Assistant General Counsel

FIRSTCITY, TEXAS.

86C 2071
RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 AUG -5 AM 9:28

First City Bancorporation of Texas
P.O. Box 2557
Houston, TX 77252
(713) 658 6792
Fax: (713) 658 5532

Robert M. Craig, III
Associate General Counsel

August 2, 1991

VIA FEDERAL EXPRESS

Phillip L. Wise, Esq.
Federal Election Commission
Office of the General Counsel
999 E. Street N.W.
Washington, D.C. 20463

91 AUG -5 AM 10:53

RE: MUR 3287
First City Bancorporation of Texas Inc.
Political Action Committee and Mark W.
Peterson, as treasurer

Dear Mr. Wise:

Enclosed is the Consiliation Agreement signed by Mark Peterson in the above-referenced matter.

Very truly yours,

Robert M. Craig III /mk
Robert M. Craig, III

RMC:mk
Enclosure

RECEIVED
F.E.C.
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

91 AUG 14 PM 3:34

In the Matter of)

) MUR 3287

First City Bancorporation of Texas)
Inc. Political Action Committee and)
Mark W. Peterson, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Mark W. Peterson, the treasurer of First City Bancorporation of Texas Inc. Political Action Committee ("First City").

104006001

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement (signed August 2, 1991) with First City Bancorporation of Texas Inc. Political Action Committee and Mark W. Peterson, as treasurer, and the check for \$750.00.

2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

8/13/91
Date

BY: [Signature]
Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement signed 8/2/91
2. Photocopy of civil penalty check.

Staff Assigned: Phillip L. Wise

403633

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

First City Bancorporation of Texas
Inc. Political Action Committee and
Mark W. Peterson, as treasurer.

)
)
) MUR 3287
)
)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election
Commission, do hereby certify that on August 19, 1991, the
Commission decided by a vote of 6-0 to take the following
actions in MUR 3287:

1. Accept the conciliation agreement
(signed August 2, 1991) with First
City Bancorporation of Texas Inc.
Political Action Committee and Mark
W. Peterson, as treasurer, and the
check for \$750.00, as recommended in
the General Counsel's Report dated
August 13, 1991.
2. Close the file.

(continued)

3. Approve the appropriate letter, as recommended in the General Counsel's Report dated August 13, 1991.

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

Attest:

8-19-91
Date

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

Received in the Secretariat: Wed., Aug. 14, 1991, 3:34 p.m.
Circulated to the Commission: Thurs., Aug. 15, 1991, 11:00 a.m.
Deadline for vote: Mon., Aug. 19, 1991, 11:00 a.m.

bjf



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

August 26, 1991

Robert M. Craig, III, Esquire
First City Bancorporation Of Texas
P.O. Box 2557
Houston, Texas 77252

RE: MUR 3287
First City Bancorporation Of
Texas Inc. Political Action
Committee and Mark W.
Peterson, as treasurer

Dear Mr. Craig:

On August 19, 1991, 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)(B), 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

Lois G. Lerner

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

First City Bancorporation of Texas
Inc. Political Action Committee and
Mark W. Peterson, as treasurer

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)
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MUR: 3287

CONCILIATION AGREEMENT

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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 First City Bancorporation of Texas Inc. Political Action Committee and its treasurer ("Respondents") violated 2 U.S.C. § 434(a)(4)(B).

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. First City Bancorporation of Texas Inc. Political Action Committee is a political committee within the meaning of 2 U.S.C. § 431(4). Respondents contend that it is a relatively small political committee and has gone through substantial changes in its management over the past year.

2. Mark W. Peterson is the current treasurer of First City Bancorporation of Texas Inc. Political Action Committee, although he was not the treasurer during the period which resulted in the violations herein.

3. Section 434(a)(4)(B) of the Federal Election Campaign Act of 1971, as amended ("the Act"), provides that all unauthorized political committees, that file monthly reports, shall file a pre-general election report in lieu of filing the report otherwise due in November of any year in which a regularly scheduled general election is held. According to Section 434(a)(2)(A)(i) the pre-election report must be filed no later than the 12th day before any election, and should be complete as of the 20th day before the election.

4. Respondents were required to file the 12 Day Pre-General Election Report, covering the pre-election period of October 1 through October 17, by October 25, 1990. Respondents failed to file the 1990 12 Day Pre-General Report or a report covering the pre-election period until November 20, 1990, 26

days late, disclosing \$1,401 in receipts and \$11,250 in disbursements for the relevant reporting period.

V. Respondents failed to file the 1990 12 Day Pre-General Report in a timely fashion in violation of 2 U.S.C. § 434(a)(4)(B).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Seven Hundred Fifty Dollars (\$750.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

Date

8-22-91

FOR THE RESPONDENTS:

Mark W. Peterson
(Name) MARK W. PETERSEN
(Position) TREASURER OK RANCE

Date

8/2/91

010403310



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3287

DATE FILMED 9/5/71 CAMERA NO. 3

CAMERAMAN AS

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