



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3344

DATE FILMED 11/5/91 CAMERA NO. 2

CAMERAMAN AS

91040872469

**REPORTS ANALYSIS REFERRAL**

**TO**

**OFFICE OF GENERAL COUNSEL**

**DATE:** 14 May 1991

**ANALYST: BRIAN J. HANCOCK**

**I. COMMITTEE:** Kansas Democratic State Committee  
(C00019380)  
Ron Calbert, Treasurer  
P.O. Box 1914  
Topeka, KS 66601

**II. RELEVANT STATUTE:** 2 U.S.C. §434(a)(4)(A)(i)  
11 CFR §104.5(c)(1)(i)(A)

**III. BACKGROUND:**

Failure to File the 1990 October Quarterly Report by Election Day, November 6, 1990.

The Kansas Democratic State Committee ("the Committee") failed to file the 1990 October Quarterly Report by Election Day, November 6, 1990. On September 21, 1990, the Committee was notified that the 1990 October Quarterly Report was due on October 15, 1990 (Attachment 2). The Committee submitted the 1990 October Quarterly Report on November 7, 1990 (Attachment 3).

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

None.

91040872470

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

Attachment 1 DATE 6MAY91

PAGE 2

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	* OF PAGES	MICROFILM LOCATION
						TYPE OF FILER
KANSAS DEMOCRATIC STATE COMMITTEE						ID #C00019380 PARTY QUALIFIED
CONNECTED ORGANIZATION: SAME						
1989	STATEMENT OF ORGANIZATION - AMENDMENT			26JUL89	2	89FEC/603/0823
	MID-YEAR REPORT	22,812	21,488	1JAN89 -30JUN89	24	89FEC/602/4109
	MID-YEAR REPORT - AMENDMENT	22,812	21,488	1JAN89 -30JUN89	6	89FEC/616/1955
	REQUEST FOR ADDITIONAL INFORMATION			1JAN89 -30JUN89	2	89FEC/614/1352
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN89 -30JUN89	3	89FEC/615/4644
	YEAR-END	40,156	41,324	1JUL89 -31DEC89	29	90FEC/627/4830
1990	APRIL QUARTERLY	27,476	16,373	1JAN90 -31MAR90	12	90FEC/636/0653
	JULY QUARTERLY	16,341	27,349	1APR90 -30JUN90	13	90FEC/647/1080
	JULY QUARTERLY - AMENDMENT	16,341	27,349	1APR90 -30JUN90	3	90FEC/670/2774
	OCTOBER QUARTERLY	54,337	53,792	1JUL90 -30SEP90	13	90FEC/676/2778
	PRE-GENERAL	4,750	648	1OCT90 -17OCT90	4	90FEC/676/2792
	POST-GENERAL	1,728	5,648	18OCT90 -26NOV90	6	91FEC/683/1987
	NOTICE OF FAILURE TO FILE			18OCT90 -26NOV90	1	90FEC/679/2876
	REQUEST FOR ADDITIONAL INFORMATION			18OCT90 -26NOV90	1	91FEC/689/0849
	REQUEST FOR ADDITIONAL INFORMATION 2ND			18OCT90 -26NOV90	2	91FEC/691/0600
	YEAR-END	4,108	5,051	27NOV90 -31DEC90	7	91FEC/685/4684
	TOTAL	171,708	0 171,673		128	TOTAL PAGES

All reports have been reviewed

Ending cash on hand as of 12/31/90: \$61.43

Outstanding debts owed by the committee as of 12/31/90: \$0.00

91040372471

# QUARTERLY REPORT NOTICE

## FEDERAL ELECTION COMMISSION

**PARTIES AND PACS**

**September 21, 1990**

<b>REPORT</b>	<b>REPORTING PERIOD</b>	<b>REG./CERT. MAILING DATE*</b>	<b>FILING DATE</b>
October Quarterly	07/01/90**-09/30/90	10/15/90	10/15/90

**WHO MUST FILE**

PARTY COMMITTEES AND PACs (NONCONNECTED COMMITTEES AND SEPARATE SEGREGATED FUNDS) filing on a quarterly basis must file a Quarterly Report in October.

**WHAT MUST BE REPORTED**

Disclose 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 Summary Page of Form 3X. Note State filing requirements also.

**LABEL**

Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

**PRE-ELECTION REPORTING**

Committees which make contributions or expenditures (including independent expenditures) in connection with a candidate's primary election must also file a 12-day Pre-Election Report if the activity was not previously reported. See the January Record.

