



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE BEGINNING OF MUR # 2317
DATE FILMED 10/29/87 CAMERA NO. 3
CAMERAMAN GRC

87040361245

PUBLIC RECORD INDEX - MUR 2317

1. Memo, 11 Dec 86, John D. Gibson (Reports Analysis Division to Charles N. Steele (General Counsel) Subj: Referral of the National Concrete Masonry Association Political Action Committee ("NCMAPAC"), w/atch (RAD Referral Package).
2. First General Counsel's Report, 7 Jan 87.
3. Certification of Commission Action, 9 Jan 87.
4. Ltr, 16 Jan 87, Scott E. Thomas (Chairman, FEC) to John A. Heslip (Treas., NCMAPAC).
5. Ltr, 20 Feb 87, J.A. Heslip to Scott E. Thomas.
6. Ltr, 14 Mar 87, William B. Barton to FEC, w/atches (Affidavits and Statement of Designation of Counsel).
7. Ltr, 26 Mar 87, W.B. Barton to FEC, Subj: Request for Conciliation.
8. General Counsel's Report, 2 Apr 87.
9. Certification of Commission Action, 8 Apr 87.
10. Ltr, 10 Apr 87, L.M. Noble to W.R. Barton.
11. Ltr, 3 Aug 87, N.B. Barton to L.M. Noble, w/atch.
12. General Counsel's Report, 25 Aug 87.
13. Certification of Commission Action, 28 Aug 87.
14. Ltr, 1 Sep 87, L.M. Noble to W.B. Barton, w/atch (Executed Conciliation Agreement).

NOTE: In preparing its file for the public record, O.G.C. routinely removes those documents in which it perceives little or no public interest, and those documents, or portions thereof, which are exempt from disclosure under the Freedom of Information Act.

8704061246

**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20463

December 11, 1986

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

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

SUBJECT: REFERRAL OF THE NATIONAL CONCRETE MASONRY
ASSOCIATION POLITICAL ACTION COMMITTEE

This is a referral of the National Concrete Masonry Association Political Action Committee ("NCMAPAC"). NCMAPAC failed to file the 1986 October Quarterly Report of Receipts and Disbursements by Election Day, November 4, 1986. According to the RAD Review and Referral Procedures for Unauthorized Committees (Standard 3), further examination is required by your office.

If you have any questions, please contact Bill Baber at 376-2480.

Attachment

87040361247

REPORTS ANALYSIS REFERRAL**TO****OFFICE OF GENERAL COUNSEL****DATE:** December 11, 1986**ANALYST:** Bill Baber

I. COMMITTEE: National Concrete Masonry Association
Political Action Committee (C00128975)
John A. Heslip, Treasurer
(May 1, 1986 - present)
Paul Lenchuk, Treasurer
(January 1, 1985 - May 1, 1986)
2302 Horse Pen Road
Herndon, VA 22070

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

III. BACKGROUND:

**Failure to File the 1986 October Quarterly Report by
Election Day**

The National Concrete Masonry Association Political Action Committee ("NCPAPAC") failed to file the 1986 October Quarterly Report of Receipts and Disbursements by Election Day, November 4, 1986. The Committee was notified on September 19, 1986 that the report was due on October 15, 1986 (Attachment 2).

On November 4, 1986, a Non-Filer Notice was sent to NCPAPAC for its failure to file the 1986 October Quarterly Report (Attachment 3).

On November 6, 1986 NCPAPAC's bookkeeper, Mrs. Divers, called the Reports Analysis Division ("RAD") analyst to explain that NCPAPAC had already sent in the report. The RAD analyst told her that the Commission had no record of receiving the report and that she should send a copy of the report. The RAD analyst also recommended that she send the Commission documentation of the date the report was allegedly sent (Attachment 4).

