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Douglas T. Nelson,
Senior Vice President
& General Counsel

Counter Proposal

Ms. Anne M. Linnehan
Federal Election Commission
999 E. Street, NW
Washington, DC 20463

7/15/1998

Re: Conciliation Agreement

Dear Ms. Linnehan:

Pursuant to our telephone conversation today please consider the following addition of one word to the language in paragraph 8 on page 3"

Insert "former" before the words "administrative staff person's error."

In addition, please consider reducing the civil penalty proposed in the Commission's conciliation in this case to better accord with the Commission's action in prior comparable cases.

In MLR 4688, the Commission found that the American Road & Transportation Builders Association ("ARTBA") failed to timely file its 1995 Mid-Year and Year-End Reports and its 1996 July Quarterly Report. The Mid-Year Report was submitted 253 days late and disclosed receipts totaling \$32,565 and disbursements totaling \$17,767. The Year-End Report was submitted 69 days late and disclosed receipts totaling \$2,000 and disbursements totaling \$12,075 and receipts totaling \$5,261. The ARTBA agreed to pay a civil penalty of \$5,500.

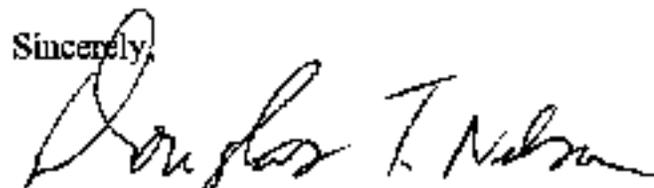
Similarly, in MUR 4420, the Commission found that the Mississippi Democratic Party failed to timely file their 1995 Mid-Year Report. The Mid-Year Report was submitted 184 days late, disclosing receipts totaling \$40,287 and disbursements totaling \$41,601. The Respondents agreed to pay a civil penalty of \$4,300.

Considering the long filing delay and the fact that significantly larger receipt and disbursements amounts were at issue, MUR 4688 and 4420 seem to warrant a lesser penalty being imposed in this case.

It is also worthy to note that none of the conciliation agreements from late filing cases closed through conciliation in the past year discuss mitigating evidence that the late filings were due to the actions of a negligent employee who has since been terminated.

We appreciate your consideration in this matter.

Sincerely,



Douglas T. Nelson,

DTN/dm

