



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3590

DATE FILMED 4/21/93 CAMERA NO. 2

CAMERAMAN E.E.S.

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RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM
AUG 19 1992

REPUBLICAN PARTY OF VIRGINIA

Patrick M. McSweeney, Chairman

MUR 3590

August 19, 1992

Federal Election Commission
General Counsel's Office
999 E Street, N.W.
Washington, D.C. 20463

RE: Democratic Party of Virginia Federal Committee
Identification No. C00155952

Dear Sir or Madam:

This is to initiate a complaint with your office regarding the Democratic Party of Virginia Federal Committee, 1001 East Broad Street, Suite LL25, Richmond, Virginia 23219, a registered political party committee (hereinafter referred to as "the Respondent").

Your complainant is John G. Selph, Controller, Republican Party of Virginia, 115 East Grace Street, Richmond, Virginia 23219.

Your complainant believes, based on information provided by the staff of the Virginia State Board of Elections, that there has been, and continues to be, a violation of federal election laws. Your complainant believes the Respondent either failed to file or filed late a copy of certain of its reports with the Virginia State Board of Elections as required by 11 C.F.R. Sections 108.1 and 108.5. In particular, the reports believed to have been either not filed or filed late are the quarterly reports of receipts and disbursements due April 15, 1992 and July 15, 1992.

Your complainant also believes the Respondent's reports due in 1991 were filed late.

Thank you for your assistance in this matter.

Very truly yours,

REPUBLICAN PARTY OF VIRGINIA



John G. Selph
Controller

92 AUG 25 AM 11:51

Federal Election Commission
August 19, 1992
Page Two

COMMONWEALTH OF VIRGINIA

City/County of CHESTER FIELD

The foregoing document was subscribed and sworn before me by John G. Selph this

19th day of August, 1992.

Deanna Lynn Wiseman
Notary Public

My Commission Expires: 11/2/92.

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RECEIVED
FEDERAL ELECTION COMMISSION

92 AUG 25 AM 11:15



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 27, 1992

John G. Selph, Controller
Republican Party of Virginia
115 East Grace Street
Richmond, VA 23219

RE: MUR 3590

Dear Mr. Selph:

This letter acknowledges receipt on August 25, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by the Democratic Party of Virginia and Jay Shropshire, as treasurer. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3590. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

A handwritten signature in dark ink, which appears to read "Jonathan Bernstein", is written over a rectangular area.

Jonathan A. Bernstein
Assistant General Counsel

Enclosure
Procedures

23040935045



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 27, 1992

Democratic Party of Virginia
Jay Shropshire, Treasurer
1001 East Broad Street
Suite LL25
Richmond, VA 23219

RE: MUR 3590

Dear Mr. Shropshire:

The Federal Election Commission received a complaint which indicates that the Democratic Party of Virginia ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3590. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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 matter to be made public. 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.

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Democratic Party of Virginia
Jay Shropshire, Treasurer
Page 2

If you have any questions, please contact Richard M. Zanfardino, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

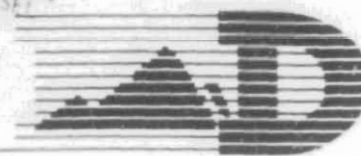
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The Democratic Party of Virginia

1108 E. Main Street, 2nd Floor
Richmond, Virginia 23219
(804) 644-1966

FEDERAL RECEIVED
OFFICE OF THE FEDERAL ELECTION COMMISSION
92 SEP 15 AM 11:37

OGC 6442



Paul Goldman
Chairman

September 8, 1992

Mr. Jonathan A. Bernstein
Assistant General Council
Federal Election Commission
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
SEP 14 10 48 AM '92

Re: MUR 3590

Dear Mr. Bernstein:

In reference to the above captioned matter, we believe no action should be taken against the Committee. Our records indicate the reports in question were mailed on a timely basis. However, Michael Brown, Secretary of the Virginia State Board of Elections, has indicated that the reports for the time periods April 15, 1992, and July 15, 1992, were not received by his office. Accordingly, we have filed the reports in question with his office. Also, we have filed a Mail Loss/Rifling Report with the U.S. Postmaster requesting an inquiry regarding delivery of these items. We will forward the Postal Service's response when we receive it.

In the future we will send the report by registered mail or hand deliver to ensure on time delivery. If you need any additional information, please let us know.

Sincerely,

Paul Goldman

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F.E.C.
SECRETARIAT

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

FIRST GENERAL COUNSEL'S REPORT

MUR # 3590
DATE COMPLAINT RECEIVED
BY OGC August 25, 1992
DATE OF NOTIFICATION TO
RESPONDENTS August 27, 1992
STAFF MEMBERS Holly Baker
Richard Zanfardino

COMPLAINANT: John G. Selph, Controller
Republican Party of Virginia

RESPONDENTS: Democratic Party of Virginia and
Jay Shropshire, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(4)
2 U.S.C. § 434(a)(5)
2 U.S.C. § 439(a)(1)
11 C.F.R. § 104.5

INTERNAL REPORTS CHECKED: FEC indices

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter began with a complaint filed on August 25, 1992 by John G. Selph, controller of the Republican Party of Virginia, against the Democratic Party of Virginia and Jay Shropshire, as treasurer ("the Committee"), alleging failure to file or late filing of first and second quarter reports of receipts and disbursements and late filing of 1991 reports of receipts and disbursements with the Virginia State Board of Elections. The Democratic Party of Virginia, through its chairman, Paul Goldman, filed a response on September 8, 1992. Attachment. This Office has also had phone contact

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with the Democratic Party of Virginia and the Virginia State Board of Elections.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that copies of all reports required to be filed under the Act with the Federal Election Commission ("the Commission") must also be filed simultaneously with the designated state officer. 2 U.S.C. § 439(a)(1).

