



FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, D.C. 20543

THIS IS THE END OF MUR # 1934

Date Filmed 5-7-86 Camera No. --- 2

Cameraman SPC

36040362479



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 17, 1986

Robert B. Cordle, Esquire
Helms, Mullis & Johnston
P.O. Box 31247
Charlotte, N.C. 28231

RE: MUR 1934
NCNB Corporation PAC and
J. Mark Leggett, as treasurer

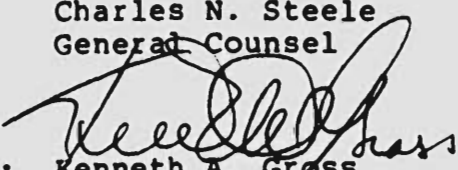
Dear Mr. Cordle:

On March 13, 1986, the Commission accepted the conciliation agreement signed by you, and a civil penalty in settlement of a violation of 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

36040762480



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Robert B. Cordle, Esquire
Helms, Mullis & Johnston
P.O. Box 31247
Charlotte, N.C. 28231

RE: MUR 1934
NCNB Corporation PAC and
J. Mark Leggett, as treasurer

Dear Mr. Cordle:

On , 1986, the Commission accepted the conciliation agreement signed by you, and a civil penalty in settlement of a violation of 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

Chf 3/13

3/14/86

36040362491

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1934
NCNB Corporation PAC, and)
J. Mark Leggett, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 13, 1986, the Commission decided by a vote of 6-0 to take the following actions in MUR 1934:

1. Accept the conciliation agreement attached to the General Counsel's Report signed March 5, 1986.
2. Close the file.

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

Attest:

3-13-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:	Thurs.,	3-6-86,	2:54
Circulated on 48 hour tally basis:	Fri.,	3-7-86,	2:00
Deadline for vote:	Tues.,	3-11-86,	4:00



OFFICE OF THE CHAIRMAN

FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MAR 12 1986 11 59 AM

MEMORANDUM

TO: Marjorie Emmons
Secretary of the Commission

FROM: Joan D. Aikens *JDA*
Chairman

DATE: March 12, 1986

SUBJECT: Withdrawal of Objections

I am hereby withdrawing my objections to MUR 1934 and MUR 2058. Please change my votes to indicate my approval of these matters.

36040782483



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL
FROM: MARJORIE W. EMMONS/ CHERYL A. FLEMING *CAF*
DATE: MARCH 11, 1986
SUBJECT: OBJECTION - MUR 1934 - General Counsel's Report
Signed March 5, 1986

The above-named document was circulated to the
Commission on Friday, March 7, 1986 at 2:00 P.M.

Objections have been received from the Commissioners
as indicated by the name(s) checked:

Commissioner Aikens	<u> x </u>
Commissioner Elliott	<u> </u>
Commissioner Harris	<u> </u>
Commissioner Josefiak	<u> </u>
Commissioner McDonald	<u> </u>
Commissioner McGarry	<u> </u>

This matter will be placed on the Executive Session
agenda for Tuesday, March 18, 1986.

9 5 0 4 0 5 8 2 1 8 4



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/CHERYL A. FLEMING *CAF*

DATE: MARCH 10, 1986

SUBJECT: COMMENT ON MUR 1934 - GENERAL COUNSEL'S REPORT
SIGNED MARCH 5, 1986

Attached is a copy of Commissioner's Elliott
vote sheet with comments regarding the above-captioned matter.

Attachment:
copy of vote sheet

35040382485



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

SENSITIVE

Date and Time Transmitted: FRIDAY, 3-7-86, 2:00

COMMISSIONER: McGARRY, AIKENS, McDONALD, ~~REDACTED~~ / JOSEFIK, HARRIS

RETURN TO COMMISSION SECRETARY BY TUESDAY, 3-11-86, 4:00

SUBJECT: MUR 1934 - General Counsel's Report
Signed March 5, 1986

- (X) I approve the recommendation
() I object to the recommendation

COMMENTS:

Last note 4 noted!

Date: 3-10-86

Signature:

Lee Ann Elliott

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.

PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.

PLEASE RETURN BALLOT NO LATER THAN THE DATE AND TIME SHOWN ABOVE.

From the Office of the Commission Secretary

06040532430



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *rd*
DATE: March 6, 1986
SUBJECT: MUR 1934 - General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

48 Hour Tally Vote ☒
Sensitive ☒
Non-Sensitive ☐

24 Hour No Objection ☐
Sensitive ☐
Non-Sensitive ☐

Information ☐
Sensitive ☐
Non-Sensitive ☐

Other ☐

DISTRIBUTION

Compliance ☒
Audit Matters ☐

Litigation ☐
Closed MUR Letters ☐

Status Sheets ☐
Advisory Opinions ☐

Other (see distribution
below) ☐

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)
)
NCNB Corporation PAC, and)
J. Mark Leggett, as treasurer)

MUR 1934 112 6 72:54

GENERAL COUNSEL'S REPORT

Background

Attached is a conciliation agreement which has been signed by Robert B. Cordle on behalf of NCNB Corp. PAC.

Recommendation

The Office of General Counsel recommends the acceptance of this agreement and the closing of the file.

Charles N. Steele
General Counsel

March 5, 1986
Date

BY:

Kenneth A. Gross
Associate General Counsel

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check
3. Proposed letter to Robert B. Cordle

*/ It appears from a review of the files that this matter was not formally closed out previously although we deposited the civil penalty check on June 28, 1985. The approval of this report will achieve that purpose.

85040762498

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
NCNB Corporation PAC) MUR 1934
J. Mark Leggett, as treasurer)

CONCILIATION AGREEMENT

3 5 0 4 0 5 6 2 4 8 9
This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. Reason to believe has been found that NCNB Corporation PAC and J. Mark Leggett, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(4)(B) by failing to file its 1984 pre-general election and post-general election reports in a timely manner.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to finding a 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. Respondent NCNB Corporation PAC is a non-party related political committee affiliated with the NCNB Corporation. Respondent J. Mark Leggett is the treasurer of NCNB Corporation PAC.
2. Under 2 U.S.C. § 434(a)(4)(B), Respondents are required, in a year in which a regularly scheduled general election is held, to file a pre-general election report no later than the 12th day before the election, and a post-general election report no later than the 30th day after the election.
3. Respondents' pre-election report, due on October 25, 1984, was not filed until November 15, 1984 - 21 days late.
4. Respondents' post-election report, due on December 6, 1984, was not filed until December 24, 1984 - 18 days late.

V. Respondents' failure to file the pre-general election report and the post-general election report in a timely manner is in violation of 2 U.S.C. § 434(a)(4)(B).

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred Seventy-Five Dollars (\$175), pursuant to 2 U.S.C. § 437g(a)(5)(A).

25040702400

VII. Respondents agree that they shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. Respondents shall have no more than thirty (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.

XI. 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

0040502401

oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Associate General Counsel

Date

FOR THE RESPONDENTS:

Robert B. Cord
(Name)
(Position) *attorney*

June 26, 1985
Date

35040302402

attachment 2

Snyder

GCC# 7867

MEMORANDUM

TO: CHERYL THOMAS

TO: JOAN HARRIS

FROM: JOAN HARRIS

FROM: CHERYL THOMAS

CHECK NO. 0328 (a copy of which is attached) RELATING
TO MUR 1934 AND NAME NCNB - Corp. PAC
WAS RECEIVED ON June 22, 1985. PLEASE INDICATE THE ACCOUNT INTO
WHICH IT SHOULD BE DEPOSITED:

☒ BUDGET CLEARING ACCOUNT (#95F3875.16)

☐ CIVIL PENALTIES ACCOUNT (#95-1099.160)

☐ OTHER _____

SIGNATURE

Retha L. Wilson

DATE

6/28/85

35040362493

NCNB-PAC
ONE NCNB PLAZA
T15-4
CHARLOTTE, NC 28255

0328

6/24

85

66-19
530

PAY TO THE
ORDER OF

Treasurer of the United States

\$ 175.00

one hundred seventy-five +00/100

DOLLARS

NCNB

North Carolina National Bank
Charlotte, NC 28255

FOR

Muriel Lynn Cone Kiddell

⑈000328⑈ Ⓞ ⑆053000⑆96⑆ 00⑆569227⑈

CLARKS CHECKS A

HELMES, MULLISS & JOHNSTON
ATTORNEYS AT LAW
CHARLOTTE, NORTH CAROLINA

HAND DELIVERED THE REC-
GCC #1867
85 JUN 27 AM 11:56

June 26, 1985

LARRY J. DAGENHART
E. OSBORNE AYSCUE, JR.
HERBERT H. BROWNE, JR.
R. MALLOY McKEITHEN
ROBERT B. CORDLE
NEILL G. McBRIDE
C. MARCUS HARRIS
B. BERNARD BURNS, JR.
W. DONALD CARROLL, JR.
NORVIN K. DICKERSON, III
BOYD C. CAMPBELL, JR.
WILLIAM H. HIGGINS
JAMES H. GUTERMAN*
JONATHAN E. BUCHAN
SAXBY M. CHAPLIN
J. RICHARD HAZLETT
CATHERINE E. THOMPSON

ROBERT H. PRYOR
WENDY MILLER SHOLEN
CHARLES F. BOWMAN
JEFFREY S. HAY
ERNEST W. REIGEL
H. LANDIS WADE, JR.
ADRIAN N. WILSON
BETTY R. TURNER
ROLLY L. CHAMBERS
ROBERT W. CRAMER
L. D. SIMMONS, II
ROBERT L. MENDENHALL

COUNSEL
FRED B. HELMES
WILLIAM F. MULLISS
JOHN W. JOHNSTON

*ALSO ADMITTED IN FLORIDA

CHARLOTTE OFFICE

MAILING ADDRESS
POST OFFICE BOX 31247
CHARLOTTE, N. C. 28231

STREET ADDRESS
227 NORTH TRYON STREET
CHARLOTTE, N. C. 28202

TELEPHONE
(704) 372-8810
TELEX 878480

TELECOPIER
(704) 334-8467

TAMPA OFFICE

MAILING ADDRESS
POST OFFICE BOX 1842
TAMPA, FLORIDA 33601

STREET ADDRESS
PLAZA ON THE MALL
SUITE 1512
201 EAST KENNEDY BLVD.
TAMPA, FLORIDA 33602

TELEPHONE
(813) 228-1883

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1934
NCNB Corporation PAC
J. Mark Leggett, as Treasurer

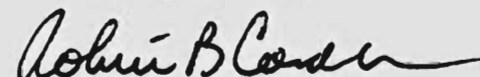
Dear Mr. Gross:

I am enclosing the executed Conciliation Agreement and the check of NCNB PAC in the amount of \$175 made payable to The Treasurer of the United States. Therefore NCNB PAC has fully complied with the requirements contained in the Agreement.

