



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

February 16, 1999

John S. Yodice  
General Counsel  
AOPA Legislative Action Committee  
500 E Street, S.W. Suite 240  
Washington, DC 20024

RE: MUR 4858

Dear Mr. Yodice:

On February 1, 1999, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

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

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 me at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script, reading "Stephanie Watson", is written over the typed name.

Stephanie Watson  
Paralegal Specialist

Enclosure  
Conciliation Agreement

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of	)	
	)	MUR 4858
AOPA Legislative Action PAC and	)	
Roger C. Myers, Jr., as Treasurer	)	

**CONCILIATION AGREEMENT**

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that AOPA Legislative Action PAC and Roger C. Myers, Jr., as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(4)(B).

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

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

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

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

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

1. The AOPA Legislative Action PAC ("Committee") is a political committee within the meaning of 2 U.S.C. § 431(4) and is not an authorized committee of any candidate.
2. Roger C. Myers is the treasurer of AOPA Legislative Action PAC.
3. The Federal Election Campaign Act of 1971, as amended ("the Act"), requires

all political committees other than authorized committees of a candidate to file either quarterly or monthly reports. The relevant provisions for monthly report filing are as follows: in all calendar years which shall be filed no later than the 20<sup>th</sup> day after the last day of the month and shall be complete as of the last day of the month, 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).

4. Pursuant to Section 434(a)(1), the treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of that subsection.

5. The respondents were required to file the 1998 April Monthly Report no later than April 20, 1998.

6. While respondents contend that on April 20, 1998, they put in the mail to the Commission their 1998 April Monthly Report of Receipts and Disbursements, the Report was not received by the Commission until June 8, 1998, 49 days late. The Report disclosed \$23,054 in receipts and \$65,357 in disbursements.

7. The Commission mailed prior notices to the respondents informing them of the due date for filing the report at issue. In addition, shortly following the passage of the due date, the Commission mailed a separate notice to the respondents advising that the respondents had failed to file the report at issue and instructing the respondents to file the report immediately.

V. The respondents failed to timely file the 1998 April Monthly Report, in violation of 2 U.S.C. § 434(a)(4)(B).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of one thousand two hundred dollars (\$1,200), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

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

## FOR THE COMMISSION:

Lawrence M. Noble  
General Counsel

BY:

*Lois G. Lerner*  
Lois G. Lerner  
Associate General Counsel

Date

2/12/99

## FOR THE RESPONDENTS:

*Roger C. Myers, Jr.*  
(Name) Roger C. Myers, Jr.  
(Position) Treasurer,  
AOPA Legislative Action PAC

Date

1-12-99

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