In a non-election year, such as 1991, semi-annual reports must be filed on or before July 31, for activity from January 1 through June 30, and on or before January 31, 1992, for activity through December 31. In an election year, such as 1992, quarterly reports are due on April 15, July 15, October 15, 1992 and the following January 31. See 2 U.S.C. § 434(a)(4).

A report sent by registered or certified mail is considered filed as of the date of the U.S. post mark. 2 U.S.C. § 434(a)(5). A report sent by first class mail, however, is considered filed when it is received, and it must be received before the close of business on the due date in order to be considered filed on time. 11 C.F.R. § 104.5.

The Complainant alleges two violations of the filing requirements:

1. that the Committee failed to file or filed late its quarterly reports due on April 15, 1992 and July 15, 1992 with the Virginia State Board of Elections; and

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2. that the Committee filed late its 1991 reports with the state.

The Committee claims, in a response letter dated September 8, 1992, from its chairman, Paul Goldman, that the 1992 first and second quarter reports were mailed (apparently by first class) to the Virginia State Board of Elections in a "timely" manner, but that the State Board did not receive the reports. Mr. Goldman claims to have filed a Mail Loss/Rifling Report with the U.S. Postal Service. The Committee also indicates that subsequent to receipt of the complaint from the Commission, it re-filed its 1992 reports with the state office. Mr. Goldman states that in the future, reports will be hand delivered or sent by registered mail to ensure on-time filing.

The Virginia State Board of Elections by telephone reported to staff that none of the Committee's reports in question, including those the Committee stated it had re-filed, were on file with that office as of September 24, 1992. The Committee in its response had referred to its records indicating timely mailing, but it included no records with its response. Moreover, the Committee did not respond to the allegations about the 1991 reports. Because the Committee had invited the Commission to contact it for additional information, staff tried to telephone the Committee in order to resolve this matter, but our call was

2304093501

not returned. As a result, questions remain about the Committee's filing of reports with the state.¹

The matter requires investigation, albeit limited in scope. Therefore, this Office recommends that the Commission find reason to believe that Respondents may have violated the filing requirements of the Act.

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Recently, the Commission found reason to believe but took no further action in another case alleging violations of the simultaneous filing requirement. MUR 3519 (Tom Mims for Congress). Dispositive for the Commission's decision in Mims were the facts that the respondents were novices in federal election law, failure to file was an oversight, and the committee immediately provided the necessary information, supported by documentation, to the appropriate state office. Here, in contrast to the situation in Mims, the Committee appears to be a long-standing state committee and questions remain unresolved about its compliance with the Act's

1. The Committee has filed reports with the Commission on time. The Committee's reports due on April 15 and July 15, 1992 were timely filed with the Commission. The Committee's reports for 1991 were due on July 31, 1991 and January 31, 1992. Although the Committee was only required to submit a semi-annual and a year-end report for 1991, it filed quarterly reports. These quarterly reports covered the same period of time as the semi-annual and year-end reports. The Commission received reports on April 16, 1991 (one day late for a first quarter report); July 15, 1991 (on time for a second quarter report and on time for the equivalent semi-annual report); October 15, 1991 (on time for a third quarter report); and January 30, 1992 (on time for a fourth quarter report and on time for the equivalent year-end report).

reporting requirements. Recommendation to investigate at this time does not preclude a future recommendation that no further action be taken.

III. RECOMMENDATIONS

1. Find reason to believe that the Democratic Party of Virginia and Jay Shropshire, as treasurer, violated 2 U.S.C. § 439(a)(1).
2. Approve the appropriate letters.
3. Approve the attached Factual and Legal Analysis.

Lawrence M. Noble
General Counsel

11-4-92
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Response
2. Factual and Legal Analysis

23040935053

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Democratic Party of Virginia) MUR 3590
and Jay Shropshire, as)
treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 10, 1992, the Commission decided by a vote of 6-0 to take the following actions in MUR 3590:

1. Find reason to believe that the Democratic Party of Virginia and Jay Shropshire, as treasurer, violated 2 U.S.C. § 439(a)(1).
2. Approve the appropriate letter, as recommended in the General Counsel's Report dated November 4, 1992.
3. Approve the Factual and Legal Analysis, as recommended in the General Counsel's Report dated November 4, 1992.

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

Attest:

11-10-92
Date

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

Received in the Secretariat: Thurs., Nov. 5, 1992 9:40 a.m.
Circulated to the Commission: Thurs., Nov. 5, 1992 11:00 a.m.
Deadline for vote: Tues., Nov. 10, 1992 4:00 p.m.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 12, 1992

Democratic Party of Virginia
Jay Shropshire, Treasurer
1001 East Broad Street
Suite LL25
Richmond, VA 23219

RE: MUR 3590

Dear Mr. Shropshire:

On August 27, 1992, the Federal Election Commission notified the Democratic Party of Virginia ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to the Committee at that time.

Upon further review of the allegations contained in the complaint, and information supplied by the Committee, the Commission, on November 10, 1992, found that there is reason to believe the Committee and you, as treasurer, violated 2 U.S.C. § 439(a)(1), a provision of 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 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.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the

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Jay Shropshire
page 2

Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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 matter to be made public.

If you have any questions, please contact Holly Baker, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosures
Designation of Counsel Form
Factual & Legal Analysis

3042935086

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

MUR: 3590

RESPONDENTS: Democratic Party of Virginia
and, Jay Shropshire, as treasurer

I. GENERATION OF MATTER

This matter began with a complaint filed on August 25, 1992 by John G. Selph, controller of the Republican Party of Virginia, against the Democratic Party of Virginia and Jay Shropshire, as treasurer ("the Committee"). Complainant alleges failure to file or late filing of various reports with the Virginia State Board of Elections.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that copies of all reports required to be filed under the Act with the Federal Election Commission ("Commission") must also be filed simultaneously with the designated state officer. 2 U.S.C. § 439(a)(1).

