



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel *rd*

DATE: August 23, 1999

SUBJECT: First General's Rpt. - RAD Ref. 99L-04

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

Open Session _____

Closed Session _____

CIRCULATIONS

DISTRIBUTION

SENSITIVE ☒
NON-SENSITIVE ☐

COMPLIANCE

☒

72 Hour TALLY VOTE ☒

Open/Closed Letters

☐

24 Hour TALLY VOTE ☐

MUR

☐

24 Hour NO OBJECTION ☐

DSP

☐

INFORMATION ☐

STATUS SHEETS

☐

Enforcement

☐

Litigation

☐

RATING SHEETS

☐

AUDIT MATTERS

☐

LITIGATION

☐

ADVISORY OPINIONS

☐

REGULATIONS

☐

OTHER

☐

FEDERAL ELECTION COMMISSION

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

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

AUG 23 11 09 AM '99

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD REFERRAL: 99L-04
DATE ACTIVATED: 6/24/99

STAFF MEMBERS: Donald E. Campbell
Anne A. Weissenborn

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Touma for Congress and
Richard M. Gabrys, as treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(6)(A)

I. GENERATION OF MATTER

The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD") on June 8, 1999. The basis for the referral is the failure of Touma for Congress and Richard M. Gabrys, as treasurer ("the Respondents") to file twenty-eight 48 Hour notifications ("48 Hour Notices"), for contributions totaling \$36,000. Leslie Ann Touma lost the 1998 General Election in the 12th Congressional District in the State of Michigan with 42.1% of the vote.

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)(6)(A).


III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that Touma for Congress and Richard M. Gabrys, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached Factual and Legal Analysis, proposed conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

8/20/99
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments:

1. Factual and Legal Analysis
2. Proposed Conciliation Agreement