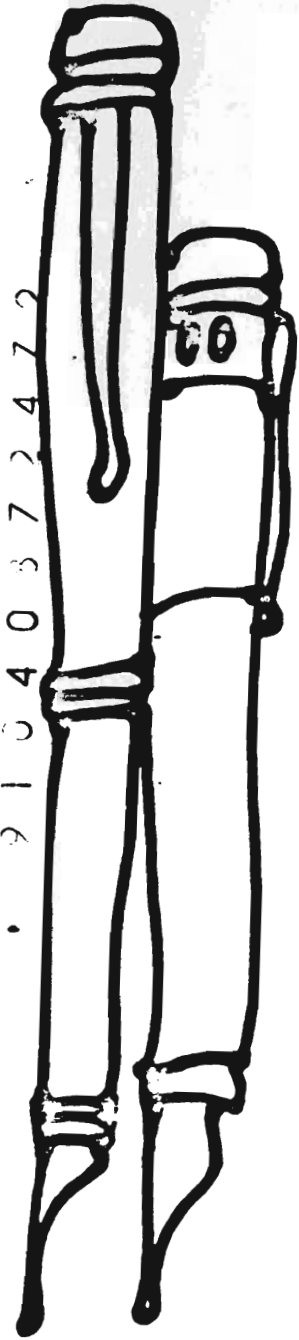
**LAST-MINUTE INDEPENDENT EXPENDITURES**

Committees which make an independent expenditure of \$1,000 or more, after the 20th day, but more than 24 hours before an election, must report it within 24 hours.

\*Reports sent by registered or certified mail will be considered filed on the date of the U.S. postmark. Reports hand delivered or mailed first class 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.

(over)



**PARTIES AND PACS**

**OCTOBER QUARTERLY**

**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.**

91040872473

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

# REPORT OF RECEIPTS AND DISBURSEMENTS AND DELIVERED

For Other Than An Authorized Committee

(Summary Page)

 USE PRE-PAID MAIL  
OR  
TYPE OR PRINT

C00019380 RON CALBERT KANSAS DEMOCRATIC STATE COMMITTEE YES P.O. BOX 1914 TOPEKA KS 66601	091790 P 210	90NOV-7 AM 9:51
2. <input checked="" type="checkbox"/> IDENTIFICATION NUMBER		3. <input type="checkbox"/> This committee qualified as a multicandidate committee DURING THIS Reporting Period on (date)

## 4. TYPE OF REPORT

☐ April 15 Quarterly Report

☐ July 15 Quarterly Report

☒ October 15 Quarterly Report

☐ January 31 Year End Report

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

☐ 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

5. Covering Period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
1 July 1990 through 30 September 1990		
6. (a) Cash on Hand January 1, 19 90		\$ 183.83
(b) Cash on Hand at Beginning of Reporting Period	\$ 278.06	
(c) Total Receipts (from Line 10)	\$ 54,337.79	\$ 98,155.26
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 54,615.85	\$ 98,339.09
7. Total Disbursements (from Line 28)	\$ 53,792.47	\$ 97,515.71
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 823.38	\$ 823.38
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	\$ -0-	For further information contact: Federal Election Commission 900 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-	

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

Ron Calbert, Treasurer; Kay M. Mattner, Asst. Treasurer

Signature of Treasurer



Date

11/05/90

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

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

**FIRST GENERAL COUNSEL'S REPORT**

RAD Referral # 91NF-103  
Staff Member: Gary Veron

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

RESPONDENTS: Kansas Democratic State Committee and  
Ron Calbert, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(4)(A)(i)  
11 C.F.R. § 104.5(c)(1)(i)(A)

INTERNAL REPORTS CHECKED: Referral Material

FEDERAL AGENCIES CHECKED: None

**I. GENERATION OF MATTER**

The Office of the General Counsel received a referral from the Reports Analysis Division on May 15, 1991. Attachment 1. The basis of the referral is the failure of the Kansas Democratic State Committee and Ron Calbert, as treasurer (the "Committee"), to file a timely 1990 October Quarterly Report.

**II. FACTUAL AND LEGAL ANALYSIS**

For the Factual and Legal Analysis, see Attachment 2.

**III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY**

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IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe the Kansas State Democratic Committee and Ron Calbert, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached Factual and Legal Analysis and conciliation agreement, and the appropriate letter.