In a non-election year, such as 1991, semi-annual reports must be filed on or before July 31, for activity from January 1 through June 30, and on or before January 31, 1992, for activity through December 31. In an election year, such as 1992, quarterly reports are due on April 15, July 15, October 15, 1992 and the following January 31. See 2 U.S.C. § 434(a)(4).

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A report sent by registered or certified mail is considered filed as of the date of the U.S. post mark. 2 U.S.C. § 434(a)(5). A report sent by first class mail, however, is considered filed when it is received, and it must be received before the close of business on the due date in order to be considered filed on time. 11 C.F.R. § 104.5.

The Complainant alleges two violations of the filing requirements:

1. that the Committee failed to file or filed late its quarterly reports due on April 15, 1992 and July 15, 1992 with the Virginia State Board of Elections; and

2. that the Committee filed late its 1991 reports with the state.

The Committee claims, in a response letter dated September 8, 1992, from its chairman, Paul Goldman, that the 1992 first and second quarter reports were mailed (apparently by first class) to the Virginia State Board of Elections in a "timely" manner, but that the State Board did not receive the reports. Mr. Goldman claims to have filed a Mail Loss/Rifling Report with the U.S. Postal Service. The Committee also indicates that subsequent to receipt of the complaint from the Commission, it re-filed its 1992 reports with the state office. Mr. Goldman states that in the future, reports will be hand delivered or sent by registered mail to ensure on-time filing.

The Virginia State Board of Elections by telephone reported to staff that none of the Committee's reports in

question, including those the Committee stated it had re-filed, were on file with that office as of September 24, 1992. The Committee in its response had referred to its records indicating timely mailing, but it included no records with its response. Moreover, the Committee did not respond to the allegations about the 1991 reports. Because the Committee had invited the Commission to contact it for additional information, staff tried to telephone the Committee in order to resolve this matter, but our call was not returned. As a result, questions remain about the Committee's filing of reports with the state. Therefore, there is reason to believe that the Democratic Party of Virginia and Jay Shropshire, as treasurer, violated 2 U.S.C. § 439(a)(1).

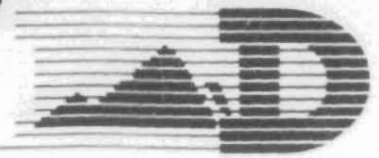
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The Democratic Party of Virginia

1108 E. Main Street, 2nd Floor
Richmond, Virginia 23219
(804) 644-1966

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

DEC 2 9 08 AM '92



Paul Goldman
Chairman

November 30, 1992

Ms. Holly Baker
Attorney
Federal Election Commission
Washington, DC 20463

RE: MUR 3590

Dear Ms. Baker:

Pursuant to our telephone conversation, I am requesting an extension of 15 days to respond. The Commission's letter was first brought to my attention this morning, November 30, 1992. The address on the Commission's letter is the Virginia Democratic Party's old address. Our new address is 1108 E. Main Street #200, Richmond, VA 23219. According to the Party staff, the letter was actually received Tuesday or Wednesday of last week.

Additionally, the Committee, since the beginning of this month, has been in the process of hiring a new bookkeeper. These factors may explain any delay in your correspondence being brought to my attention.

Additionally, I am due to go out of town this week to keep a previous commitment. Accordingly, I request that the Commission grant this extension. I appreciate your consideration and would ask that all future correspondences be sent to my direct attention.

Sincerely,

Paul Goldman

92 DEC -2 AM 9:30



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 1, 1992

Paul Goldman, Chairman
The Democratic Party of Virginia
1108 E. Main Street, 2nd Floor
Richmond, VA 23219

RE: MUR 3590
Democratic Party of VA

Dear Mr. Goldman:

This is in response to your letter dated November 30, 1992, which we received on that date, requesting an extension of 15 days to respond to the Commission's finding of reason to believe in MUR 3590. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on December 17, 1992.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

A handwritten signature in cursive script that reads "Holly Baker".

Holly Baker
Attorney

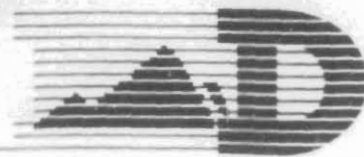
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The Democratic Party of Virginia

1108 E. Main Street, 2nd Floor
Richmond, Virginia 23219
(804) 644-1966

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FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

DEC 18 3 42 PM '92



Paul Goldman
Chairman

17 December 1992

Ms. Holly Baker
Attorney
Federal Election Commission
999 E Street, N. W.
Washington, D.C. 20463

re: **MUR: 3590**

Dear Ms. Baker:

As we discussed, I am faxing a copy of our response. I am sending the entire package to you by Federal Express. The total number of pages in this package including this cover letter is five pages.

Sincerely,

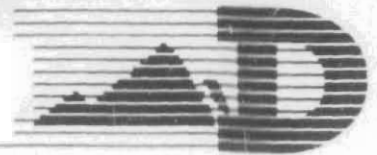
Paul Goldman

92 DEC 18 PM 3:20

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The Democratic Party of Virginia

1108 E. Main Street, 2nd Floor
Richmond, Virginia 23219
(804) 644-1966



Paul Goldman
Chairman

17 December 1992

Ms. Joan D. Aikens
Federal Election Commission
999 E Street, N.W.
Washington, D. C. 20463

re: **MUR: 3590**

Dear Chairman and Members of the Commission:

On 12 November 92, the Federal Election Commission ("FEC") sent the Democratic Party of Virginia ("Committee") a reason-to-believe letter and asked the Committee to respond to the information in the letter. Due to the press of business, I contacted Holly Baker, Esquire, the FEC attorney assigned to this matter, and she was extremely helpful in explaining the procedures. Accordingly, I asked for an extension to respond. The Committee was granted an extension until 17 December 92.