As I have discussed with Charles Snyder, the attorney assigned by your office to this matter, I had the first two pages of the Agreement retyped to correct the name of the PAC.

With best wishes, I am

Sincerely yours,


Robert B. Cordle

RBC/r1

Enclosure

cc: Mr. J. Mark Leggett
cc: Mr. J. W. Kiser

85 JUN 28 PM 12:13

RECEIVED
GENERAL COUNSEL
FEDERAL ELECTION COMMISSION



Attachment 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Robert B. Cordle, Esquire
Helms, Mullis & Johnston
P.O. Box 31247
Charlotte, N.C. 28231

RE: MUR 1934
NCNB Corporation PAC and
J. Mark Leggett, as treasurer

Dear Mr. Cordle:

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Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

95040532400



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 31, 1986

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTENTION: CHARLES SNYDER

FROM: LEE GARRITY
COMPLIANCE ANALYST
COMPLIANCE BRANCH, REPORTS ANALYSIS DIVISION

SUBJECT: MUR 1934: NCNB CORPORATION POLITICAL ACTION
COMMITTEE

Please review the attached Informational Notice which is to be sent to the NCNB Corporation Political Action Committee for the 1985 December Monthly Report. Any comments which you may have should be forwarded to RAD by 5:30 p.m. on Tuesday, February 4, 1986. Thank you.

COMMENTS:

Attachment

360403:02407



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-5

J. Mark Leggett, Treasurer
NCNB Corporation Political
Action Committee (NCNB PAC)
One NCNB Plaza
Charlotte, NC 28255

Identification Number: C00142265

Reference: December Monthly Report (11/1/85-11/30/85)

Dear Mr. Leggett:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-For future reporting, please be advised that contributions to Federal candidates and political committees should be itemized on a separate Schedule B supporting Line 21 of the Detailed Summary Page. Contributions to non-Federal candidates and committees should be itemized on Schedule B supporting Line 27.

Any amendment or clarification should be filed with the Federal Election Commission. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

A handwritten signature in cursive script, reading "Alva E. Smith", is positioned above the typed name.

Alva E. Smith
Reports Analyst
Reports Analysis Division

8940132498

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
NCNB Corporation PAC) MUR 1934
)
J. Mark Leggett, as treasurer)

CONCILIATION AGREEMENT

9 5 0 4 0 3 6 2 4 9 9
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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:

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V. Respondents' failure to file the pre-general election report and the post-general election report in a timely manner is in violation of 2 U.S.C. § 434(a)(4)(B).

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred Seventy-Five Dollars (\$175), pursuant to 2 U.S.C. § 437g(a)(5)(A).

0040102500

VII. Respondents agree that they shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. Respondents shall have no more than thirty (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.

XI. 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


1004030

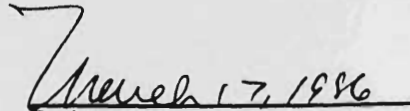
oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

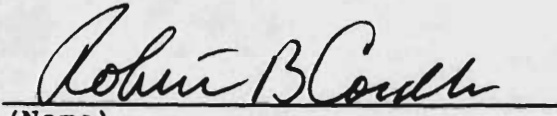
Charles N. Steele
General Counsel


BY:


Kenneth A. Gross
Associate General Counsel


Date

FOR THE RESPONDENTS:


(Name)
(Position) *attorney*


Date

360400702502

Snyder

GCC# 7867

MEMORANDUM

TO: CHERYL THOMAS

TO: JOAN HARRIS

FROM: JOAN HARRIS

FROM: CHERYL THOMAS

CHECK NO. 0328 (a copy of which is attached) RELATING
TO MUR 1934 AND NAME NCNB - Corp. PAC
WAS RECEIVED ON June 22, 1985. PLEASE INDICATE THE ACCOUNT INTO
WHICH IT SHOULD BE DEPOSITED:

☒ BUDGET CLEARING ACCOUNT (#95F3875.16)

☐ / ☐ CIVIL PENALTIES ACCOUNT (#95-1099.160)

☐ / ☐ OTHER _____

SIGNATURE

Retha L. Wilcox

DATE

6/22/85

NCNB-PAC
ONE NCNB PLAZA
T15-4
CHARLOTTE, NC 28255

0328

6/24

1985

66-19
530

PAY TO THE
ORDER OF

Treasurer of the United States

\$ 175.00

one hundred seventy-five +00/100

DOLLARS

NCNB

North Carolina National Bank
Charlotte, NC 28255

FOR

Quendelyn C. Kiddell

⑈000328⑈ ⑆⑆053000196⑆ 001569222⑈

HAND DELIVERED THE REC

HELMS, MULLISS & JOHNSTON
ATTORNEYS AT LAW
CHARLOTTE, NORTH CAROLINA

666 #1867
85 JUN 27 AM: 56

LARRY J. DAGENHART
E. OSBORNE AYSUE, JR.
HERBERT H. BROWNE, JR.
R. MALLOY McKEITHEN
ROBERT B. CORDLE
NEILL G. McMYRDE
C. MARCUS HARRIS
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ROBERT W. CRAMER
L. D. SIMMONS, II
ROBERT L. MENDENHALL

COUNSEL
FRED B. HELMS
WILLIAM F. MULLISS
JOHN W. JOHNSTON

June 26, 1985

CHARLOTTE OFFICE

MAILING ADDRESS
POST OFFICE BOX 31247
CHARLOTTE, N. C. 28231

STREET ADDRESS
227 NORTH TRYON STREET
CHARLOTTE, N. C. 28202

TELEPHONE
(704) 372-9510
TELEX 572460

TELECOPIER
(704) 334-8467

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TAMPA, FLORIDA 33601

STREET ADDRESS
PLAZA ON THE MALL
SUITE 1512
201 EAST KENNEDY BLVD.
TAMPA, FLORIDA 33602

TELEPHONE
(813) 229-1993

*ALSO ADMITTED IN FLORIDA

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1934
NCNB Corporation PAC
J. Mark Leggett, as Treasurer

Dear Mr. Gross:

I am enclosing the executed Conciliation Agreement and the check of NCNB PAC in the amount of \$175 made payable to The Treasurer of the United States. Therefore NCNB PAC has fully complied with the requirements contained in the Agreement.

As I have discussed with Charles Snyder, the attorney assigned by your office to this matter, I had the first two pages of the Agreement retyped to correct the name of the PAC.

With best wishes, I am

Sincerely yours,

Robert B. Cordle

Robert B. Cordle

RBC/r1

Enclosure

cc: Mr. J. Mark Leggett
cc: Mr. J. W. Kiser

5 JUN 28 PM 12:13



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 3, 1985

Robert B. Cordle, Esquire
Helms, Mullis & Johnston
P.O. Box 31247
Charlotte, North Carolina 28231

RE: MUR 1934
NCNB Corporation PAC
J. Mark Leggett, as treasurer

Dear Mr. Cordle:

On March 14, 1985, the Commission found reason to believe that NCNB Corporation PAC and J. Mark Leggett, as treasurer, violated 2 U.S.C. § 434(a)(4)(B). At your request, the Commission determined on May 29, 1985, 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 in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, 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. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Charles Snyder, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: 
Associate General Counsel

Enclosure

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1934
North Carolina National Bank)
Corp. PAC)
J. Mark Leggett, as treasurer)

CONCILIATION AGREEMENT

95040:02507
This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. Reason to believe has been found that North Carolina National Bank Corporation PAC and J. Mark Leggett, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(4)(B) by failing to file its 1984 pre-general election and post-general election reports in a timely manner.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding a 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. Respondent North Carolina National Bank Corporation PAC is a non-party related political committee affiliated with the North Carolina National Bank Corporation. Respondent J. Mark Leggett is the treasurer of North Carolina National Bank Corporation PAC.
2. Under 2 U.S.C. § 434(a)(4)(B), Respondents are required, in a year in which a regularly scheduled general election is held, to file a pre-general election report no later than the 12th day before the election, and a post-general election report no later than the 30th day after the election.
3. Respondents' pre-election report, due on October 25, 1984, was not filed until November 15, 1984 - 21 days late.
4. Respondents' post-election report, due on December 6, 1984, was not filed until December 24, 1984 - 18 days late.

V. Respondents' failure to file the pre-general election report and the post-general election report in a timely manner is in violation of 2 U.S.C. § 434(a)(4)(B).

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred Seventy-Five Dollars (\$175), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. Respondents agree that they shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. Respondents shall have no more than thirty (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.