87040561248

**NATIONAL CONCRETE MASONRY ASSOCIATION
POLITICAL ACTION COMMITTEE
REPORTS ANALYSIS OGC REFERRAL
PAGE 2**

On November 6, 1986, NCMAPAC filed its 1986 October Quarterly Report. The cover letter to this report stated, "Here is a copy of our political action committee report which we are certain we mailed on the first of October. It was most likely lost in the mail." There was nothing included with this report which supported the claim that another report had been mailed previously (Attachment 5).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (85-86)DATE 4DEC86
PAGE 1

NON-PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
NATIONAL CONCRETE MASONRY ASSOCIATION POLITICAL ACTION COMMITTEE CONNECTED ORGANIZATION: CONCRETE MASONRY ASS'N; NAT'L				NON-PARTY QUALIFIED		ID #C00128975
1985	MID-YEAR REPORT	8,245	2,740	1JAN85 - 30JUN85	14	85FEC/382/3281
	YEAR-END	10,136	7,298	1JUL85 - 31DEC85	18	86FEC/394/0439
	YEAR-END - AMENDMENT	10,136	7,298	1JUL85 - 31DEC85	18	86FEC/416/1804
	REQUEST FOR ADDITIONAL INFORMATION			1JUL85 - 31DEC85	2	86FEC/415/0231
1986	STATEMENT OF ORGANIZATION - AMENDMENT			1MAY86	2	86FEC/413/0580
	APRIL QUARTERLY	15,828	13,976	1JAN86 - 31MAR86	18	86FEC/407/4162
	JULY QUARTERLY	1,494	500	1APR86 - 30JUN86	6	86FEC/423/2490
	JULY QUARTERLY - AMENDMENT	1,494	500	1APR86 - 30JUN86	6	86FEC/427/3233
	JULY QUARTERLY - AMENDMENT	1,494	500	1APR86 - 30JUN86	6	86FEC/428/2064
	REQUEST FOR ADDITIONAL INFORMATION			1APR86 - 30JUN86	1	86FEC/426/2994
	OCTOBER QUARTERLY	18,284	12,122	1JUL86 - 30SEP86	28	86FEC/444/0628
	NOTICE OF FAILURE TO FILE			30SEP86	1	86FEC/443/3959
	PRE-GENERAL	2,900	7,500	1OCT86 - 15OCT86	7	86FEC/439/3667
	POST-GENERAL	488	2,500	15OCT86 - 24NOV86	6	86FEC/445/2529
	TOTAL	57,375	0 46,636	0	135	TOTAL, PAGES

Cash on hand as of 11/24/86: \$12,701.48

Debts owed to the committee as of 11/24/86: \$0

Debts owed by the committee as of 11/24/86: \$0

ALL REPORTS HAVE BEEN REVIEWED

ATTACHMENT 1

QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PAGE

September 19, 1986

WHO MUST FILE

ALL Party Committees, Nonconnected Committees and Separate Segregated Funds, except those that file monthly (see below), must file a quarterly report by October 15, 1986.

WHAT MUST BE REPORTED

The report must disclose all financial activity that occurred from the close of books for the last report filed through September 30, 1986. Political committees that have not previously filed a financial disclosure report should report all financial activity through September 30, 1986.* For more detailed instructions, consult your campaign guide.

WHEN TO FILE

Reports sent by registered or certified mail must be postmarked no later than midnight October 15, 1986. Reports hand delivered or mailed first class must be received no later than close of business October 15, 1986.

WHERE AND HOW TO FILE

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

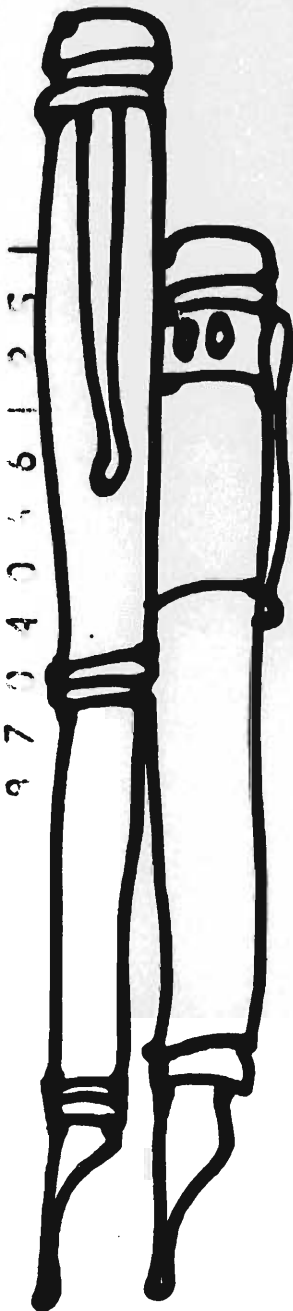
MONTHLY FILERS

Committees that file on a monthly schedule must file their next report by October 20, 1986, and disclose all financial activity from September 1 through September 30, 1986. (See Monthly Filers on the reverse side.)