This letter of response was faxed to Ms. Baker on 17 December 92 and a hard copy was sent by Federal Express to her attention on the same date. Before continuing, let me again thank Ms. Baker for all her consideration and assistance in this matter.

GENERAL BACKGROUND

The sole question in this matter is whether copies of federal election reports were timely filed with the State Board of Elections for the Commonwealth of Virginia ("Board"). Federal law requires the Committee to file copies of such reports with the designated state office. 2 U.S.C., Section 439(a)(1).

At the outset, it should be noted that all of the reports in question were timely filed with the FEC as required. There is no dispute on this issue. Accordingly, the information in the reports has at all relevant times been available to the public.

The normal operating procedure of the Committee's former bookkeeper was to file these reports with the FEC and the Virginia State Board of Elections ("Board") on or about the same time. However, it was neither normal operating procedure to file these reports by certified or registered mail, nor to request a receipt of delivery from the Board.

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Ms. Aikens
Federal Election Commission
MUR: 3590
Page 2

All of the reports at issue are on file with the Board. Unfortunately, the Board did not stamp a date-of-receipt on these reports.

ERROR BY THE BOARD

The Committee believes all of the reports at issue were filed in a timely fashion. However, the misplacing by the Board of certain reports filed by the Committee may have led the FEC to believe the Committee had not filed, or was trying to delay filing copies of the federal campaign reports with the designated state office.

On 24 September 92, there was a telephone conversation between the Board and the FEC. In this conversation, the Board told the FEC that certain reports of the Committee, including reports the Committee had told the FEC had been re-filed in early September, were not in the possession of the Board.

The Board now concedes they made a mistake and the Board has written a letter to the FEC to set the record straight (see enclosure #1, letter from Michael Brown, Secretary of the Board).

OUR RESPONSE TO THE FEC'S FACTUAL AND LEGAL ANALYSIS

The following facts should be dispositive of this matter:

1. All of the reports in question have been filed with the Board.
2. The Committee has documented at least one occasion where an error was made by the Board in the handling of Committee filings.
3. The Board has no information to indicate any failure to file, or any late filings, of the copies of federal reports at issue in this matter.
4. The original complaint provides not a single fact in support of the allegations.
5. The federal filing of these reports was timely and consequently, the information in these reports has been available to the public.
6. Despite the fact that at least one of the reports at issue was due in the middle of 1991, it was not until 19 August 92 that anyone suggested any report was either filed late or not filed at all.

Ms. Aikens
Federal Election Commission
MUR: 3590
Page 3

7. The Board concedes the information given to the FEC on 24 September 92 was in error.

CONCLUSION

The complaint was filed in August. The FEC has looked into the matter and so has the Board. As of today, almost four months later, there is not a single real fact to support any of the allegations.

Accordingly, I believe no further action can be justified in this matter, and therefore ask the FEC to close the books on MUR: 3590.

I thank you for your consideration, and once again extend my appreciation to Attorney Baker for all her assistance.

Sincerely,



Paul Goldman

Enclosure

Enclosure #1



COMMONWEALTH of VIRGINIA
STATE BOARD OF ELECTIONS

200 N. 9th Street, Room 101
Richmond, Virginia 23219-3497

BOARD MEMBERS:

BOBBY W. DAVIS, CHAIRMAN
JOHN H. RUST, JR., VICE CHAIRMAN
MICHAEL G. BROWN, SECRETARY

(804) 786-6551
TOLL-FREE WITHIN VIRGINIA (800) 552-9745
VOICE OR TDD ON EITHER NUMBER

December 17, 1992

Ms. Holly Baker
Federal Election Commission
999 E Street, N.W.
Washington, D. C. 20463

Dear Ms. Baker:

In a September 24, 1992 telephone conversation, a member of my staff reported to a Federal Election Commission employee that no copies of the Democratic Party of Virginia's 1992 FEC reports had been filed with this Agency. The call was the result of a complaint filed with you in August 1992 stating that the Democratic Party of Virginia had failed to file copies with the State Board of Elections as required by federal law.

The Party had contacted me in August and was advised to refile the documents in question. The Party has maintained that those reports had been refiled prior to your September 24 inquiry to this Board.

On Tuesday, December 15, 1992, a member of my staff went to our archive storage area to retrieve some FEC reports for 1991. While removing those documents from the file it was discovered that the Democratic Party of Virginia's 1992 FEC reports were with the 1991 reports. Because your Agency previously had been told that the 1992 documents had not been received by us and because that statement has had an adverse effect on the Democratic Party of Virginia, I felt obligated to correct the record.

Although these documents were not date stamped when received, there can be no doubt that the Democratic Party's claim that they were filed is true. Since no proof as to the timeliness of their filing exists, I feel that the Democratic Party of Virginia must be given the benefit of the doubt.

The aforementioned factors, in my opinion, should be considered in your disposition of MUR:3590. Please contact me should further information be needed.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael G. Brown".

Michael G. Brown
Secretary

MGB:mgk
cc: Mr. Paul Goldman, State Chair
Democratic Party of Virginia



RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

Dec 21 10 32 AM '92

COMMONWEALTH of VIRGINIA
STATE BOARD OF ELECTIONS

200 N. 9th Street, Room 101
Richmond, Virginia 23219-3497

BOARD MEMBERS:

BOBBY W. DAVIS, CHAIRMAN
JOHN H. RUST, JR., VICE CHAIRMAN
MICHAEL G. BROWN, SECRETARY

(804) 786-6551
TOLL-FREE WITHIN VIRGINIA (800) 552-9745
VOICE OR TDD ON EITHER NUMBER

December 17, 1992

Ms. Holly Baker
Federal Election Commission
999 E Street, N.W.
Washington, D. C. 20463

MUR 3590

Dear Ms. Baker:

In a September 24, 1992 telephone conversation, a member of my staff reported to a Federal Election Commission employee that no copies of the Democratic Party of Virginia's 1992 FEC reports had been filed with this Agency. The call was the result of a complaint filed with you in August 1992 stating that the Democratic Party of Virginia had failed to file copies with the State Board of Elections as required by federal law.

