



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2000 JUL 18 P 1:31

JUL 18 2000

SENSITIVE

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois G. Lerner *AP*
Associate General Counsel

SUBJECT: Closed MUR 4834- Howard Glicken

I. BACKGROUND

Howard Glicken was the sole respondent in MUR 4834, which was closed by the Commission on December 11, 1998. The matter was referred to the Commission in September 1998 by the Department of Justice after a criminal investigation was conducted, and a plea agreement was entered into by Mr. Glicken. Under the terms of the plea agreement, Mr. Glicken plead guilty to violating 2 U.S.C. §§ 441f and 441e, was required to pay an \$80,000 criminal fine¹ and perform 500 hours of community service, and agreed to enter into a conciliation agreement with the Commission and pay a \$40,000 civil penalty.

On December 11, 1998, the Commission accepted a conciliation agreement with Mr. Glicken. Under the terms of the conciliation agreement, Mr. Glicken admitted that he knowingly and willfully violated 2 U.S.C. §§ 441e and 441f with respect to a \$20,000 contribution made by a foreign national to the Democratic Senatorial Campaign

¹ Mr. Glicken's criminal fine was payable in two installments of \$40,000 each, one due by November 1999 and the other due by May 2000. The plea agreement stated that "should the defendant have the ability to pay the fine earlier, he is required to do so." Mr. Glicken borrowed \$35,000 from his cousin to pay the first installment on his criminal fine. DOJ has informed this Office that the criminal fine has now been paid in full.

Committee, and agreed to pay a \$40,000 civil penalty to the Commission. A payment of \$2,500 was received timely, and the remaining balance of \$37,500 was due no later than May 31, 2000. After Mr. Glicken failed to make the final payment, this Office contacted his counsel. Mr. Glicken's counsel stated that his client did not have the financial resources with which to pay the penalty.

Counsel stated that Mr. Glicken's financial situation was presented to the Commission in a separate matter,

Mr.
Glicken's counsel is expected to submit a written response, most likely requesting a modification of the civil penalty in MUR 4834, but has not done so as of this writing.

Insofar as Mr. Glicken agreed to pay a \$40,000 civil penalty pursuant to his plea agreement, this Office recommends that the Commission approve the attached letter to the United States Department of Justice. The letter notifies the Department of Justice that Mr. Glicken is delinquent in his payment, and inquires as to the course of action that will be undertaken by the Department as a result.

II. RECOMMENDATION

1. Approve the attached letter to the Department of Justice.

Attachment
Letter to DOJ



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: July 18, 2000

SUBJECT: MUR 4834-Memo to the Commission

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

Open Session _____

Closed Session _____

CIRCULATIONS

SENSITIVE ☒
NON-SENSITIVE ☐

72 Hour TALLY VOTE ☒
24 Hour TALLY VOTE ☐
24 Hour NO OBJECTION ☐
INFORMATION ☐

DISTRIBUTION

COMPLIANCE ☒
Open/Closed Letters ☐
MUR ☐
DSP ☐
STATUS SHEETS ☐
Enforcement ☐
Litigation ☐
PFESP ☐
RATING SHEETS ☐
AUDIT MATTERS ☐
LITIGATION ☐
ADVISORY OPINIONS ☐
REGULATIONS ☐
OTHER ☐