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999 E Street, N.W.
Washington, D.C. 20463

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FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD REFERRAL: 99NF-10
DATE ACTIVATED: May 28, 1999

STAFF MEMBER: Mark Shonkwiler
Clinett Short

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Colorado Republican Federal Campaign Committee
and John C. Givens, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(4)(A)(iii)
11 CFR § 104.5(c)(1)(iii)(A)

INTERNAL REPORTS CHECKED: Disclosure Reports
Referral Material

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD") on April 29, 1999. The basis of the referral is the failure of the Colorado Republican Federal Campaign Committee and John C. Givens, as treasurer, to timely file its 1998 30-Day Post-General Report.

II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, see Attachment 1, this Office recommends the Commission find reason to believe the respondents violated 2 U.S.C. § 434(a)(4)(A)(iii).

99-04-394-0165

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

This Office also recommends that the Commission offer to enter into conciliation with the respondents prior to a finding of probable cause to believe. Attached for the Commission's approval is a proposed conciliation agreement

99-04-394-0166

99-04-394-0167

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe the Colorado Republican Federal Campaign Committee and John C. Givens, as treasurer, violated 2 U.S.C. §434(a)(4)(A)(iii), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached Factual and Legal Analysis and conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

Date

6/21/99

BY:


Lois G. Lerner
Associate General Counsel

Attachments:

1. Factual and Legal Analysis
2. Proposed agreement