The Party had contacted me in August and was advised to refile the documents in question. The Party has maintained that those reports had been refiled prior to your September 24 inquiry to this Board.

On Tuesday, December 15, 1992, a member of my staff went to our archive storage area to retrieve some FEC reports for 1991. While removing those documents from the file it was discovered that the Democratic Party of Virginia's 1992 FEC reports were with the 1991 reports. Because your Agency previously had been told that the 1992 documents had not been received by us and because that statement has had an adverse effect on the Democratic Party of Virginia, I felt obligated to correct the record.

Although these documents were not date stamped when received, there can be no doubt that the Democratic Party's claim that they were filed is true. Since no proof as to the timeliness of their filing exists, I feel that the Democratic Party of Virginia must be given the benefit of the doubt.

The aforementioned factors, in my opinion, should be considered in your disposition of MUR:3590. Please contact me should further information be needed.

Sincerely,

Michael G. Brown
Secretary

MGB:mgk
cc: Mr. Paul Goldman, State Chair
Democratic Party of Virginia

92 DEC 21 PM 3:37

1001

3 3 4 0 9 3 5 0 6 7

OGC 8448



FEB 22 10 18 AM '93

COMMONWEALTH of VIRGINIA
STATE BOARD OF ELECTIONS

200 N. 9th Street, Room 101
Richmond, Virginia 23219-3497

BOARD MEMBERS:

BOBBY W. DAVIS, CHAIRMAN
JOHN H. RUST, JR., VICE CHAIRMAN
MICHAEL G. BROWN, SECRETARY

(804) 786-6551
TOLL-FREE WITHIN VIRGINIA (800) 552-9745
VOICE OR TDD ON EITHER NUMBER

February 12, 1993

MUR 3590

Ms. Holly Baker
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Ms. Baker:

Per your telephone request of February 10, 1993, I have enclosed copies of the summary page for all reports filed by the Democratic Party of Virginia Federal Campaign Committee in 1991. Please note that only the April 15 and July 15 quarterly reports are date stamped on the back.

The April 15, July 15, and October 15 reports were all amended January 28, 1992. No original October 15 report was ever received.

Sincerely,

Michael G. Brown
Secretary

MGB:jj

Enclosures

93 FEB 22 PM 3:49

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE

2350 2350 2350

REPORT OF RECEIPTS AND DISBURSEMENTS

Other Than An Authorized Committee

(Summary Page)

RECEIVED COMMISSION
OF ELECTIONS
FEB 22 PM 3:49

FEB 22 10 17 AM '93

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) Democratic Party of Virginia Federal Campaign Committee		2. FEC IDENTIFICATION NUMBER C00155952
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported 1001 E. Broad Street, Suite LL25		3. <input type="checkbox"/> This committee qualified as a multicandidate committee DURING THIS Reporting Period on 1/1/91 (date).
CITY, STATE and ZIP CODE Richmond, VA 23219		

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:

<input type="checkbox"/> February 20	<input type="checkbox"/> June 20	<input type="checkbox"/> October 20
<input type="checkbox"/> March 20	<input type="checkbox"/> July 20	<input type="checkbox"/> November 20
<input type="checkbox"/> April 20	<input type="checkbox"/> August 20	<input type="checkbox"/> December 20
<input type="checkbox"/> May 20	<input type="checkbox"/> September 20	<input type="checkbox"/> January 31

☐ Twelfth day report preceding _____ (Type of Election)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election on _____ in the State of _____

(b) Is this Report an Amendment?

☐ YES

☒ NO

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	10/01/91 through 12/31/91		
6. (a) Cash on Hand January 1, 1991			\$ 6,579.52
(b) Cash on Hand at Beginning of Reporting Period		\$ 9,079.52	
(c) Total Receipts (from Line 19)		\$ 78,927.83	\$ 367,709.11
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ 88,007.35	\$ 374,288.63
7. Total Disbursements (from Line 30)		\$ 83,927.83	\$ 370,209.11
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 4,079.52	\$ 4,079.52
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		\$.00	For further information contact: Federal Election Commission 999 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)		\$.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

J. T. Shropshire

Signature of Treasurer

J. T. Shropshire

Date

1/28/92

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 1/1/91)

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

USE FEC MAILING LABEL,
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) Democratic Party of Virginia Federal Campaign Committee		2. FEC IDENTIFICATION NUMBER C00155952
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported 1001 E. Broad Street, Suite LL25		
CITY, STATE and ZIP CODE Richmond, VA 23219		
		3. <input type="checkbox"/> This committee qualified as a multicandidate committee DURING THIS Reporting Period on 1/1/91 (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

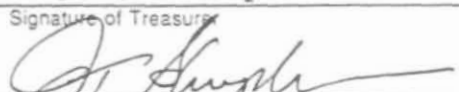
☐ Twelfth day report preceding _____ (Type of Election)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election on