COMPLIANCE

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

*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 or disbursed during the current reporting period. See 11 CFR 104.3(a) and (b).



REMINDERS**QUARTERLY FILERS**

Committees that make contributions or expenditures (including independent expenditures) in connection with an election, and coordinated party expenditures in connection with a general election, must file a pre-election report if this activity has not been previously disclosed. See the January 1986 issue of the Federal Election Commission Record for primary and general election filing requirements.

MONTHLY FILERS

Committees that are filing monthly must file a pre-general election report due on October 23, a post-general election report due on December 24, and a year-end report due January 31, 1987, instead of monthly reports on November 20, December 20 and January 20, 1987. See the schedule below.

<u>REPORT</u>	<u>PERIOD COVERED</u>	<u>REG./CENT. MAILING DATE</u>	<u>FILING DATE</u>
Pre-general	10/01 - 10/15	10/20/86	10/23/86
Post-general	10/16 - 11/24	12/24/86	12/24/86
Year-end	11/25 - 12/31	01/31/87	01/31/87

*See General
Election Notice*

INDEPENDENT EXPENDITURES

Any independent expenditure aggregating \$1,000 or more and made between 2 and 20 days before an election must be reported within 24 hours after the expenditure is made. See 11 CFR 104.4(c)(2) and (3) for information concerning where to file.

A notice explaining general election filing requirements will be sent to you before the general election.

**FOR INFORMATION CALL: Information Services Division
800/424-9530 or 202/376-3120**

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

November 4, 1986

John A. Heslip, Treasurer
National Concrete Masonry Association
Political Action Committee
2302 Horse Pen Road
Herndon, VA 22070

Identification Number: C00128975

Reference: October Quarterly Report (through 9/30/86)

Dear Mr. Heslip:

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

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

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

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

Sincerely,

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

John D. Gibson
Assistant Staff Director
Reports Analysis Division

83762943044631329539

MEMORANDUM TO THE FILES:

COMMITTEE: NATIONAL CONCRETE MASONRY ASSOCIATION POLITICAL ACTION CMTE.
I.D. NUMBER: C00128975
CONTACT: Mrs. Divers, NCMAPAC Bookkeeper
DATE: November 6, 1986
ANALYST: Bill Baber
SUBJECT: Non-filing of the October 1986 Quarterly Report

8704061254

Mrs. Divers, NCMAPAC's bookkeeper, called because she received the non-filer notice dated November 4, 1986. She said that her committee had sent in the 86 Q3 report. I told her that the Commission had no record of receiving it. I told her to send something that documented the date they originally mailed the report along with another copy of the report.



National Concrete Masonry Association

2000 Stone Post Road
P.O. Box 701
Herndon, Virginia 22060
Phone (703) 455-4500

November 6, 1986

Federal Election Commission
Attn: Bill Baber
999 E. Street NW
Washington, D.C. 20463

Dear Mr. Baber,

Here is a copy of our Political Action Committee Report
which we are certain we mailed on the first of October. It was
most likely lost in the mail. Sorry for the delay. Thank you.

Sincerely,

Mrs. Divers

Mrs. Divers
Bookkeeper

86034410629
131

Summary Page

FEC FORM 3X (3/80)

MAIL

NATIONAL CONCRETE MASONRY ASSOCIATION

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RECEIVED

50

FRANK, ELECTRON CONSULTANTS
999 L. STREET NW
WASHINGTON, D.C. 20003

中国

RECEIVED
JAN 10 1964
U.S. DEPARTMENT OF COMMERCE
BUREAU OF ECONOMIC ANALYSIS
WASHINGTON, D.C. 20540

SENSITIVE

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OFFICE OF THE FEC
COMMUNICATIONS SECTION

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

87 JAN 7 P12:32

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION _____

RAD Referral # 86NF-33
STAFF MEMBER:
L. Tobey

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

RESPONDENTS' NAMES: National Concrete Masonry Association
Political Action Committee, and
John A. Heslip, as treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(4)(A)(i)

INTERNAL REPORTS CHECKED: 1986 Committee Reports

FEDERAL AGENCIES CHECKED: None

GENERATION OF MATTER

This matter arose as a referral from the Reports Analysis
Division.