XI. 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 valid.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Associate General Counsel

Date

FOR THE RESPONDENTS:

(Name)
(Position)

Date

06040362510



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Robert B. Cordle, Esquire
Helms, Mullis & Johnston
P.O. Box 31247
Charlotte, North Carolina 28231

RE: MUR 1934
NCNB Corporation PAC
J. Mark Leggett, as treasurer

Dear Mr. Cordle:

On March 14, 1985, the Commission found reason to believe that NCNB Corporation PAC and J. Mark Leggett, as treasurer, violated 2 U.S.C. § 434(a)(4)(B). At your request, the Commission determined on , 1985, 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 in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, 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. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Charles Snyder, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure

Chf

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1934
North Carolina National Bank)
Corp. PAC and J. Mark Leggett,)
as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 29, 1985, the Commission decided by a vote of 5-0 to take the following actions in MUR 1934:

1. Enter into conciliation with the North Carolina National Bank Corp. PAC and J. Mark Leggett, as treasurer, prior to a finding of probable cause to believe.
2. Approve the letter and conciliation agreement attached to the General Counsel's Report signed May 23, 1985.

Commissioners Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter; Commissioner Aikens did not cast a vote.

Attest:

5/30/85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:
Circulated on 48 hour tally basis:

5-23-85, 4:18
5-24-85, 2:00

05040132512



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *OK*
DATE: May 23, 1985
SUBJECT: MUR 1934 - General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____
Open Session _____
Closed Session _____

CIRCULATIONS

48 Hour Tally Vote [X]
Sensitive [X]
Non-Sensitive []
24 Hour No Objection []
Sensitive []
Non-Sensitive []
Information []
Sensitive []
Non-Sensitive []

Other []

DISTRIBUTION

Compliance [X]
Audit Matters []
Litigation []
Closed MUR Letters []
Status Sheets []
Advisory Opinions []
Other (see distribution below) []

35040582513

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 North Carolina National Bank) MUR 1934
 Corp. PAC and J. Mark Leggett,)
 as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND AND LEGAL ANALYSIS

On March 14, 1985, the Commission voted to open a MUR in this case, which had been referred to the Office of the General Counsel by the Reports Analysis Division, and to find reason to believe that Respondents North Carolina National Bank PAC ("NCNB PAC") and J. Mark Leggett, as treasurer, violated 2 U.S.C. § 434(a)(4)(B) and 11 C.F.R. § 104.5(c)(3)(ii).

Respondents failed to file the 1984 pre-general election report that was due on October 25, 1984. They did file a report, covering the time period pertinent to a pre-general election report, on November 15, 1984. Thus their report was 21 days late.

Respondents also failed to file the post-general report due on December 6, 1984. They filed a report, covering the relevant time period, on December 24, 1984. Thus their report was 18 days late.

The November 15 report disclosed receipts of \$2,885 and disbursements of \$2,445, while the December 24 report showed receipts of \$2,979.26 and disbursements of minus \$357.87.

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II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

III. RECOMMENDATIONS

1. Enter into conciliation with the North Carolina National Bank Corp. PAC and J. Mark Leggett, as treasurer, prior to a finding of probable cause to believe.
2. Approve the attached letter and conciliation agreement.

Charles N. Steele
General Counsel

May 23, 1985
Date

BY:

Kenneth A. Gross
Associate General Counsel

Attachments

1. Proposed Conciliation Agreement
2. Letter to Robert B. Cordle
3. Letter from Robert B. Cordle

35040582515

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1934
 North Carolina National Bank)
 Corp. PAC)
 J. Mark Leggett, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. Reason to believe has been found that North Carolina National Bank Corporation PAC and J. Mark Leggett, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(4)(B) by failing to file its 1984 pre-general election and post-general election reports in a timely manner.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding a 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.

35040532510

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

1. Respondent North Carolina National Bank Corporation PAC is a non-party related political committee affiliated with the North Carolina National Bank Corporation. Respondent J. Mark Leggett is the treasurer of North Carolina National Bank Corporation PAC.
2. Under 2 U.S.C. § 434(a)(4)(B), Respondents are required, in a year in which a regularly scheduled general election is held, to file a pre-general election report no later than the 12th day before the election, and a post-general election report no later than the 30th day after the election.
3. Respondents' pre-election report, due on October 25, 1984, was not filed until November 15, 1984 - 21 days late.
4. Respondents' post-election report, due on December 6, 1984, was not filed until December 24, 1984 - 18 days late.

V. Respondents' failure to file the pre-general election report and the post-general election report in a timely manner is in violation of 2 U.S.C. § 434(a)(4)(B).

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred Seventy-Five Dollars (\$175), pursuant to 2 U.S.C. § 437g(a)(5)(A).

5040582517

VII. Respondents agree that they shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. Respondents shall have no more than thirty (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.

XI. 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

8 1 5 2 3 4 0 5 6 9

oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Associate General Counsel

Date

FOR THE RESPONDENTS:

(Name)
(Position)

Date

25740382512



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Robert B. Cordle, Esquire
Helms, Mullis & Johnston
P.O. Box 31247
Charlotte, North Carolina 28231

RE: MUR 1934
NCNB Corporation PAC
J. Mark Leggett, as treasurer

Dear Mr. Cordle:

On March 14, 1985, the Commission found reason to believe that NCNB Corporation PAC and J. Mark Leggett, as treasurer, violated 2 U.S.C. § 434(a)(4)(B). At your request, the Commission determined on , 1985, 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 in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, 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. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Charles Snyder, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure

36740732520

attachment 3

HE MS. MULLISS & JOHNSTON
ATTORNEYS AT LAW
CHARLOTTE, NORTH CAROLINA

REC
HAND DELIVERED

05 APR 24 49:31

ALFRED J. BADEMEYER
ROBERT H. BRYOR
WENDY MILLER SMOLLEN
CHARLES F. BOWMAN
JEFFREY S. HAY
ERNEST W. REIGEL
H. LANDIS WADE JR.
ADRIAN N. WILSON
BETTY B. TURNER
POLLY L. CHAMBERS
ROBERT W. CRAMER
L. D. SIMMONS
PERRY V. NEWSON
COUNSEL
FRED B. HELMS
WILLIAM F. MULLISS
JOHN W. JOHNSTON

APR 24 1985

CHARLOTTE OFFICE

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CHARLOTTE, N. C. 28231

STREET ADDRESS
227 NORTH TRYON STREET
CHARLOTTE, N. C. 28202

TELEPHONE
704 372-9510
TELEX 572460

TELECOPIER
704 334-8467

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TAMPA, FLORIDA 33601

STREET ADDRESS
PLAZA ON THE MALL
SUITE 1512
201 EAST KENNEDY BLVD
TAMPA, FLORIDA 33602

TELEPHONE
813 229-1993
PINELLAS DIRECT
813 447-8578

*ALSO ADMITTED IN FLORIDA
**ADMITTED IN FLORIDA ONLY

FEDERAL EXPRESS

Mr. Charles Snyder
General Counsel's Office
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

Re: MUR 1934
NKNB Corporation PAC
J. Mark Leggett, as Treasurer

Dear Mr. Snyder:

As we discussed on the telephone recently, on behalf of NKNB Corporation Political Action Committee ("NKNB PAC") and J. Mark Leggett, its Treasurer, we would request that we attempt to settle this matter by entering into conciliation at this time prior to any determination by the Commission as to whether or not probable cause exists.

It is my understanding that you will contact us with a proposal for the conciliation and settlement.

With best wishes, I am

Sincerely yours,

Robert B. Cordle
Robert B. Cordle

REC/r1

cc: Mr. J. Mark Leggett

35040382521



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO:

CHARLES N. STEELE
GENERAL COUNSEL

FROM:

MWE MARJORIE W. EMMONS/JODY C. RANSOM

DATE:

APRIL 23, 1985

SUBJECT:

MUR 1934 - Comprehensive Investigative
Report #1 signed April 19, 1985

The above-captioned matter was circulated to the Commission on a 24 hour no-objection basis at 11:00, April 22, 1985.

There were no objections to the Comprehensive Investigative Report at the time of the deadline.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *[Signature]*
DATE: April 19, 1985
SUBJECT: MUR 1934 - Comprehensive Investigative Report #1

The attached is submitted as an Agenda document
for the Commission Meeting of _____
Open Session _____
Closed Session _____

CIRCULATIONS

48 Hour Tally Vote []
Sensitive []
Non-Sensitive []
24 Hour No Objection [X]
Sensitive [X]
Non-Sensitive []
Information []
Sensitive []
Non-Sensitive []

Other []

DISTRIBUTION

Compliance [X]
Audit Matters []
Litigation []
Closed MUR Letters []
Status Sheets []
Advisory Opinions []
Other (see distribution below) []

96040362523

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

North Carolina National Bank PAC)
J. Mark Leggett, as treasurer)

MUR 1934

25 APR 19 11:10

COMPREHENSIVE INVESTIGATIVE REPORT #1

On March 14, 1985, the Commission voted to open a MUR in this case, which had been referred to the Office of the General Counsel by the Reports Analysis Division, and to find reason to believe that Respondents North Carolina National Bank PAC ("NCNB PAC") and J. Mark Leggett, as treasurer, violated 2 U.S.C. § 434(a)(4)(B) and 11 C.F.R. § 104.5(c)(3)(ii). Based on Respondents' response to the notification of the Commission's action, and a review of NCNB PAC's reports, the extent of the apparent violation may now be clarified.

Respondents failed to file the 1984 pre-general election report that was due on October 25, 1984. They did file a November monthly report, covering the time period pertinent to a pre-general election report, on November 15, 1984. Thus their report would be deemed 21 days late.

Respondents also failed to file the post-general report due on December 6, 1984. Their December monthly report, covering the relevant time period, was filed on December 24, 1984. Thus their report would be considered 18 days late.

The November report disclosed receipts of \$2885 and disbursements of \$2445, while the December report showed receipts of \$2979.26 and disbursements of minus \$357.87.

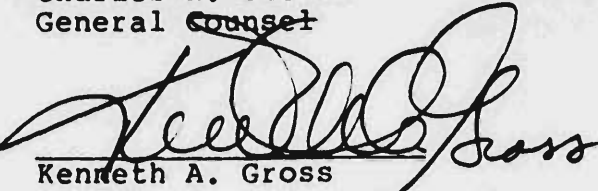
100-555555-100

The Office of the General Counsel will now proceed to the next stage or the enforcement process.