Lawrence M. Noble  
General Counsel

Date

4/14/91

BY:

  
Lois G. Werner  
Associate General Counsel

Attachments

1. Referral Materials
2. Factual and Legal Analysis
3. Proposed Agreement



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

)  
Kansas Democratic State Committee )  
and Ron Calbert, as treasurer. )

RAD Referral #91NF-103

(  
MUR  
3344)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 17, 1991, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral #91NF-103:

1. Open a MUR.
2. Find reason to believe the Kansas State Democratic Committee and Ron Calbert, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the Factual and Legal Analysis and conciliation agreement, and the appropriate letter, as recommended in the General Counsel's Report dated June 14, 1991.

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

Attest:

6/17/91

Date

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

Received in the Secretariat: Thurs., June 13, 1991 1:00 p.m.  
Circulated to the Commission: Thurs., June 13, 1991 4:00 p.m.  
Deadline for vote: Mon., June 17, 1991 4:00 p.m.

dr

91040372477



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 25, 1991

Ron Calbert, Treasurer  
Kansas Democratic State Committee  
P.O. Box 1914  
Topeka, KS 66601

RE: MUR 3344  
Kansas Democratic State Committee  
and Ron Calbert, as treasurer

Dear Mr. Calbert:

On June 17, 1991, the Federal Election Commission found that there is reason to believe the Kansas Democratic State Committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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

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

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

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

Sincerely,



John Warren McGarry,  
Chairman

Enclosures

Factual and Legal Analysis  
Procedures  
Designation of Counsel Form  
Conciliation Agreement

91040372479

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS:** Kansas Democratic State Committee      **MUR:** 3344  
and Ron Calbert, as treasurer

The Federal Election Campaign Act of 1971, as amended (the "Act"), requires treasurers of unauthorized political committees to file periodic reports of receipts and disbursements on a quarterly or monthly basis during calendar years in which a regularly scheduled general election is held. 2 U.S.C.

§ 434(a)(4). Committees opting to file on a quarterly basis are required to file quarterly reports on or before the 15th day after the last day of each calendar quarter, except the last report for the year which is due on or before January 31 of the following year. 2 U.S.C. § 434(a)(4)(A)(i).

The Kansas Democratic State Committee is an unauthorized political committee which has elected to report on a quarterly basis. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), the due date for the Committee's 1990 October Quarterly Report was October 15, 1990.

The Committee was notified on September 21, 1990 that the 1990 October Quarterly Report was due on October 15, 1990. The Committee then submitted the 1990 October Quarterly Report on November 7, 1990, one day after Election Day, November 6, 1990.

Therefore, there is reason to believe that the Kansas Democratic State Committee and Ron Calbert, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).

91040872480

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE SERVICES BRANCH

91 JUL 15 PM 2:23

THE LAW FIRM OF  
**TENOPIR & HUERTER**  
420 SOUTHEAST 29TH, UPPER LEVEL  
TOPEKA, KANSAS 66605  
TEL. 913/233-9467

06C 1888  
LAWRENCE L. TENOPH  
JOSEPH P. HUERTER

91 JUL 16 AM 11:14

July 11, 1991

Ms. Lois G. Lerner  
Assoc. General Counsel  
Federal Election Commission  
Washington, D.C. 20463

RE: MUR3344 Kansas Democratic State Committee and Ron  
Calbert, as treasurer.

Dear Ms. Lerner:

I represent the Kansas Democratic State Committee as general  
counsel, and we are in receipt of your June 25, 1991, letter  
outlining a violation of the Federal Election Campaign Act  
and enclosing a proposed conciliation agreement.

There is no question that our filing of the October, 1990,  
report was untimely, and, in theory, we are willing to enter  
into a conciliation agreement to resolve this matter.

1. The Kansas Democratic State Committee maintains a  
permanent staff of four and one-half positions, with one of  
those devoted completely to bookkeeping and report  
preparing. In 1990, the state committee staff which is  
normally hard pressed to meet the various federal and state  
reporting requirements, found themselves in the  
unanticipated position of being responsible for not only the  
state party reports, but also for assisting in party-related  
state PAC reports and, most time consuming of all, all  
reports required for the gubernatorial candidate.

2. Final state reports for all of those committees were due  
contemporaneously with the FEC report, and the staff found  
itself in the position of simply not having enough hours in  
the day to complete all reports in a timely manner.

3. Since the various state reports showed substantially  
more activity, it was decided to pursue those reports'  
completion first.


4. It became apparent immediately prior to the October 15,  
1990, deadline that the state committee staff would be  
unable to meet the filing deadline for the F.E.C. report,  
and our executive director, Kay Mettner, contacted someone  
in the office of the Federal Election Commission to inform  
your office of that problem.