SUMMARY OF ALLEGATIONS

The National Concrete Masonry Association Political Action
Committee, and John A. Heslip, as treasurer (hereinafter,
"NCMAPAC" or "Respondents") violated 2 U.S.C. § 434(a)(4)(A)(i)
by failing to file their 1986 October Quarterly Report in a
timely manner.

FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended
(hereinafter, "the Act") requires that political committees which
elect to file quarterly reports shall file their reports no later

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than the fifteenth day after the last day of each calendar quarter. 2 U.S.C. § 434(a)(4)(A)(i). Thus, the Quarterly Report for the third quarter of 1986 was due on October 15, 1986.

The National Concrete Masonry Association Political Action Committee is a political committee registered with the Commission. RAD reported that NCMAPAC failed to file its 1986 October Quarterly Report in a timely manner as follows:

<u>REPORT</u>	<u>DATE DUE</u>	<u>DATE FILED</u>	<u>DAYS LATE</u>
1986 October Quarterly	October 15, 1986	November 6, 1986	22

Therefore, the Office of General Counsel recommends that the Commission find reason to believe that the National Concrete Masonry Association Political Action Committee, and John A. Heslip, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).

RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that the National Concrete Masonry Association Political Action Committee, and John A. Heslip, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).
3. Approve and send the attached Factual and Legal Analysis

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Attachment(s) I, II, III
to First General Counsel's Report
have been removed from this
position in Public Record File.
See Index Item(s) 1, 4

87040361260

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

National Concrete Masonry Association
Political Action Committee, and
John A. Heslip, as treasurer

)
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)
)
)
)
RAD Ref. 86NF-33

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 9, 1987, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 86NF-33.

1. Open a MUR.
2. Find reason to believe that the National Concrete Masonry Association Political Action Committee, and John A. Heslip, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).
3. Approve and send the Factual and Legal Analysis, as recommended in the First General Counsel's Report signed January 7, 1987.
4. Approve and send the letter, as recommended in the First General Counsel's Report signed January 7, 1987.

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

Attest:

1-9-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Wed., 1-7-87, 12:32
Circulated on 48 hour tally basis: Wed., 1-7-87, 4:00
Deadline for vote: Fri., 1-9-87, 4:00

8704061251



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 16, 1987

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

John A. Heslip, Treasurer
National Concrete Masonry Association
Political Action Committee
2302 Horse Pen RD
Herndon, VA 22070

RE: MUR 2317

Dear Mr. Heslip:

On January 9, 1987, the Federal Election Commission determined that there is reason to believe that the National Concrete Masonry Association Political Action Committee, and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The 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 within fifteen 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 you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18 (d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be

87040361262

John A. Heslip

Page Two

pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and 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 Laurence E. Tobey, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Scott E. Thomas
Chairman

Enclosures:

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

87040561253

**FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS**

MUR No. _____
STAFF MEMBER & TELEPHONE
Laurence E. Tobey
(202) 376-8200

RESPONDENT: National Concrete Masonry Association
Political Action Committee, and
John A. Heslip, as treasurer

SUMMARY OF ALLEGATIONS

The National Concrete Masonry Association Political Action Committee, and John A. Heslip, as treasurer, violated 2 U.S.C. § 434 (a)(4)(A)(i) by failing to file their 1986 October Quarterly Report in a timely manner.

FACTUAL BASIS AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended (hereinafter, "the Act") requires that political committees which elect to file quarterly reports shall file such reports no later than the fifteenth day after the last day of each calendar quarter. 2 U.S.C. § 434 (a)(4)(A)(i). Thus, the Quarterly Report for the third quarter of 1986 was due on October 15, 1986.