Charles N. Steele
General Counsel

April 19, 1985
Date

By:


Kenneth A. Gross
Associate General Counsel

36040782525

RECEIVED
HELMS, MULLISS & JOHNSTON
GENERAL ATTORNEYS AT LAW
CHARLOTTE, NORTH CAROLINA

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HAND DELIVERED
85 APR 24 9:31

LARRY J. DAGENHART
E. OSBORNE AYSOUE, JR.
HERBERT H. BROWNE, JR.
R. MALLOY MCKEITHEN
ROBERT B. CORDLE
NEILL G. MCBRYDE
C. MARCUS HARRIS
B. BERNARD BURNS, JR.
W. DONALD CARROLL, JR.
NORVIN K. DICKERSON, III
BOYD C. CAMPBELL, JR.
WILLIAM H. HIGGINS
JAMES H. GUTERMAN
JONATHAN E. BUCHAN
SAXBY M. CHAPLIN
JOEL R. TEW**
J. RICHARD HAZLETT
CATHERINE E. THOMPSON

ROBERT H. PRYOR
WENDY MILLER SMOLEN
CHARLES F. BOWMAN
JEFFREY S. HAY
ERNEST W. REIGEL
H. LANDIS WADE, JR.
ADRIAN N. WILSON
BETTY R. TURNER
ROLLY L. CHAMBERS
ROBERT W. CRAMER
L. D. SIMMONS, II
PERRY Y. NEWSON**

COUNSEL
FRED S. HELMS
WILLIAM F. MULLISS
JOHN W. JOHNSTON

APR 24 1985

CHARLOTTE OFFICE

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CHARLOTTE, N. C. 28231

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PINELLAS DIRECT
813 447-8578

*ALSO ADMITTED IN FLORIDA
**ADMITTED IN FLORIDA ONLY

FEDERAL EXPRESS

Mr. Charles Snyder
General Counsel's Office
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

Re: MUR 1934
NCNB Corporation PAC
J. Mark Leggett, as Treasurer

Dear Mr. Snyder:

As we discussed on the telephone recently, on behalf of NCNB Corporation Political Action Committee ("NCNB PAC") and J. Mark Leggett, its Treasurer, we would request that we attempt to settle this matter by entering into conciliation at this time prior to any determination by the Commission as to whether or not probable cause exists.

It is my understanding that you will contact us with a proposal for the conciliation and settlement.

With best wishes, I am

Sincerely yours,

Robert B. Cordle
Robert B. Cordle

RBC/r1

cc: Mr. J. Mark Leggett

GCC 7089

HELMS, MULLISS & JOHNSTON
ATTORNEYS AT LAW
CHARLOTTE, NORTH CAROLINA

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LARRY J. DAGENHART
F. OSBORNE AYSUE, JR.
HERBERT H. BROWNE, JR.
R. MALLOY McKEITHEN
ROBERT B. CORDLE
NEILL G. McBRYDE
C. MARCUS HARRIS
B. BERNARD BURNS, JR.
W. DONALD CARROLL, JR.
NORVIN K. DICKERSON, III
BOYD C. CAMPBELL, JR.*
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ROLLY L. CHAMBERS
ROBERT W. CRAMER
L. D. SIMMONS, II
PERRY Y. NEWSON**

COUNSEL
FRED B. HELMS
WILLIAM F. MULLISS
JOHN W. JOHNSTON

April 5, 1985

13:34

CHARLOTTE OFFICE

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**ADMITTED IN FLORIDA ONLY

FEDERAL EXPRESS

Mr. Charles Snyder
General Counsel's Office
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

Re: MUR 1934
NCNB Corporation PAC
J. Mark Leggett, as Treasurer

Dear Mr. Snyder:

As we discussed on the telephone last week, we represent NCNB Corporation Political Action Committee ("NCNB PAC") and J. Mark Leggett, its Treasurer in connection with the letter to Mr. Leggett dated March 19, 1985 from Mr. John Warren McGarry, Chairman of the Federal Election Commission, which indicates that NCNB PAC and Mr. Leggett as Treasurer may have violated 2 U.S.C. §434(a)(4)(b), a provision of the Federal Election Campaign Act of 1971, as amended (the "Act").

The purpose of our response is to demonstrate that no action should be taken against NCNB PAC and Mr. Leggett. In furtherance thereof, we are submitting factual and legal materials which we believe are relevant to the Commission's consideration of this matter. These materials are being submitted within ten days of our receipt of Mr. McGarry's letter. All statements are submitted under oath as requested.

We are enclosing the following:

1. A completed Statement of Designation of Counsel Form by NCNB PAC and Mr. Leggett;

Mr. Charles Snyder
Page Two
April 5, 1985

2. Affidavit of Gwendolyn Cone Kidwell, Assistant Treasurer of NCNB PAC; and
3. Affidavit of J. Mark Leggett.

I believe that the enclosures demonstrate that NCNB PAC and Mr. Leggett have attempted to comply with the rules and regulations of the Commission and the Federal Election Campaign Act. While NCNB PAC inadvertently failed to file timely pre- and post-general election reports for 1984, it did file monthly reports which gave all of the information during the periods of time needed for both reports. When Mr. Leggett received correspondence indicating NCNB PAC had not filed these reports, he immediately had Ms. Kidwell call staff members of the Commission whom she had been dealing with to see how NCNB PAC could comply. Ms. Kidwell was assured by Ms. Alva Smith that the monthly reports would be treated as the pre-and post-general election reports and that no further action was required other than filing the year end report because the monthly reports would suffice. Ms. Smith's letter to Mr. Leggett (Attachment IV to Ms. Kidwell's Affidavit) confirms this understanding because it treats the November monthly report as the post-general election report.

We do not believe that the Commission has reason to believe that NCNB PAC and Mr. Leggett have violated the Act by failing to file pre- and post-general election reports when they timely filed the normal monthly reports and year-end reports which contained the same information and when they were told by staff members of the Commission that this would suffice. On behalf of NCNB PAC and Mr. Leggett, we would request that the additional information we have furnished would indicate that the Commission should take no further action against the Committee and Mr. Leggett and should close the MUR.

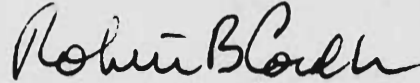
I have reviewed with Mr. Leggett and the Committee the requirements of the Commission that monthly reports are appropriate except in November and December of a general election year in which the pre- and post-general election reports shall be filed. Mr. Leggett and the PAC just inadvertently failed to file these reports in 1984.

Mr. Charles Snyder
Page Three
April 5, 1985

If you need any further information or if we can be of further assistance to you, please feel free to call.

With best wishes, I am

Sincerely yours,



Robert B. Cordle

RBC/rl

Enclosures

36040762529

STATEMENT OF DESIGNATION OF COUNSEL

MUR NO. 1934

NAME OF COUNSEL: Robert B. Cordle

ADDRESS: Helms, Mulliss & Johnston
Post Office Box 31247
Charlotte, N. C. 28231

TELEPHONE: 704/372-9510

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.

April 5, 1985
Date

J. Mark Leggett
Signature

RESPONDENT'S NAME: J. Mark Leggett

ADDRESS: NCNB Corporation
Charlotte, N. C. 28255

HOME PHONE: 704/364-5874

BUSINESS PHONE: 704/374-5000

35040582530

FEDERAL ELECTION COMMISSION

MUR NO. 193404

RESPONDENTS: NCNB CORPORATION PAC
J. Mark Leggett, as Treasurer

STATE OF NORTH CAROLINA

MECKLENBURG COUNTY

AFFIDAVIT OF
GWENDOLYN CONE KIDWELL

I, GWENDOLYN CONE KIDWELL, being first duly sworn,
deposes and says:

1. I am an Assistant Vice President of NCNB Corporation. I also serve as Assistant Treasurer of NCNB Corporation Political Action Committee ("NCNB PAC") and as such, along with Mr. J. Mark Leggett, prepare and file the reports required to be filed by NCNB PAC with the Federal Election Commission ("Commission").

2. I prepared the monthly reports for calendar year 1984 and the year end report for calendar year 1984 for NCNB PAC, and after reviewing them with Mr. Leggett, Treasurer of NCNB PAC, I forwarded them to the appropriate staff members of the Commission.

3. In preparing the monthly reports for November and December 1984, I overlooked the requirement of 2 U.S.C. §434(a)(4)(B) which states that a pre-general election report and a post-general election report be filed in lieu of the November and December monthly reports.

4. I filed NCNB PAC's November 1984 monthly report by letter, dated December 18, 1984, to Ms. Lisa Stolaruk, copy of which is attached as Attachment 1. As set forth in the letter, I talked with Ms. Stolaruk by telephone on December 18. I informed her we did not receive any pre-election or post-election notice from the Commission which would have called my attention to those filing requirements, and that our monthly reports covered the same periods of time. I understood after my conversation with Ms. Stolaruk that I need not make these filings, since we had filed the monthly reports, as long as we filed our year end report by January 31, 1985. It would have been easy to have changed our monthly reports at that time to make them the pre-and post-general election reports.

198405031

5. Thereafter, Mr. Leggett gave to me the letter from John D. Gibson, Assistant Staff Director, Reports and Analysis Division, dated December 28, 1984 (Attachment II) concerning our failure to file a thirty-day post-general election report. I called Mr. Gibson to acknowledge receipt of his letter, to tell him we failed to receive the notice from the Commission, and to tell him of my telephone conference with Ms. Stolaruk. He referred me to Alva Smith.