_____ in the State of _____

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

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	7/1/91 through 9/30/91		
6. (a) Cash on Hand January 1, 1991			\$ 6,579.52
(b) Cash on Hand at Beginning of Reporting Period		\$ 9,079.52	
(c) Total Receipts (from Line 19)		\$ 93,025.37	\$ 288,781.28
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ 102,104.89	\$ 295,360.80
7. Total Disbursements (from Line 30)		\$ 93,025.37	\$ 286,281.28
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 9,079.52	\$ 9,079.52
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		\$.00	For further information contact: Federal Election Commission 999 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)		\$.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 J. T. Shropshire			
Signature of Treasurer 		Date 1/28/92	

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 1/1/91)

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee

(Summary Page)

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) Democratic Party of Virginia Federal Campaign Committee		2. FEC IDENTIFICATION NUMBER C00155952
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported 1001 E. Broad Street, Suite LL25		3. <input type="checkbox"/> This committee qualified as a multicandidate committee DURING THIS Reporting Period on 1/1/91 (date).
CITY, STATE and ZIP CODE Richmond, VA 23219		

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:

<input type="checkbox"/> February 20	<input type="checkbox"/> June 20	<input type="checkbox"/> October 20
<input type="checkbox"/> March 20	<input type="checkbox"/> July 20	<input type="checkbox"/> November 20
<input type="checkbox"/> April 20	<input type="checkbox"/> August 20	<input type="checkbox"/> December 20
<input type="checkbox"/> May 20	<input type="checkbox"/> September 20	<input type="checkbox"/> January 31

☐ Twelfth day report preceding _____
(Type of Election)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election on _____
in the State of _____

(b) Is this Report an Amendment?

☒ YES

☐ NO

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	4/1/91 through 6/30/91		
6. (a) Cash on Hand January 1, 1991			\$ 6,579.52
(b) Cash on Hand at Beginning of Reporting Period		\$ 9,079.52	
(c) Total Receipts (from Line 19)		\$ 95,345.59	\$ 195,755.91
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ 104,425.11	\$ 202,335.43
7. Total Disbursements (from Line 30)		\$ 95,345.59	\$ 193,255.91
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 9,079.52	\$ 9,079.52
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		\$.00	For further information contact: Federal Election Commission 999 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)		\$.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

J. T. Shropshire

Signature of Treasurer

J. T. Shropshire

Date

1/28/92

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 1/1/91)

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Commit
(Summary Page)

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) Democratic Party of Virginia Federal Campaign Committee		2. FEC IDENTIFICATION NUMBER C00155952
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported 1001 E. Broad Street, Suite LL25		3. <input checked="" type="checkbox"/> This committee qualified as a multicandidate committee DURING THIS Reporting Period on January 1, 1991 (date).
CITY, STATE and ZIP CODE Richmond, Virginia 23219		

4. TYPE OF REPORT

(a) ☒ April 15 Quarterly Report

☐ July 15 Quarterly Report

☐ October 15 Quarterly Report

☐ January 31 Year End Report

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

☐ Termination Report

Monthly Report Due On:

☐ February 20 ☐ June 20 ☐ October 20
☐ March 20 ☐ July 20 ☐ November 20
☐ April 20 ☐ August 20 ☐ December 20
☐ May 20 ☐ September 20 ☐ January 31

☐ Twelfth day report preceding _____ (Type of Election)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election on _____ in the State of _____

(b) Is this Report an Amendment?

☐ YES

☐ NO

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	1/1/91 through 3/31/91		
6. (a) Cash on Hand January 1, 1991			\$ 6,579.52
(b) Cash on Hand at Beginning of Reporting Period		\$ 6,579.52	
(c) Total Receipts (from Line 19)		\$15,550.80	\$ 15,550.80
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$22,130.32	\$ 22,130.32
7. Total Disbursements (from Line 30)		\$13,050.80	\$ 13,050.80
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 9,079.52	\$ 9,079.52
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 999 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

J. T. Shropshire

Signature of Treasurer

J. T. Shropshire

Date

4/10/91

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 1/1/91)



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For Other Than An Authorized Committee
(Summary Page)

1. NAME OF COMMITTEE (in full) Democratic Party of Virginia Federal Campaign Committee		2. FEC IDENTIFICATION NUMBER C00155952
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported 1001 E. Broad Street, Suite LL25		3. <input checked="" type="checkbox"/> This committee qualified as a multicandidate committee DURING THIS Reporting Period on 1/1/91 (date).
CITY, STATE and ZIP CODE Richmond, VA 23219		

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:

<input type="checkbox"/> February 20	<input type="checkbox"/> June 20	<input type="checkbox"/> October 20
<input type="checkbox"/> March 20	<input type="checkbox"/> July 20	<input type="checkbox"/> November 20
<input type="checkbox"/> April 20	<input type="checkbox"/> August 20	<input type="checkbox"/> December 20
<input type="checkbox"/> May 20	<input type="checkbox"/> September 20	<input type="checkbox"/> January 31


☐ Twelfth day report preceding _____
(Type of Election)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election on _____
in the State of _____

(b) Is this Report an Amendment?

☒ YES ☐ NO

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	1/1/91 through 3/31/91		
6. (a) Cash on Hand January 1, 19 91			\$ 6,579.52
(b) Cash on Hand at Beginning of Reporting Period		\$ 6,579.52	
(c) Total Receipts (from Line 19)		\$100,410.32	\$ 100,410.32
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$106,989.84	\$ 106,989.84
7. Total Disbursements (from Line 30)		\$ 97,910.32	\$ 97,910.32
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 9,079.52	\$ 9,079.52
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		\$.00	For further information contact: Federal Election Commission 999 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)		\$.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 J. T. Shropshire			
Signature of Treasurer 		Date 1/28/92	

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 1/1/91)

REPORT OF RECEIPTS AND DISBURSEMENTS

Other Than An Authorized Committee
(Summary Page)

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full)
Democratic Party of Virginia
Federal Campaign Committee
ADDRESS (number and street) | Check if different than previously reported
1001 E. Broad Street, Suite LL25
CITY, STATE and ZIP CODE
Richmond, VA 23219

2. FEC IDENTIFICATION NUMBER

C00155952

3XX This committee qualified as a multicandidate
committee DURING THIS Reporting Period on
January 1, 1991 (date).