The National Concrete Masonry Association Political Action Committee (hereinafter, "NCMAPAC") is a political committee registered with the Commission. The Commission's Reports

87040361264

Analysis Division reported that NCMAPAC failed to file its 1986 October Quarterly Report in a timely manner as follows:

<u>Report</u>	<u>Date Due</u>	<u>Date Filed</u>	<u>Days Late</u>
1986 October Quarterly	October 15, 1986	November 6, 1986	22

Therefore, the Office of General Counsel recommends that the Commission find reason to believe that the National Concrete Masonry Association Political Action Committee, and John A. Heslip, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).

870406125



CCC#2779
MWR 2317
Tobey

National Concrete Masonry Association

2302 Horse Pen Road
P.O. Box 781
Herndon, Virginia 22070
Phone (703) 435-4900

February 20, 1987

Scott E. Thomas
Chairman
Federal Election Commission
Washington, DC 20463

87 FEB 25 11:33
FEB 25 11:33
FEB 25 11:33

Dear Mr. Thomas:

In response to your letter of January 16, 1987, received in our office January 28, 1987, concerning the timely filing of the quarterly report of the National Concrete Masonry Association Political Action Committee. It is our position that, as we have consistently done in the past, we filed this report in a timely manner. The fact that you apparently did not receive it prior to the due date is an event beyond our immediate control. Upon being notified that your office had not received the report, we filed an additional report that you have subsequently received.

We therefore believe no additional action is warranted. We immediately contact your office when it was determined that the report was not received. You have subsequently received that information; further, our previous history is without flaw with quarterly reports being filed in a timely manner. We would ask that this matter be terminated.

Feel free to call if you wish to discuss this further.

Sincerely,

John A. Heslip
John A. Heslip
President

pc

87 FEB 25 13:10

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

LAW OFFICES
BARTON & LAMBETH

WILLIAM S. BARTON (DC)
HARRY J. LAMBETH (MD & DC)

RECEIVED AT THE FEC
QCC#2896
87 MAR 16 49:04
SUITE 630, 1819 H ST., N.W.
WASHINGTON, D.C. 20006
TEL: (202) 778-1150
MARYLAND OFFICE
6935 WISCONSIN AVE.
CHEVY CHASE, MD. 20015

March 14, 1987

Laurence E. Tobey, Esq.
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2317

Dear sir:

Pursuant to our recent telephone conversation regarding the above mentioned matter I enclose two affidavits executed on behalf of the respondent and executed Statement of Designation of Counsel.

I will be glad to meet with you at any mutually convenient time to discuss the matter.

Sincerely,

W. S. Barton

WBB

RECEIVED
UNITED STATES
GENERAL COUNSEL

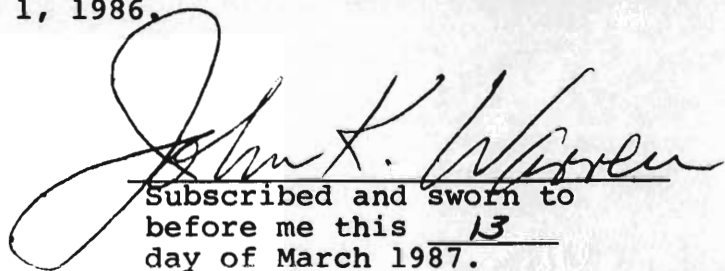
87 MAR 16 11:42

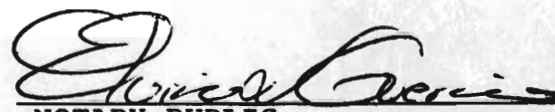
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AFFIDAVIT

State of Virginia)
 (ss
County of FAIRFAX)