6. I called Ms. Smith regarding the matter and was told by Ms. Smith to file the year end report by January 31, 1985, that the monthly reports would suffice as the pre-and post-general election reports, and that no further action would be required. My notes of my telephone conversation with Ms. Smith are shown on the letter from Mr. Gibson, Attachment No. II. I informed Mr. Leggett of my conversation with Ms. Smith and that we needed to take no further action to comply with Mr. Gibson's letter.

7. Attachment No. III is my letter dated January 30, 1985, to Ms. Stolaruk enclosing only NCNB PAC's year end report based on my understanding from Ms. Smith that this would be all that was needed for us to fully comply. If I had been informed any other reports were necessary, I would have been glad to prepare and file such reports because all of the information that would have been contained in the pre-and post-general election reports were contained in our monthly and year end reports.

8. Attachment IV is a letter received by Mr. Leggett from Ms. Smith, dated January 25, 1985, which references: "30 Day Post-General Report (11/1/84-11/30/84)," and raises questions about our November 1984 monthly report. From the reference caption of the letter, I assumed Ms. Smith was treating our November monthly report as the post-general election report as she had indicated she would in our earlier telephone conversation.

9. By letter dated February 11, 1985, (Attachment V) I sent Ms. Smith the amended sections of the "30 Day Post-General Report" as she had requested. Again, this was amendments to our November monthly report which I understood was to be treated as the Post-General Report.

10. I kept Mr. Leggett informed of my conversations and correspondence with various staff members of the Commission and told him that I had been assured that we were in compliance with the reports we had sent and needed to do nothing more.

11. Mr. Leggett has always told me to file whatever is necessary and required and to do it timely. We have always tried to do that with our reports, and I do not believe we have had any other problems.

12. I have reviewed the General Counsel's Factual and Legal Analysis of this case and believe that he must not have been aware of my conversations with staff members of the Commission. I also believe he erroneously states our post-general election report was filed February 13, 1985. I believe he must be referring to the amendment to the report filed with my letter of February 11, 1985 (Attachment No. V). The original of that report was filed with my letter to Ms. Stolaruk of December 18, 1984 (Attachment No. I). While it covered the period of 11/1/84 through 11/30/84, this was very similar to the thirty-day post-general election report, and I understood from Mrs. Smith that it was to be treated by the Commission as such.

This the 5th day of April, 1985.

Gwendolyn Cone Kidwell
Gwendolyn Cone Kidwell

Sworn to and subscribed before me
this the 5th day of April, 1985.

Ruth D. Lail
Notary Public

My Commission Expires:

2-13-86

2504058233

Ms. Lisa Stolaruk
Federal Election Commission
1325 K Street NW
Washington, D. C. 20463

The attached report is the monthly report for November, 1984. Per our phone conversation on December 18, 1984, NCNB CORPAC did not receive notification of filing pre-election and post election reports from the FEC. NCNB CORPAC files monthly reports; therefore, the Commission has reports for the time periods required in the pre and post election reports. As we discussed, NCNB CORPAC will file a year end report due January 31, 1985 covering December 1, through December 31. Thank you for your assistance and please feel free to contact me if you have any questions.

Gwen Kidwell
Assistant Treasurer

Attachment



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

RQ-7

December 28, 1984

J. Mark Leggett, Treasurer
 NCNB Corporation Political
 Action Committee (NCNB PAC)
 One NCNB Plaza
 Charlotte, NC 28255

Identification Number: C00142265

Reference: 30 Day Post-General Report (11/1/84-11/26/84)

Dear Mr. Leggett:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced Report of Receipts and Disbursements as required by the Federal Election Campaign Act. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 1325 K Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or its relevant portions should also be filed with the Secretary of State or equivalent state officer (see 11 CFR 108.2, 108.3, 108.4).

The failure to file this report may result in an audit or legal enforcement action.

If you have any questions regarding this matter, please contact Alva Smith on our toll-free number (800) 424-9530. Our local number is (202) 523-4048.

1-85

Sincerely,

John D. Gibson
 Assistant Staff Director
 Reports Analysis Division

Re: conversation with Alva
 Smith, FEC, CORPAC is to
 file the year end report by
 1-31-85 and the monthly
 reports will suffice as
 the post & pre election reports.
 No further action required.

Assistant Treasurer.

(Handwritten notes in right margin):
 Pls call me now. Thanks
 Tell the IRS that we did not
 receive notification
 then

NCNB Corporation
Charlotte, NC 28255
Telephone 704 | 374-5000



January 30, 1985

Ms. Lisa Stolaruk
Federal Election Commission
1325 K Street NW
Washington, DC 20463

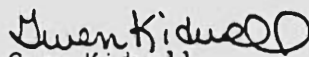
Dear Ms. Stolaruk:

As requested by the Federal Election Commission, enclosed is the January 31 Year-End Report for NCNB CORPAC.

On schedule A page 2 of 3 in the November Report for NCNBCORPAC, James Allan Ohlman should have been listed as Dan H. Muse as correctly reflected in the January 31 Year-End Report. In November, the dollar amounts and address are correct except for the name as mentioned above.

NCNBCORPAC has received correspondence concerning reviews of reports filed with the FEC from Alva E. Smith, Reports Analyst. Is she the individual we need to contact and submit NCNBCORPAC reports? You have been very helpful in the past and please advise me in reference to the situation. Thank you for your assistance and contact me if you have any questions.

Sincerely,


Gwen Kidwell
Assistant Treasurer

Enclosure



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

J. Mark Leggett, Treasurer
NCNB Corporation Political
Action Committee (NCNB PAC)
One NCNB Plaza
Charlotte, NC 28255

*Given known, RQ-5
May we discuss?*
JAN 25 1985
RECEIVED *Marc*

JAN 29 1985

PURCHASING DEPT.

Identification Number: C00142265

Reference: 30 Day Post-General Report (11/1/84-11/30/84)

Dear Mr. Leggett:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Please provide the total for Line 18, Columns A and B of the Detailed Summary Page.

-For future reporting, please be advised that contributions to Federal candidates and political committees should be itemized on a separate Schedule B supporting Line 21 of the Detailed Summary Page. Contributions to non-Federal candidates and committees should be itemized on Schedule B supporting Line 27.

Any amendment or clarification should be filed with the Federal Election Commission. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Alva E. Smith

Alva E. Smith
Reports Analyst
Reports Analysis Division

25040702537



NORSE
Corporation

February 11, 1985

Ms. Alva E. Smith
Federal Election Commission
1325 K Street NW
Washington, DC 20463

Dear Ms. Smith:

Enclosed are the amended sections of the 30 Day Post-General Report (11-1-84 - 11-30-84) as requested by the FEC. If I can be of further assistance, please feel free to contact me.

Sincerely,

Quentin K. Durrell

Gwen Kidwell
Assistant Treasurer

Enclosure

FEDERAL ELECTION COMMISSION

MUR NO. 1934

7:34

RESPONDENTS: NCNB CORPORATION PAC
J. Mark Leggett, as Treasurer

STATE OF NORTH CAROLINA

MECKLENBURG COUNTY

AFFIDAVIT OF
J. MARK LEGGETT

J. MARK LEGGETT, being first duly sworn, deposes and says:

1. I am Senior Vice President of NCNB Corporation and I also serve as Treasurer of NCNB Corporation Political Action Committee ("NCNB PAC"). I have served as Treasurer of the PAC since it was organized in May of 1981. I have read and studied the Federal Election Campaign Act (the "Act") and the rules and regulations of the Federal Election Commission (the "Commission"). I have also instructed Gwen Kidwell, the Assistant Treasurer of NCNB PAC, to fully comply with the Act, and I believe she and NCNB PAC have attempted to do so.

2. I have read Ms. Kidwell's Affidavit and confirm all the factual matters set forth therein that she says she relayed to me. I specifically recall her telling me that she had spoken with Alva Smith about the letter from Mr. Gibson and that our monthly reports which had been sent in would suffice as the pre- and post-general election reports without any further action required on our part. That this appeared to be the understanding of staff members of the Commission was confirmed by the reference caption in Ms. Smith's letter to me, dated January 25, 1985, (Attachment No. IV to Ms. Kidwell's Affidavit) which appears to treat our November monthly report as the thirty-day post-general election report.

3. I believe that the General Counsel's Factual and Legal Analysis which was sent to me does not contain all of the facts which should be available to the Commission, and I feel that Mr. Snyder did not know about the conversations we had with staff members of the Commission in our attempt to comply with all of its rules and regulations. Specifically, I find that his comment that NCNB PAC did not file a post-general election report until February 13, 1985 to be in

error. This appears to be a reference to the amendment to our report sent with Ms. Kidwell's letter to Ms. Smith, dated February 11, 1985 (Attachment V to Ms. Kidwell's Affidavit) which dealt with an amendment to our November monthly report which Ms. Smith had indicated to Ms. Kidwell would be treated as our post-general election report.

9. NCNB PAC filed monthly reports for the entire year of 1984. I know now that we should have filed pre- and post-general election reports instead of monthly reports for the months of November and December. We would have filed these reports if we had not understood from the Commission's staff member that our monthly reports would suffice. Moreover, the reports we did file contained all of the information which would have been contained in the pre-and post-general election reports and there has been no attempt by NCNB PAC or me not to comply with the Act and the rules and regulations of the Commission. In fact, I believe our reports, correspondence and telephone calls would show that we were completely open and up front with the Commission and its staff member.

5. I am sorry that any misunderstanding has occurred, and I hope that our explanation clarifies the matter.

This the 5 day of April, 1985.

J. Mark Leggett
J. Mark Leggett

Sworn to and subscribed before me
this the 5th day of April, 1985.

Ruth D. Lail
Notary Public

My Commission Expires:

2-13-86



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 19, 1985

J. Mark Leggett, Treasurer
NCNB Corporation Political Action Committee
One NCNB Plaza
Charlotte, N.C. 28255

Re: MUR 1934
NCNB Corporation PAC

Dear Mr. Leggett:

On March 14, 1985, the Federal Election Commission determined that there is reason to believe NCNB Corporation Political Action Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's 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 you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form

Letter to J. Mark Leggett
Page 2

stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

The investigation now being conducted will be 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 Charles Snyder, the attorney assigned to this matter, at (202)523-4000.