4. TYPE OF REPORT

(a) ☐ April 15 Quarterly Report

XX ☒ July 15 Quarterly Report

☐ October 15 Quarterly Report

☐ January 31 Year End Report

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

☐ Termination Report

Monthly Report Due On:

☐ February 20 ☐ June 20 ☐ October 20
☐ March 20 ☐ July 20 ☐ November 20
☐ April 20 ☐ August 20 ☐ December 20
☐ May 20 ☐ September 20 ☐ January 31

☐ Twelfth day report preceding _____
(Type of Election)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election on
_____ in the State of _____

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

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>04/01/91</u> through <u>06/30/91</u>		
6. (a) Cash on Hand January 1, 19 <u>91</u>		\$6,579.52
(b) Cash on Hand at Beginning of Reporting Period	\$ 9,079.52	
(c) Total Receipts (from Line 19)	\$ 18,370.75	\$ 33,921.55
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 27,450.27	\$ 40,501.07
7. Total Disbursements (from Line 30)	\$ 18,370.75	\$ 31,421.55
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 9,079.52	\$ 9,079.52
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 999 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
J. T. Shropshire

Signature of Treasurer

Date

07/10/91

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 1/1/91)



3040935016

RECEIVED
F.E.C.
SECRETARIAT

93 MAR 30 AM 9:53

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Democratic Party of Virginia)
and Jay Shropshire, as treasurer)

MUR 3590

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On November 4, 1992, the Commission found reason to believe that the Respondents had violated 2 U.S.C. § 439(a)(1) requiring the Democratic Party of Virginia ("Committee") to file its 1991 and 1992 reports simultaneously with the Commission and the State Board of Elections of the Commonwealth of Virginia ("State Board").

In response to the letter informing the Respondents of the reason to believe finding, Paul Goldman, Chairman of the Democratic Party of Virginia, filed a letter on December 18, 1992. (Attachment 1). Michael Brown, Secretary of the State Board of Elections, sent a letter which the Commission received on December 21, 1992. (Attachment 2). On February 22, 1993, Mr. Brown also provided the Commission with copies of the Committee's 1991 reports showing the State Board's receipt date stamp. (Attachment 3). In addition to the above written communications, this Office has had telephone conversations with the Committee and the State Board.

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II. ANALYSIS

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The Committee admits that although it made certain to file in a timely manner its reports with the Commission,¹ the Committee's "normal operating procedure" was to file the reports with the State Board "on or about the same time" as it filed with the Commission. (Attachment 1 at 2). However, "it was neither normal operating procedure to file these reports by certified or registered mail, nor to request a receipt of delivery from the Board." Id. In contrast to the Committee's stated "normal operating procedure" of filing with the State Board "on or about the same time," the Act requires simultaneous filing of reports with the State and the Commission. See 2 U.S.C. § 439(a)(1). The Committee, nonetheless, reiterates its belief that all of its reports were timely filed with the State Board. (Attachment 1 at 3). The Committee indicates that the State Board had "misplaced" the Committee's 1992 reports, and that mistake is what may have led the Commission to believe that the Committee had failed to file or had filed late its 1992 reports with the State.

The State Board of Elections admitted that it had made several errors in its handling of the Committee's 1992 reports. Secretary Michael Brown explained in a phone call

1. FEC indices indicate that the Committee has filed reports with the Commission on time except for a 1991 April Quarterly which was one day late. The Committee filed four quarterly reports covering 1991 activity in lieu of the two reports required during a non-election year under 2 U.S.C. § 434(a)(4).

with staff of this Office that ordinarily, when a document is received, the receptionist date stamps the back of the report. Inexplicably, the receptionist did not date stamp the Committee's 1992 reports. (Attachment 2). Moreover, the State Board discovered on December 15, 1992 that the Committee's 1992 reports had been mistakenly archived with the 1991 reports. Id.

Although the State Board has no way to determine when the Committee filed its 1992 reports given that they were not date stamped, Secretary Brown recalls that he had advised the Committee in August, 1992, after the complaint had been filed with the Commission, to refile its 1992 reports. (Attachment 2). Because of mistakes in the State Board of Elections office, however, there is, in the words of Secretary Brown, "no proof as to the timeliness" of the filing of the 1992 reports. Id.

As for the 1991 reports, the State Board sent this Office copies of the summary page of each report received from the Committee. In 1991, although the Committee was required to file a semi-annual report due on July 31, 1991, the Committee filed an April Quarterly and a July Quarterly, containing equivalent information, with the State Board on August 22, 1991. (Attachment 3 at 7 and 9). A receipt date of August 22, 1991 is about three weeks late. The State Board also sent copies of summary pages for amended reports for the April, July, and October quarterlies and the year-end report due on January 31, 1993. All are dated January 28,

23040935019

1992. Since the State Board did not furnish a copy of the date stamp for these reports, there is no proof as to the timeliness of their filing.

There do appear to be instances of late filing with the State on the part of the Committee, and the Committee has admitted that its "normal operating procedure" was to file with the State Board "on or about" the same time as it filed with the Commission, whereas the Act clearly requires simultaneous filing. It is also apparent that the State Board has made mistakes in tracking and processing the federal election campaign reports it has received from the Committee. Although the Act requires simultaneous filing of reports with the designated state office, there are at present no statutory or regulatory provisions under the Act requiring states to adhere to any particular requirements in their handling and processing of reports. In the initial response to the complaint and in subsequent phone conversations with this Office, the Committee has indicated that it would either hand-deliver or send its reports by certified mail to the State Board in order to prevent problems from recurring.