John K. Warren, being duly sworn, deposes and says: that he is a vice-president of National Concrete Masonry Association; that he held such position on October 1, 1986, and had acted in said role for some time prior thereto; that one of affiant's duties on said date and for long prior thereto was to supervise accounting activities and record keeping on behalf of said Association; that he supervised and did much of the work on the Association's Report of Receipts and Disbursements of its Political Action Committee for the quarterly period 7/1/86 to 9/30/86; that said report was complete on 9/30/86 and was made ready for mailing; that affiant remembers very well turning it over to Peggy L. Divers, a bookkeeper of the Association, for mailing and he remembers her taking it to place it in the mail on October 1, 1986; that mailing such reports immediately after the close of the quarter is a routine that affiant has consistently effected on behalf of said Association during the entire period that it has had a political action committee; that said Association's perfect record of compliance is deserving of consideration and indicative of compliance in this instance with the relevant discrepancy being caused by some failure of the mail; that said Report was mailed within the required time is indicated, moreover, because Virginia's State Board of Elections at 101 9th Street Office Building, Richmond, Virginia, 23219, advises it received a copy of said Report promptly after October 1, 1986.


Subscribed and sworn to
before me this 13
day of March 1987.


NOTARY PUBLIC
My commission expires Jan. 16, 1988

8704061258

AFFIDAVIT

State of Virginia)
 (ss
County of FAIRFAX)

Peggy L. Divers, being duly sworn, deposes and says:
That she is employed as a bookkeeper by National Concrete
Masonry Association, was such an employee there on October 1,
1986, and has been such an employee of said Association for a
considerable time prior to said date; that one of her duties
was to mail certain documents on behalf of said Association;
that on October 1, 1986, she definitely remembers mailing the
Report of Receipts and Disbursements for the quarterly period
of 7/1/86 to 9/30/86, by National Concrete Masonry Association's
Political Action Committee; that affiant mailed said Report on
said date, first class mail, postage paid, to Federal Election
Commission, 999 E Street, N.W., Washington, D.C. 20463.

Peggy L. Divers

Subscribed and sworn to

before me this 13

day of March, 1988.

Eric M. Davis

NOTARY PUBLIC

My commission expires Jan. 16, 1988

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2317

NAME OF COUNSEL: William B. Barton

ADDRESS: 1819 H St., N.W. #630
Washington, D.C. 20006

TELEPHONE: (202) 775 1150

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.

March 13, 1987
Date

NATIONAL CONCRETE MASONRY ASSOCIATION
Political Action Committee
by John E. Kelly
Signature

RESPONDENT'S NAME: NATIONAL CONCRETE MASONRY ASSOCIATION
Political Action Committee

ADDRESS: 2302 Horse Pen Rd.
P.O. Box 781
Herndon, Virginia 22070

HOME PHONE: 703 759-6981

BUSINESS PHONE: (703) 435 4900

9704061270

GOC# 2986

RECEIVED THE FCC

17 MAR 27 09:17

LAW OFFICES
BARTON & LAMBETH

WILLIAM B. BARTON (DC)
HARRY J. LAMBETH (MD & DC)

SUITE 600, 1819 H ST., N.W.
WASHINGTON, D.C. 20006
TEL: (202) 778-1190

MARYLAND OFFICE
6930 WISCONSIN AVE.
CHEVY CHASE, MD. 20815

March 26, 1987

Larence E. Tobey, Esq.
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2317

Dear Sir:

In connection with the letter and documents regarding the above matter mailed to you on March 14, 1987, our desire and request is that there may be pre-probable cause conciliation.

Sincerely,

W. B. Barton

William B. Barton

87040561271

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

National Concrete Masonry Association)
Political Action Committee, and John A.)
Heslip, as treasurer)

MUR 2317

07 APR 2 1987
P4:40

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On January 9, 1987, the Commission found reason to believe that the National Concrete Masonry Association Political Action Committee ("NCMAPAC"), and John A. Heslip, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file their 1986 October Quarterly Report in a timely manner. By letter dated March 26, 1987, respondents requested to settle this matter prior to a finding of probable cause to believe (Attachment 1).

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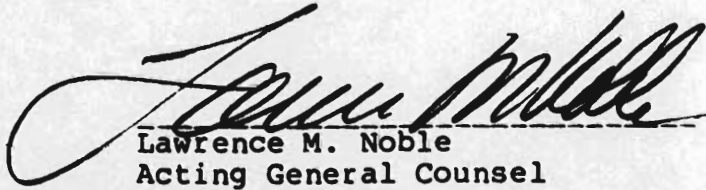
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III. RECOMMENDATIONS

1. Enter into conciliation with the National Concrete Masonry Association Political Action Committee, and John A. Heslip, as treasurer prior to a finding of probable cause to believe.
2. Approve the attached proposed conciliation agreement and letter.