Sincerely,



John Warren McGarry
Chairman

Enclosures

General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

36040382542

FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 1934
STAFF MEMBER & TEL. NO.
Charles Snyder
(202)523-4000

RESPONDENTS: North Carolina National Bank Corporation PAC
J. Mark Leggett, as treasurer

SUMMARY OF ALLEGATIONS

3 5 0 4 0 5 0 2 5 4 3
This inquiry was referred to the Office of the General Counsel by the Reports Analysis Division ("RAD") on January 16, 1985, on the grounds that Respondents the North Carolina National Bank PAC ("NCNB PAC") and J. Mark Leggett, as treasurer, did not file their pre-election and post-general election reports in 1984.

FACTUAL AND LEGAL ANALYSIS

NCNB PAC is a non-party related political committee affiliated with the North Carolina National Bank Corporation. It files monthly reports with the Federal Election Commission. The Federal Election Campaign Act ("the Act") states that such committees may choose to file monthly reports,

except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.

2 U.S.C. § 434(a)(4)(B). See also 11 C.F.R. § 104.5(c)(3)(ii).

FEC records show that NCNB PAC never filed a pre-general election report for 1984, and did not file a post-general election report

until February 13, 1985. */ The latter report had been due on December 6, 1984. 2 U.S.C. § 434(a)(2)(A)(ii).

Respondents' failure to file the required reports in a timely manner plainly places them in violation of the Act. On December 28, 1984, RAD notified Respondents that they had failed to file a post-general election report and that they should file that report immediately. Respondents filed a post-general election report on February 13, 1985. The General Counsel's Office therefore, recommends that the Commission find reason to believe North Carolina National Bank Corporation PAC and J. Mark Leggett, as treasurer, violated the Act by failing to file a pre-general election report and by filing a post-general election report over two months late.

*/ In the period covered by the late report, NCNB PAC had receipts totalling \$2,979.26 and negative disbursements totalling \$357.87.

95040362544

DESCRIPTION OF PRELIMINARY PROCEDURES
FOR PROCESSING POSSIBLE VIOLATIONS DISCOVERED BY THE
FEDERAL ELECTION COMMISSION

Possible violations discovered during the normal course of the Commission's supervisory responsibilities shall be referred to the Enforcement Division of the Office of General Counsel where they are assigned a MUR (Matter Under Review) number, and assigned to a staff member.

Following review of the information which generated the MUR, a recommendation on how to proceed on the matter, which shall include preliminary legal and factual analysis, and any information compiled from materials available to the Commission shall be submitted to the Commission. This initial report shall recommend either: (a) that the Commission find reason to believe that a possible violation of the Federal Election Campaign Act (FECA) may have occurred or is about to occur and that the Commission conduct an investigation of the matter; or (b) that the Commission find no reason to believe that a possible violation of the FECA has occurred and that the Commission close the file on the matter.

Thereafter, if the Commission decides by an affirmative vote of four (4) Commissioners that there is reason to believe that a violation of the Federal Election Campaign Act (FECA) has been committed or is about to be committed, the Office of the General Counsel shall open an investigation into the matter. Upon notification of the Commission's finding(s), within 15 days a respondent(s) may submit any factual or legal materials relevant to the allegations. During the investigation, the Commission shall have the power to subpoena documents, to subpoena individuals to appear for depositions, and to order answers to interrogatories. The respondent(s) may be contacted more than once by the Commission in its investigation.

STATEMENT OF DESIGNATION OF COUNSEL

MUR _____

NAME OF COUNSEL: _____

ADDRESS: _____

TELEPHONE: _____

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

Date

Signature

RESPONDENT'S NAME: _____

ADDRESS: _____

HOME PHONE: _____

BUSINESS PHONE: _____



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

REC
COMP
25 MAR 18 P 1:50

SENSITIVE

March 18, 1985

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel *KAG*

SUBJECT: RAD Referral 85NF-24

On March 14, 1985 the Commission approved the recommendation that RAD Referral 85NF-24 should become a MUR. Therefore, all documents which had previously been contained in RAD Referral 85NF-24 should now become MUR 1934.

Attachment
Copy of Certification

930407

BEFORE THE FEDERAL ELECTION COMMISSION

Snyder
M 1934

In the Matter of)
)
NCNB Corporation PAC)
J. Mark Leggett, as treasurer)
RAD Referral 85NF-24

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 14, 1985, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral 85NF-24:

1. Open a MUR.
2. Find reason to believe that the North Carolina National Bank PAC Corporation and J. Mark Leggett, as treasurer, violated 2 U.S.C. § 434(a)(4)(B) and 11 C.F.R. § 104.5(c)(3)(ii).
3. Approve and send the letter and General Counsel's Factual and Legal Analysis attached to the First General Counsel's Report signed March 11, 1985.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

3-14-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:
Circulated on 48 hour tally basis:

3-11-85, 2:16
3-12-85, 11:00

8 4 5 2 3 0 4 0 5 6 9

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) RAD Referral 85NF-24
NCNB Corporation PAC)
J. Mark Leggett, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 14, 1985, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral 85NF-24:

1. Open a MUR.
2. Find reason to believe that the North Carolina National Bank PAC Corporation and J. Mark Leggett, as treasurer, violated 2 U.S.C. § 434(a)(4)(B) and 11 C.F.R. § 104.5(c)(3)(ii).
3. Approve and send the letter and General Counsel's Factual and Legal Analysis attached to the First General Counsel's Report signed March 11, 1985.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

3-14-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:
Circulated on 48 hour tally basis:

3-11-85, 2:16
3-12-85, 11:00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *CK*
DATE: March 11, 1985
SUBJECT: RAD 85NF-24: First General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____
Open Session _____
Closed Session _____

CIRCULATIONS

48 Hour Tally Vote [X]
Sensitive [X]
Non-Sensitive []

24 Hour No Objection []
Sensitive []
Non-Sensitive []

Information []
Sensitive []
Non-Sensitive []

Other []

DISTRIBUTION

Compliance [X]
Audit Matters []

Litigation []
Closed MUR Letters []

Status Sheets []
Advisory Opinions []

Other (see distribution below) []

SENSITIVE

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 3/11/85-2:15

RAD 85NF-24
STAFF MEMBER
Charles Snyder

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

RESPONDENT'S NAME: NCNB Corporation PAC
J. Mark Leggett, as treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(4)(B);
11 C.F.R. § 104.5(c)(3)(ii)

INTERNAL REPORTS CHECKED: NCNB Corp. PAC Reports

FEDERAL AGENCIES CHECKED: None

GENERATION OF MATTER

This inquiry was referred to the Office of the General Counsel by the Reports Analysis Division ("RAD") on January 16, 1985, on the grounds that Respondents the North Carolina National Bank PAC ("NCNB PAC") and J. Mark Leggett, as treasurer, did not file their pre-election and post-general election reports in 1984.

FACTUAL AND LEGAL ANALYSIS

NCNB PAC is a non-party related political committee affiliated with the North Carolina National Bank Corporation. It files monthly reports with the Federal Election Commission. The Federal Election Campaign Act ("the Act") states that such committees may choose to file monthly reports,

except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election

35040732551

report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.

2 U.S.C. § 434(a)(4)(B). See also 11 C.F.R. § 104.5(c)(3)(ii). FEC records show that NCNB PAC never filed a pre-general election report for 1984, and did not file a post-general election report until February 13, 1985. */ The latter report had been due on December 6, 1984. 2 U.S.C. § 434(a)(2)(A)(ii). (See Attachment 1 at 8 and Attachment 2).

Although Respondents' failure to file the required reports in a timely manner plainly places them in violation of the Act, a review of the facts suggests certain factors to be considered in mitigation. RAD has established a policy of notifying all monthly filers of their obligation to file a pre-general election report (Attachment 1 at 1). Respondents have informed RAD that they received no such notification, but became aware of the requirement only when discussing an unrelated matter with the Information Division. When Gwen Kidwell, assistant treasurer of NCNB PAC, called RAD on December 18, 1984, in connection with the foregoing matters, she was advised to attach to Respondents' forthcoming December Monthly Report a cover letter explaining why the Committee had not filed the required reports. (Attachment 1 at 8). Respondents followed this advice. (See Attachment 1 at 10). Under the Act, however, Respondents should have filed a

*/ In the period covered by the late report, NCNB PAC had receipts totalling \$2,979.26 and negative disbursements totalling \$357.87.

post-general election report instead of the December monthly report. Indeed, the post-general election report was already overdue at the time of the telephone conversation just described.

On December 28, 1984, RAD notified Respondents that they had failed to file a post-general election report and that they should file that report immediately. (Attachment 3).

Respondents filed a post-general election report on February 13, 1985.

In summary, it appears that Respondents violated the Act by failing to file a pre-general election report and by filing a post-general election report over two months late.

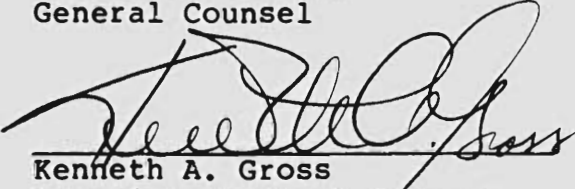
RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that the North Carolina National Bank PAC Corporation and J. Mark Leggett, as treasurer, violated 2 U.S.C. § 434(a)(4)(B) and 11 C.F.R. § 104.5(c)(3)(ii).
3. Approve and send the attached letter and General Counsel's Factual and Legal Analysis.