5. Ms. Mettner's understanding of that conversation was that the delayed report would cause no major problems.

6. If Ms. Mettner had been led to believe that the party was facing a significant penalty (with our current budget situation

she might have been able to take extraordinary measures such as hiring an additional temporary staff person dedicated completely to finishing this report. That may not have resulted in a timely report, but it most likely would have resulted in a report filed only a couple of days late instead of one filed three weeks late. (The state committee staff is now painfully aware of the possible penalties for an untimely filing, and since it is unlikely that the staff will be in the same sort of position of responsibility for a gubernatorial candidate in the future, we believe this to be the final similar occurrence.)

Sincerely,

  
Lawrence L. Tenopir  
General Counsel  
Kansas Democratic Party

LLT:gm

91040372482



STATEMENT OF DESIGNATION OF COUNSEL

06C 2083  
RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

91 AUG -5 AM 11:52

MUR 3344

NAME OF COUNSEL:

Larry Jenopis

ADDRESS:

420 S. E. 89th

Upperlevel

Topeka, Ks 66604

TELEPHONE:

913-233-9497

91 AUG -5 PM 3:45

RECEIVED  
FEDERAL ELECTION COMMISSION  
COUNSEL

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.

7/31/91  
Date

Randall K. Felt  
Signature

RESPONDENT'S NAME:

Randy Rathburn

ADDRESS:

106 W. Douglas

Topeka, Ks 67202

HOME PHONE:

316-683-5207

BUSINESS PHONE:

316-245-9621

Election 2/24/90 as Drawn

91040872483



THE LAW FIRM OF  
**TENOPIR & HUERTER**  
420 SOUTHEAST 29TH, UPPER LEVEL  
**TOPEKA, KANSAS 66605**  
TEL. 913/233-9467

8662848  
RECEIVED  
FEDERAL ELECTION COMMISSION  
LAWRENCE L. TENOPIR  
JOSEPH W. HUERTER  
MAIN COPY 8007

91 SEP 20 AM 10:47

September 16, 1991

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

RE: MUR 3344  
Kansas Democratic State Committee  
& Randall K. "Randy" Rathbun, as  
Treasurer

Dear Ms. Lerner:

Enclosed please find the conciliation agreement signed by me  
as attorney for the parties.

Please advise as to how payment should be made.

Sincerely,

  
Lawrence L. Tenopir  
General Counsel  
Kansas Democratic Party

91 SEP 20 PM 4:10

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF THE CLERK  
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION SEP 25 AM 9:10

In the Matter of )  
 ) MUR 3344  
The Kansas Democratic State )  
Committee and Randall K. )  
"Randy" Rathbun, as treasurer )

**SENSITIVE**

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

Attached is a conciliation agreement which has been signed by Lawrence Tenopir, counsel for The Kansas Democratic State Committee and Randall K. "Randy" Rathbun, as treasurer.

The attached agreement contains no changes from the agreement approved by the Commission on August 27, 1991. To date, payment for the civil penalty has not been received.

**II. RECOMMENDATIONS**

1. Accept the attached conciliation agreement with The Kansas Democratic State Committee and Randall K. "Randy" Rathbun, as treasurer.
2. Close the file in this matter.
3. Approve the appropriate letter.

Lawrence M. Noble  
General Counsel

9/24/91  
Date

BY: Lois G. Lerner  
Lois G. Lerner  
Associate General Counsel

Attachment  
Conciliation Agreement

Staff Assigned: Tamara Kapper

91040372485

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
The Kansas Democratic State ) MUR 3344  
Committee and Randall K. )  
"Randy" Rathbun, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 27, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3344:

1. Accept the conciliation agreement with The Kansas Democratic State Committee and Randall K. "Randy" Rathbun, as treasurer.
2. Close the file in this matter.
3. Approve the appropriate letter, as recommended in in the General Counsel's Report dated September 24, 1991.