Date

4/2/87


Lawrence M. Noble
Acting General Counsel

Attachments

1. Request for conciliation
2. Proposed agreement and letter

87040561274

Attachment(s) 1, 2
to General Counsel's Report
have been removed from this
position in Public Record File.
See Index Item(s) 7, 10

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

National Concrete Masonry Association)
Political Action Committee, and John A.)
Heslip, as treasurer)

MUR 2317

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 7, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2317:

1. Enter into conciliation with the National Concrete Masonry Association Political Action Committee, and John A. Heslip, as treasurer prior to a finding of probable cause to believe.
2. Approve the proposed conciliation agreement and letter, as recommended in the General Counsel's Report signed April 2, 1987.

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

Attest:

4-8-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Thurs., 4-2-87, 1:40
Circulated on 48 hour tally basis: Fri., 4-3-87, 12:00
Deadline for vote: Tues., 4-7-87, 1:00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 10, 1987

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

William B. Barton, Esquire
Barton & Lambeth
1819 H St., N.W. #630
Washington, D.C. 20006

RE: MUR 2317
National Concrete Masonry
Association Political Action
Committee, and John A. Heslip,
as treasurer

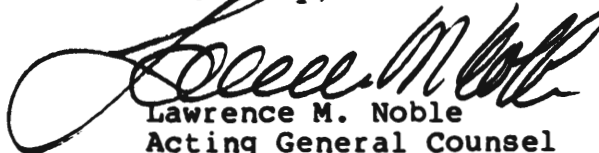
Dear Mr. Barton:

On January 9, 1987, the Federal Election Commission found reason to believe that the National Concrete Masonry Association Political Action Committee, and John A. Heslip, as treasurer violated 2 U.S.C. § 434(a)(4)(A)(i). At your request, on April 7, 1987, the Commission determined 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 Laurence E. Tobey, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,


Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

QCC#4092

LAW OFFICES
BARTON & LAMBETH

WILLIAM B. BARTON (DC)
HARRY J. LAMBETH (MD & DC)

August 3, 1987

SUITE 630, 1819 H ST., N.W.
WASHINGTON, D.C. 20006
TEL: (202) 778-1180

MARYLAND OFFICE
6935 WISCONSIN AVE.
CHEVY CHASE, MD. 20015

97 AUG 3 P 1: 28

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Lawrence M. Noble
Acting General Counsel
Federal Election Commission
Washington, D. C. 20643

Re: MUR 2317

Dear Mr. Noble:

The enclosure was mailed to you on July 21 but for some technical reason which I do not understand it was returned.

You will note the Conciliation Agreement was executed by me on behalf of the National Concrete Masonry Association Political Action Committee. Check for \$510 is also enclosed in full payment of the civil penalty.

I trust receipt of this material closes the matter and I would appreciate receiving a copy of the executed agreement.

Yours truly,

W. B. Barton

Wm. B. Barton

Enclosures
WBB/al

Sent to OGC 8-5-87

11

8704061277

CONCRETE MASONRY POLITICAL ACTION COMMITTEE
 2302 HORSE-PEN ROAD PH-703-435-7900
 HERNDON, VA 22070

245

JULY 15 1987 98-111-500

PAY TO THE ORDER OF FEDERAL ELECTION COMMISSION \$510.00 ****

FIVE HUNDRED TEN DOLLARS ***** DOLLARS

FIRST VIRGINIA BANK
 SERVING NORTHERN VIRGINIA

FOR *John A. Heslip*

⑈00000245⑈ ⑆056001118⑆ 0968 0195⑈

GCC# 4092

MEMORANDUM

TO: DEBRA A. TRIMIEW TO: CECILIA LIEBER

FROM: CECILIA LIEBER FROM: DEBRA A. TRIMIEW

CHECK NO. 245 { A COPY OF WHICH IS ATTACHED } RELATING TO
 MUR 2317(Wisc) AND NAME National Concrete Masonry Association
 PAC, and John A. Heslip, as treasurer