Charles N. Steele
General Counsel

March 11, 1985
Date

By:


Kenneth A. Gross
Associate General Counsel

Attachments

1. RAD Referral (1-11)
2. Letter of Gwen Kidwell, Feb. 11, 1985
3. Letter of John D. Gibson, Dec. 28, 1984
4. Letter to Respondents
5. General Counsel's Factual and Legal Analysis (1-2)



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 15, 1985

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

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

SUBJECT: NON-FILER REFERRALS OF MONTHLY UNAUTHORIZED COMMITTEES

Since the number of committees being referred is relatively large, we felt it best to arrange the information in chart format. You will note that the attached printouts list the names, addresses, and treasurers for thirty-five (35) committees with "C" Indices provided for each.^{1/} Any telephonic communications have been referenced under Contacts with Filers. The Summary Pages of the late filed reports and/or explanatory letters have been referenced under Response(s).

All unauthorized committees were sent prior notification on October 1, 1984, which specifically informed monthly filers of the requirement to file a 12 Day Pre-General Election Report by October 25, 1984 (Attachment 38). The committees, which failed to submit either a 12 Day Pre-General Report or a November Monthly Report, were sent Non-Filer Notices on November 16, 1984

^{1/} In some cases, the aggregate receipt and disbursement figures may be inflated because committees submitted reports covering portions of the same periods (e.g., a November Monthly covering October 1, 1984 through October 31, 1984 and a Pre-General Report covering October 1, 1984 through October 17, 1984.)

PAGE 2

(see copy of notice - Attachment 39). Certain committees (i.e., those noted with an asterisk on the attached computer printouts) were not sent Non-Filer Notices because a) a report covering the pre-election period was indexed by November 15, 1984, or b) the committee had not been assigned at the time the non-filer printout was generated.

If you have any questions, please contact Michael Filler at 523-4048.

Attachments

3 5 0 4 0 1 8 2 5 5 3



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 1, 1984

**GENERAL ELECTION FILING NOTICE
FOR UNAUTHORIZED COMMITTEES**

WHO MUST FILE THE PRE-GENERAL ELECTION REPORT

All committees that file monthly reports must file the pre-general election report due October 25, 1984.

In addition all quarterly filing committees that have made contributions or expenditures (including independent expenditures) in connection with the general election must file a pre-election report, if such activity has not previously been reported. See below for post-general filing information.

WHAT MUST BE REPORTED

The report must disclose all financial activity of the committee from the later of, the last report filed or the date of registration* through October 17, 1984. (Monthly filers must disclose all financial activity from the later of October 1 or the date of registration* through October 17, 1984.)

WHEN TO FILE

Pre-general election reports sent registered or certified mail must be postmarked no later than October 22, 1984. Reports hand delivered or mailed first class must be received no later than close of business October 25, 1984.

* * * * *

WHO MUST FILE THE POST-GENERAL ELECTION REPORT

All committees must file the post-general election report due December 6, 1984, regardless of election activity.

WHAT MUST BE REPORTED

The post-general election report must cover all financial activity of the committee from either the date of the last report filed or the date of registration, whichever is later* through November 26, 1984.

WHEN TO FILE

Post-general election reports sent by registered or certified mail must be postmarked no later than December 6, 1984. Reports hand delivered or mailed first class must be received no later than close of business December 6, 1984.

*The first report filed by a committee shall include all amounts received or disbursed prior to becoming a political committee, even if such amounts were not received during the current reporting period. See 11 CFR 104.3(a) and (b).

-over-

4

WHERE AND HOW TO FILE

Committees should consult the instructions on the enclosed FEC form 3X, for details.

QUARTERLY FILERS

Name of Report	Period Covered	Reg./Cert. Mailing Date	Filing Date
3rd Q-Report	07/01* - 09/30	10/15/84	10/15/84
Pre-General	10/01 - 10/17	10/22/84	10/25/84
Post-General**	10/18 - 11/26	12/06/84	12/06/84
Year-end	11/27 - 12/31	01/31/85	01/31/85

*Or from date of registration, or the close of books of the last report filed, whichever is later.

**Reports filed by committees that did not file the pre-General report should cover all financial activity from the last report filed through November 26, 1984.

* * *

MONTHLY FILERS

Name of Report	Period Covered	Reg./Cert. Mailing Date	Filing Date
Oct. Monthly	09/01 - 09/30	10/20/84	10/20/84
Pre-General	10/01 - 10/17	10/22/84	10/25/84
Post-General	10/18 - 11/26	12/06/84	12/06/84
Year-end	11/27 - 12/31	01/31/85	01/31/85

COMPLIANCE

Political committees are fully liable for failure to file any report required under the Act. Failure to file in a timely fashion is a serious violation. Committees are subject to enforcement action for late filing. Illegible reports which can not be clearly reproduced and reports submitted on non-FEC forms will not be accepted. Committees filing such documents will be required to refile.

FOR INFORMATION CALL: Office Of Public Communications
800/424-9530 or 202/523-4068



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

RQ-7

November 16, 1984

Identification Number:

Reference: 12 Day Pre-General Report (10/1/84-10/17/84)

Dear

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced Report of Receipts and Disbursements as required by the Federal Election Campaign Act. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 1325 K Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or the relevant portions should also be filed with the Secretary of State or equivalent state officer (see 11 CFR 108.2, 108.3, 108.4).

If the report in question was filed, please submit documentation for the public record. Although the Commission may take further legal steps concerning this matter, your prompt response will be taken into consideration.

If you have any questions, please contact on our toll-free number (800) 424-9530. Our local number is (202) 523-4048.

Sincerely,

A handwritten signature in cursive script, appearing to read "John D. Gibson", is written over the typed name.

John D. Gibson
Assistant Staff Director
Reports Analysis Division

36040782559

6

NCNB CORPORATION POLITICAL ACTION COMMITTEE (NCNB PAC)

(Attachments 24a - d)

8 6 0 4 0 5 8 2 5 6 0

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (83-84)

DATE 11JAN85
PAGE 1

NON PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
NCNB CORPORATION POLITICAL ACTION COMMITTEE (NCNB PAC)				NON-PARTY QUALIFIED	ID #C00142265	
CONNECTED ORGANIZATION: NCNB CORPORATION						
1983	STATEMENT OF ORGANIZATION - AMENDMENT			18JUL83	1	83FEC/276/0862
	APRIL QUARTERLY	14,146	803	1JAN83 -31MAR83	5	83FEC/270/0862
	APRIL QUARTERLY - AMENDMENT	-	-	1JAN83 -31MAR83	4	84FEC/312/0862
	1'ST LETTER INFORMATIONAL NOTICE			1JAN83 -31MAR83	1	84FEC/306/4864
	MID-YEAR REPORT	4,819	2,150	1APR83 -30JUN83	4	83FEC/276/0863
	MID-YEAR REPORT - AMENDMENT	-	-	1APR83 -30JUN83	5	84FEC/312/0459
	REQUEST FOR ADDITIONAL INFORMATION			1APR83 -30JUN83	1	84FEC/307/0268
	AUGUST MONTHLY	14,994	3,250	1JUL83 -31JUL83	8	83FEC/281/1375
	AUGUST MONTHLY - AMENDMENT	14,994	3,250	1JUL83 -31JUL83	2	83FEC/285/3139
	AUGUST MONTHLY - AMENDMENT	-	-	1JUL83 -31JUL83	4	84FEC/312/0464
	REQUEST FOR ADDITIONAL INFORMATION			1JUL83 -31JUL83	1	84FEC/307/0270
	SEPTEMBER MONTHLY	2,331	-	1AUG83 -31AUG83	4	83FEC/283/2069
	SEPTEMBER MONTHLY - AMENDMENT	-	-	1AUG83 -31AUG83	3	83FEC/285/3141
	OCTOBER MONTHLY	2,660	1,500	1SEP83 -30SEP83	6	83FEC/285/3446
	NOVEMBER MONTHLY	2,742	2,125	1OCT83 -31OCT83	7	83FEC/287/1987
	DECEMBER MONTHLY	2,914	2,032	1NOV83 -30NOV83	7	83FEC/289/5035
	YEAR-END	1,419	3,200	1DEC83 -31DEC83	7	84FEC/291/3510
1984	FEBRUARY MONTHLY	3,767	1,500	31JAN84		84FEC/296/5085
	MARCH MONTHLY	4,530	2,500	1FEB84 -29FEB84		84FEC/299/2872
	APRIL MONTHLY	3,218	13,050	1MAR84 -31MAR84		84FEC/311/0760
	MAY MONTHLY	3,150	4,000	1APR84 -30APR84		84FEC/313/3402
	JUNE MONTHLY	2,162	3,800	1MAY84 -31MAY84		84FEC/316/3555
	JULY MONTHLY	3,633	3,150	1JUN84 -30JUN84		84FEC/323/2809
	AUGUST MONTHLY	3,551	9	1JUL84 -31JUL84		84FEC/325/2809
	SEPTEMBER MONTHLY	2,380	4,900	1AUG84 -31AUG84		84FEC/329/1421
	OCTOBER MONTHLY	2,430	7,050	1SEP84 -30SEP84		84FEC/342/1346
	NOVEMBER MONTHLY	2,885	2,445	1OCT84 -31OCT84		84FEC/348/4979
	NOVEMBER MONTHLY - AMENDMENT	2,885	2,695	1OCT84 -31OCT84		84FEC/349/4333
	NOTICE OF FAILURE TO FILE			1NOV84 -26NOV84		84FEC/357/4980
	DECEMBER MONTHLY	2,979	357-	1NOV84 -30NOV84		84FEC/357/3063
	TOTAL	80,710	0 57,357	0		TOTAL PAGES

ENDING CASH (11/30/84): \$37,196

DEBTS: \$ 0

Attachment 24a

ANALYST: Lisa Stolaruk

CONVERSATION WITH: Gwen Kidwell

COMMITTEE: North Carolina National Bank PAC

DATE: 12/18/84

SUBJECT(S): Non-Filing of the 12 Day Pre-General Election Report

Ms. Kidwell called this afternoon and stated that she was unaware of the fact that the committee should have filed a 12 Day Pre-General Report. She learned of this while discussing another matter with the Information Division. I stated that the committee should have received prior notification of the due date of the report. She said that she was sure that she had not. I recommended that she call the Information Division and find out whether the committee was sent a mailing.