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

Attest:

9-27-91  
Date

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

Received in the Secretariat: Wed., Sept. 25, 1991 9:10 a.m.  
Circulated to the Commission: Wed., Sept. 25, 1991 11:00 a.m.  
Deadline for vote: Fri., Sept. 27, 1991 11:00 a.m.

dr

91040372486



**KANSAS  
DEMOCRATIC  
PARTY**

**John T. Bird**  
State Chairman

**CLOSED**

**Executive Committee**

Rosetta Dorson  
Charlene Potter  
Randy Rathbun  
Ron Svaty  
Betty Ratts  
Rep. Anthony Hensley  
Julia Ann Clem

Michael Peterson

Jean Stover

Tino Monaldo

Pat Lehman

Stanley Fowler

Bobby Seger

Governor Joan Finney

Tres. Sally Thompson

Speaker Marvin Barkis

Senator Gerald Karr

Senator Paul Fekken

Shirley Jacques

Dennis Langley

Dr. Gilbert Parks, M.D.

Ev. Perez

Mary Ann Flannery

Sherry Zisch

Richard W. ...

**September 24, 1991**

**Ms. Lois G. Lerner**  
**Associate General Counsel**  
**Federal Election Commission**  
**999 E St., N.W.**  
**Washington DC 20463**

**RE: MUR 3344**  
**Kansas Democratic State Committee**  
**& Randall K. "Randy" Rathbun, as**  
**Treasurer**

**Dear Ms. Lerner:**

Enclosed please find a check to the Federal Election Commission in the amount of \$900 (nine hundred dollars) per our conciliation agreement.

Sincerely,

**John T. Bird, Chairman**  
**Kansas Democratic Party**

**Ex-Officio•Past Chairs**

Marvin Hinder

Jack Glaves

Maurice Martin

Thomas J. Condon

Norbert R. Dierling

Robert L. Brock

Jim Myers

Terry Scanlon

Larry Bongiorno

Robert E. Thon

Pat Lehman

James W. Parosh

91 OCT -2 AM 10:40

91 OCT -1 PM 1:40

KANSAS DEMOCRATIC PARTY  
FEDERAL ACCOUNT  
P.O. BOX 1914 PH. 234-0425  
TOPEKA, KS 66601

1608<sup>(9)</sup>

Sept 24 1991

44-2027 1011

PAY TO THE  
ORDER OF

Federal Election Commission \$900.00

NINE HUNDRED DOLLARS AND  $\frac{00}{100}$  DOLLARS



North Plaza  
State Bank

FBI

2014 N Topeka Ave • Topeka, Kansas 66608 • (913) 235-0001

MEMO # MUR # 3344

*B. J. Bid, Chairman*  
*David W. [unclear], Dir.*  
*A.S.P.*

8 1 8 0 1 1 0 2 0 2 7 6 0 2 7 2 1 6 4 1 6 0 8



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 4, 1991

Larry Tenopir, Esquire  
420 S.E. 29th, Upperlevel  
Topeka, KS 66604

RE: MUR 3344  
Kansas Democratic State Committee  
and Randall K. "Randy" Rathbun, as  
treasurer

Dear Mr. Tenopir:

On September 27, 1991, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel. Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondents 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) 219-3690.

Sincerely,

Lawrence M. Noble  
General Counsel

*Lois G. Lerner*

BY: Lois G. Lerner  
Associate General Counsel

Enclosure  
Conciliation Agreement

21040372489

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

The Kansas Democratic State  
Committee and Randall K.  
"Randy" Rathbun, as treasurer

)  
) MUR 3344  
)  
)

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 Kansas Democratic State Committee and Randall K. "Randy" Rathbun, as treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(4)(A)(i).

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

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

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

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

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

1. The Kansas Democratic State Committee is a

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political committee within the meaning of 2 U.S.C. § 431(4) and has elected to file its reports of receipts and expenditures with the Commission on a quarterly basis. The Kansas Democratic State Committee is not the authorized committee of any candidate.

2. Randall K. "Randy" Rathbun is the treasurer of the Kansas Democratic State Committee.

3. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), for years in which a regularly scheduled general election is held, all unauthorized political committees which elect to file reports on a quarterly basis shall file quarterly reports no later than the 15th day after the last day of the calendar quarter, except that the report for the calendar quarter ending December 31 shall be filed no later than January 31 of the following calendar year.

4. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), Respondents were required to file the 1990 October Quarterly Report no later than October 15, 1990. Respondents filed the 1990 October Quarterly Report on November 7, 1990, one day after Election Day.

V. Respondents failed to file their 1990 October Quarterly Report on or before October 15, 1990 in violation of 2 U.S.C. § 434(a)(4)(A)(i).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of nine hundred dollars (\$900), 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 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  
Lois G. Lerner  
Associate General Counsel

10/4/91  
Date

FOR THE RESPONDENTS:

[Signature]  
(Name)  
(Position)

9/16/91  
Date

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3344

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