WAS RECIEVED ON 8/5/87 . PLEASE INDICATE THE ACCOUNT INTO
 WHICH IT SHOULD BE DEPOSITED:

- / ☒ BUDGET CLEARING ACCOUNT { 95F3875.16 }
- / / CIVIL PENALTIES ACCOUNT { 95-1099.160 }
- / / OTHER _____

SIGNATURE *Debra A. Trimiew* DATE 8/6/87

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

National Concrete Masonry)
Association, Political Action)
Committee and John A. Heslip,)
as treasurer)

MUR 2317

07 AUG 25 1987 P 4:42

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by William B. Barton, the attorney for the National Concrete Masonry Association Political Action Committee, and John A. Heslip, as treasurer (Attachment I). The agreement contains no changes from the agreement approved by the Commission on June 30, 1987.

Also attached is a copy of a check for \$510.00 representing payment of the civil penalty.

II. RECOMMENDATION

The Office of General Counsel recommends that the Commission accept the agreement in settlement of this matter and close the file.

8/25/87
Date

Lawrence M. Noble (787)
Lawrence M. Noble
Acting General Counsel

Attachments:

- 1) Conciliation agreement
- 2) Proposed letter

8704061279

87040561280

Attachment(s) 142
to General Counsel's Report
have been removed from this
position in Public Record File.
See Index Item(s) 14

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Concrete Masonry) MUR 2317
Association, Political Action)
Committee and John A. Heslip,)
as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 28, 1987, the Commission decided by a vote of 4-0 to accept the agreement in settlement of this matter and close the file, as recommended in the General Counsel's report signed August 25, 1987.

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

Attest:

8-28-87

Date

Marjorie W. Emmons
for

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Tues., 8-25-87, 4:42
Circulated on 48 hour tally basis: Wed., 8-26-87, 11:00
Deadline for vote: Fri., 8-28-87, 11:00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 1, 1987

William B. Barton, Esquire
Barton & Lambeth
1819 H Street, N.W. #630
Washington, D.C. 20036

RE: MUR 2317
National Concrete Masonry
Association Political Action
Committee, and John A.
Heslip, as treasurer

Dear Mr. Barton:

On August 28 , 1987, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(A)(i) a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Phillip L. Wise, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

14

87040612882

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

National Concrete Masonry Association Political Action Committee, and John A. Heslip, as treasurer

MUR 2317

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the National Concrete Masonry Association Political Action Committee, and John A. Heslip, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a) (4) (A) (i).

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

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.

§ 437g(a)(4)(A)(i).

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

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

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

1. Respondent, National Concrete Masonry Association Political Action Committee, is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Respondent, John A. Healip, is the treasurer of the National Concrete Masonry Association Political Action Committee.

3. Respondents were required to file their 1986 October Quarterly Report by October 15, 1986. This report was filed on November 6, 1986, 22 days late.

V. Respondents failed to file their 1986 October Quarterly Report in a timely manner, in violation of 2 U.S.C.

§ 434(a)(4)(A)(i). Respondents contend that these were not knowing and willful violations. Respondents further contend by affidavits executed on March 13, 1987 that said Quarterly Report was mailed first class on October 1, 1986 to the Federal Election Commission, 999 E. Street, N.W., Washington, D.C. 20463.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Five Hundred and Ten Dollars (\$510), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

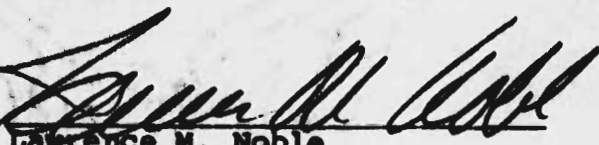
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VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 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.

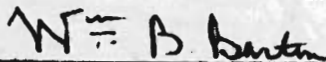
X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:


Lawrence M. Noble
Acting General Counsel

9/1/87
Date

FOR THE RESPONDENTS:


William B. Barton, Esquire
Attorney for Respondents

July 21, 1987
Date



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2317

DATE FILMED 10/29/87 CAMERA NO. 3

CAMERAMAN GPC

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