She further stated that she was sending in her December Monthly Report today. I recommended that she attach a cover letter to her report explaining the reasons why the committee had not filed the required election reports.

36040782561

REPORT OF RECEIPTS AND DISBURSEMENTS For a Political Committee Other Than an Authorized Committee

(Summary Page)

84 NOV 15 AB:28

ALIGN AREA

ALIGN AREA

1 Name of Committee (in Full)

NCNB Corporation Political
Action Committee

Address (Number and Street)

One NCNB Plaza T15-1

City, State and ZIP Code

Charlotte, NC 28255

☐ Check here if address is different than previously reported

2 FEC Identification Number

C00142256

3 ☐ This committee qualified as a multicandidate committee during this Reporting Period on _____ Date _____

4. TYPE OF REPORT (Check appropriate boxes)

(a) ☐ April 15 Quarterly Report ☐ October 15 Quarterly Report☐ July 15 Quarterly Report ☐ January 31 Year End Report☐ July 31 Mid Year Report (Non Election Year Only)☒ Monthly Report for October '84☐ Tenth day report preceding _____ (Type of Election)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election

on _____ in the State of _____

☐ Termination Report

(b) Is this Report an Amendment?

☐ YES☐ NO

SUMMARY

5 Covering Period October '84 through _____

6 a. Cash on hand January 1, 1984

b. Cash on Hand at Beginning of Reporting Period

c. Total Receipts from Line 1B

d. Subtotal: add Lines 6 a. and 6 b. for Column A and

Lines 6 a. and 6 b. for Column B

e. Total Disbursements from Line 2B

8 Cash on Hand at Close of Reporting Period: add Line 7 from Line 6 d.

9 Debts and Obligations Owed to the Committee

Itemize in Schedule C on line 10C

10 Debts and Obligations Owed by the Committee

Itemize in Schedule C on line 10C

COLUMN A
This PeriodCOLUMN B
Calendar Year-to-Date

\$ 44806.46

\$ 33669.62

\$ 3885.00 \$ 31707.75

\$ 36554.62 \$ 76514.21

\$ 2445.00 \$ 42404.59

\$ 34109.62 \$ 34109.62

\$

\$

For further information contact

FEC, 1100 Pennsylvania Ave., N.W.

Washington, D.C. 20540

(202) 456-7000

SIGNATURE OF TREASURER

10

NCNB Corporation
Charlotte, NC 28255
Telephone 704 | 374-8000

RECEIVED THE FEC

84 DEC 24 09:10

NCNB
Corporation

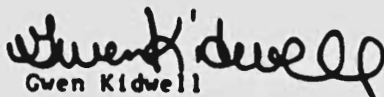
December 18, 1984

Ms. Lisa Stolaruk
Federal Election Commission
1325 K Street NW
Washington, D. C. 20463

Dear Ms. Stolaruk:

The attached report is the monthly report for November, 1984. Per our phone conversation on December 18, 1984, NCNB CORPAC did not receive notification of filing pre-election and post election reports from the FEC. NCNB CORPAC files monthly reports; therefore, the Commission has reports for the time periods required in the pre and post election reports. As we discussed, NCNB CORPAC will file a year end report due January 31, 1985 covering December 1, through December 31. Thank you for your assistance and please feel free to contact me if you have any questions.

Sincerely,



Gwen Kidwell
Assistant Treasurer

ame

Attachment

9403373063

RAD 1

METROPOLITAN EMPLOYEES' POLITICAL PARTICIPATION FUND
TREASURER'S NAME: JUDITH KALOK
ONE MADISON AVENUE
NEW YORK NY 10010

85NF-23

None

November Monthly Report 23b
received 11/16/84

NCNB CORPORATION POLITICAL ACTION COMMITTEE (NCNB PAC) */
TREASURER'S NAME: MARK LEGGETT
ONE NCNB PLAZA
CHARLOTTE NC 28255

85NF-24

12/18/84 24b

November Monthly Report 24c & 24d
received 11/15/84
Letter received 12/24/84

NORFOLK SOUTHERN CORPORATION TAX ELIGIBLE GOOD GOVERNMENT FUND */
TREASURER'S NAME: BRANK A. LUCKETT
P O BOX 3609
NORFOLK VA 23514

85NF-25

None

Pre-General Report 25b
received 11/7/84

PLANNING RESEARCH CORPORATION POLITICAL ACTION COMMITTEE */
TREASURER'S NAME: BERT M CONCKLIN
1500 PLANNING RESEARCH DRIVE
MCLEAN VA 22102

85NF-26

None

November Monthly Report 26b
received 11/23/84

PROFESSIONAL INSURANCE AGENTS POLITICAL ACTION COMMITTEE
TREASURER'S NAME: J. NOX HILLMAN JR
400 NORTH WASHINGTON ST.
ALEXANDRIA VA 22314

85NF-27

None

November Monthly Report 27b &
received 11/15/84 27c
Pre-General Report
received 11/30/84

REPUBLICAN CONGRESSIONAL BOOSTERS CLUB
TREASURER'S NAME: EDWARD T TAIT
300 FIRST STREET SE (TOP FLOOR)
WASHINGTON, DC 20003

85NF-28

None

Letter and Pre-General 28b
Report received 11/19/84

SUN COMPANY INC POLITICAL ACTION COMMITTEE
TREASURER'S NAME: WILLIAM D PRIESTLEY
2000 MARKET ST.
PHILADELPHIA PA 19103

85NF-29

None

November Monthly Report 29b & 29c
received 11/20/84
Letter received 11/29/84

NCNB Corporation
Charlotte, NC 28255
Telephone 704 374 5000

ATTACHMENT 2

13 48.11

NCNB

February 11, 1985

Mr. Alva E. Smith
Federal Election Commission
1111 K Street NW
Washington, DC 20463

Dear Mr. Smith:

Enclosed are the amended sections of the 30 Day Post-General Report
(11-1-84 - 11-30-84) as requested by the FEC. If I can be of further
assistance, please feel free to contact me.

Sincerely,

Gwen Kidwell

Gwen Kidwell
Assistant Treasurer

Enclosure

8624230253
93133653433

ATTACHMENT 3



FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

RQ-7

December 28, 1984

J. Mark Leggett, Treasurer
NCNB Corporation Political
Action Committee (NCNB PAC)
One NCNB Plaza
Charlotte, NC 28255

Identification Number: C00142265

Reference: 30 Day Post-General Report (11/1/84-11/26/84)

Dear Mr. Leggett:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced Report of Receipts and Disbursements as required by the Federal Election Campaign Act. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 1325 K Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or its relevant portions should also be filed with the Secretary of State or equivalent state officer (see 11 CFR 108.2, 108.3, 108.4).

The failure to file this report may result in an audit or legal enforcement action.

If you have any questions regarding this matter, please contact Alva Smith on our toll-free number (800) 424-9530. Our local number is (202) 523-4048.

Sincerely,

A handwritten signature in cursive script that reads "John D. Gibson".

John D. Gibson
Assistant Staff Director
Reports Analysis Division

84033574990



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

J. Mark Leggett, Treasurer
NCNB Corporation Political Action Committee
One NCNB Plaza
Charlotte, N.C. 28255

Re: MUR
NCNB Corporation PAC

Dear Mr. Leggett:

On March , 1985, the Federal Election Commission determined that there is reason to believe NCNB Corporation Political Action Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's 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 you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form

36040732567

Letter to J. Mark Leggett
Page 2

stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

The investigation now being conducted will be 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 Charles Snyder, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

John Warren McGarry
Chairman

Enclosures

General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

36040:32568

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. _____
STAFF MEMBER & TEL. NO. _____
Charles Snyder
(202) 523-4000

RESPONDENTS: North Carolina National Bank Corporation PAC
J. Mark Leggett, as treasurer

SUMMARY OF ALLEGATIONS

2 3 0 4 0 3 8 2 5 6 9
This inquiry was referred to the Office of the General Counsel by the Reports Analysis Division ("RAD") on January 16, 1985, on the grounds that Respondents the North Carolina National Bank PAC ("NCNB PAC") and J. Mark Leggett, as treasurer, did not file their pre-election and post-general election reports in 1984.

FACTUAL AND LEGAL ANALYSIS

NCNB PAC is a non-party related political committee affiliated with the North Carolina National Bank Corporation. It files monthly reports with the Federal Election Commission. The Federal Election Campaign Act ("the Act") states that such committees may choose to file monthly reports,

except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.

2 U.S.C. § 434(a)(4)(B). See also 11 C.F.R. § 104.5(c)(3)(ii).

FEC records show that NCNB PAC never filed a pre-general election report for 1984, and did not file a post-general election report

until February 13, 1985. */ The latter report had been due on December 6, 1984. 2 U.S.C. § 434(a)(2)(A)(ii).

Respondents' failure to file the required reports in a timely manner plainly places them in violation of the Act. On December 28, 1984, RAD notified Respondents that they had failed to file a post-general election report and that they should file that report immediately. Respondents filed a post-general election report on February 13, 1985. The General Counsel's Office, therefore, recommends that the Commission find reason to believe North Carolina National Bank Corporation PAC and J. Mark Leggett, as treasurer, violated the Act by failing to file a pre-general election report and by filing a post-general election report over two months late.

*/ In the period covered by the late report, NCNB PAC had receipts totalling \$2,979.26 and negative disbursements totalling \$357.87.

35040382570



FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1934

Date Filmed 5-7-86 Camera No. --- 2

Cameraman BPC

36040362571