In light of the Committee's assurances that it will change its procedures in filing reports with the State Board; the Committee's admission that its normal procedure was to file with the State Board "on or about" the same time as it filed with the Commission rather than simultaneously; the State Board's admission of mistakes in handling and

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processing the Committee's reports; and the fact that the information was on the public record in a timely manner at least with the Commission, this Office recommends that the Commission admonish the Committee for failing to file its reports simultaneously with the State Board and take no further action.

III. RECOMMENDATIONS

1. Take no further action against the Democratic Party of Virginia and Jay Shropshire, as treasurer, in this matter.
2. Approve the appropriate letters.
3. Close the file.

Lawrence M. Noble
General Counsel

Date 3/30/93

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Response of Democratic Party of Virginia
2. Letter from State Board of Elections
3. Copies of reports filed with the State

Staff assigned: Holly Baker

23940935031

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Democratic Party of Virginia and) MUR 3590
Jay Shropshire, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 2, 1993, the Commission decided by a vote of 5-0 to take the following actions in MUR 3590:

1. Take no further action against the Democratic Party of Virginia and Jay Shropshire, as treasurer, in this matter.
2. Approve the appropriate letters, as recommended in the General Counsel's Report dated March 30, 1993.
3. Close the file.

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

Attest:

4-2-93
Date

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

Received in the Secretariat: Tues., Mar. 30, 1993 9:53 a.m.
Circulated to the Commission: Tues., Mar. 30, 1993 11:00 a.m.
Deadline for vote: Fri., Apr. 02, 1993 4:00 p.m.

bjr



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

APRIL 6, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John G. Selph, Controller
Republican Party of Virginia
115 East Grace Street
Richmond, VA 23219

RE: MUR 3590

Dear Mr. Selph:

This is in reference to the complaint you filed with the Federal Election Commission on August 25, 1992, concerning the Democratic Party of Virginia.

Based on that complaint, on November 10, 1992, the Commission found that there was reason to believe the Democratic Party of Virginia and Jay Shropshire, as treasurer, violated 2 U.S.C. § 439(a)(1), a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter. However, after considering the circumstances of this matter, the Commission determined to take no further action against the respondents, and closed the file in this matter on April 2, 1993. This matter will become part of the public record within 30 days. The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

A handwritten signature in cursive script, appearing to read "Holly Baker".

Holly Baker
Attorney

Enclosure
General Counsel's Report



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

APRIL 6, 1993

Democratic Party of Virginia
Jay Shropshire, Treasurer
1108 E. Main Street, 2nd floor
Richmond, VA 23219

RE: 3590
Democratic Party of Virginia and
Jay Shropshire, as treasurer

Dear Mr. Shropshire:

On November 27, 1992, you were notified that the Federal Election Commission found reason to believe that the Democratic Party of Virginia and you, as treasurer, violated 2 U.S.C. § 439(a)(1). On December 18, 1992, Paul Goldman, Chairman, submitted a response to the Commission's reason to believe findings.

After considering the circumstances of the matter, the Commission determined on April 2, 1993, to take no further action against the Democratic Party of Virginia and you, and closed the file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

The Commission reminds you that not filing reports simultaneously with the State Board of Elections appears to be a violation of 2 U.S.C. § 439(a)(1). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Holly Baker
Attorney

23040935094
CLOSED



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3590

DATE FILMED 4/21/93 CAMERA NO. 2

CAMERAMAN E.E.S.

23040935005



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

Date: 11/3/95

☒ Microfilm
☐ Public Records
☐ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED NUR 3950

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Tulsa County Republican Committee



4121 EAST 31ST • TULSA, OKLAHOMA 74135 • 749-8905

October 25, 1995

mup 3950

Ms. Dominique Dillenseger
Federal Election Commission
999 "E" Street NW
Washington, DC 20463

Re: Tulsa County Republican Committee and
Rodney Kaufman, Treasurer

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
Nov 1 12 00 PM '95

Dear Ms. Dillenseger:

A proposal from one of our local political activists has been presented to me relative to the current outstanding balance which the Tulsa Republican Party owes to the Federal Election Commission. I wanted to present this proposal to you and ask for your consideration.

Several individuals have come forward and have indicated a desire to bring the Tulsa County Republican Party completely out of its debts by the end of December, 1995. This includes the Federal Election Commission debt as well as several others. While these individuals are not prepared to write the local Republican Party a blank check in that regard, they are willing to make some significant proposals or contributions if I can successfully work out payment arrangements.

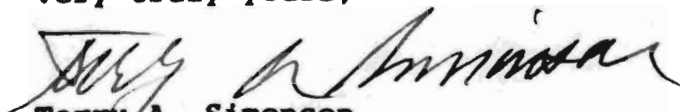
The proposal that has been presented to me is that the Tulsa County Republican Party is willing to pay to the Federal Election Commission on or before the end of December, 1995, the amount of One Thousand Five Hundred Dollars (\$1,500), if the Federal Election Commission will accept said amount as a full and final settlement of our indebtedness. I understand that this is somewhat less than the balance owing. I also know, as I am sure you are aware, that we have a continually difficult time keeping the payments up and keeping current. I'm afraid as we head into a very active and politically expensive year of 1996, it will become increasingly more difficult for me to make payments. I openly welcome these contributions and am fully aware of the conditions which are attached. I hope that the Federal Election Commission will consider this payoff of One Thousand Five Hundred Dollars (\$1,500) to be a serious offer made in good faith and I hope to hear from

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Ms. Dominique Dillenseger
October 25, 1995
Page 2

your at your convenience. If this is acceptable, I believe that these funds can be made available within thirty (30) days.

Very truly yours,


Terry A. Simonson
Chairman

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