

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Republican Party of Louisiana) MUR 4872
and Carey Holliday, 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 probable cause to believe that the Republican Party of Louisiana and Carey Holliday, as treasurer, violated 2 U.S.C. §§ 434(b), 433(c), and 441d(a).

NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.

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

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

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

1. The Republican Party of Louisiana ("RPL") is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Carey Holliday, the current treasurer of the RPL, has been treasurer of the RPL since April 2000. Three other individuals served as treasurer of the RPL during the period in question: Lloyd Lenard was treasurer from December 24, 1994, through June 1997; David Dugas was

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treasurer from June 11, 1997, to September 20, 1999; and William P. Mills was treasurer from September 1999 to April 2001.

3. Louis "Woody" Jenkins was a candidate for U.S. Senate in the 1996 election cycle.

4. Jenkins for Senate 1996 and Michael Tham, as treasurer, ("Jenkins Committee") is the authorized principal campaign committee for Woody Jenkins.

5. David Thibodaux was a candidate for the U.S. House of Representatives in the 1996 election cycle.

6. Thibodaux for Congress '96 and Errol L. Cormier, as treasurer, ("Thibodaux Committee") is the authorized principal campaign committee for David Thibodaux.

7. The Act requires each treasurer of a political committee to file reports of receipts and disbursements in accordance with the provisions of the Act. 2 U.S.C. § 434(a). A political committee other than an authorized committee shall disclose, among other things, contributions made to other political committees, independent expenditures, and expenditures made under 2 U.S.C. § 441a(d), 2 U.S.C. §§ 434(b)(4)(H)(i), (iii)-(iv), 434(b)(6)(B)(i), (iii), and (iv); 11 C.F.R. § 104.3(b)(1)(v), (vii), and (viii); and 11 C.F.R. § 104.3(b)(3)(v), (vii), and (viii). Independent expenditures that exceed \$200 must be itemized and certified by the treasurer on Schedule E. 11 C.F.R. § 104.3(b)(3)(vii); 11 C.F.R. § 104.4(a).

8. The Act provides that whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, direct mailing, or other type of general public political advertising, such communication shall contain a disclaimer in accordance with 2 U.S.C. § 441d(a); see also 11 C.F.R. § 110.11(a)(1). For such a communication, the disclaimer must explicitly state both who paid for it and whether it was

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authorized by any candidate or campaign committee. 2 U.S.C. §§ 441d(a)(1)-(3) and 11 C.F.R. § 110.11(a)(1). Under 11 C.F.R. § 110.11(a)(2)(ii), the disclaimer requirements for communications paid for with coordinated party expenditures pursuant to 2 U.S.C. § 441a(d), provides that such communications made prior to the date a party's candidate is nominated need state only who paid for the communication (i.e., no authorization statement is required).

9. The Act requires each authorized principal campaign committee of a federal candidate to file a Statement of Organization. 2 U.S.C. § 433(a). The committee must report any changes in information previously submitted in the Statement of Organization, including a change in treasurer, no later than 10 days after the date of the change. 2 U.S.C. § 433(c). A committee reports the change by filing an amended FEC Form 1 or a letter containing the same information. 11 C.F.R. § 102.2(a)(2).

10. Respondents improperly reported \$31,649.78 in disbursements to Baker Printing as coordinated expenditures in support of Woody Jenkins.

11. Respondents failed to report a \$847 disbursement to Strategic Advertising in support of Jenkins.

12. Respondents failed to include a complete disclaimer in two of its direct mail pieces in support of Jenkins.

13. The 1996 July Quarterly Report for the Thibodaux Committee reflects an in-kind contribution from the RPL in the form of a \$3,031 contribution dated June 25, 1996, for hardbills. RPL disclosure reports do not reflect a corresponding entry for this contribution.

14. Baker Printing, a vendor, provided services to the RPL in connection with the printing of direct mail pieces in support of Thibodaux. Baker Printing charged the RPL

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\$4,497.12 for these services. RPL disclosure reports, as amended, do not reflect any disbursements to Baker Printing for services in support of Thibodaux.

15. McRei Inc., a vendor, billed the RPL \$15,500 for services provided in connection with telephone banks in support of Thibodaux. RPL disclosure reports reflect only \$15,000 of that amount.

16. Respondents improperly reported disbursements totaling \$15,000 to McRei as coordinated expenditures instead of independent expenditures in support of Thibodaux.

17. The RPL filed a Statement of Organization on September 20, 1999, reflecting that William P. Mills had replaced David Dugas as the treasurer for the RPL. Beginning with the 2000 April Quarterly Report, however, Carey Holliday's signature has appeared on all the RPL's disclosure reports. On December 20, 2000, the RPL submitted a letter enclosing an amended Statement of Organization, reflecting Carey Holliday as the new treasurer. Respondents failed to file an amended Statement of Organization within ten days of the change of treasurer.

V. Respondents violated 2 U.S.C. § 434(b) in connection with the misreporting of and failure to report contributions and expenditures in support of Jenkins and Thibodaux; violated 2 U.S.C. § 433(c) by failing to file an amended Statement of Organization within ten days of the change of treasurer; and violated 2 U.S.C. § 441d(a) by failing to include appropriate disclaimers in several of its advertisements in support of Jenkins.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of ten thousand dollars (\$10,000), pursuant to 2 U.S.C. § 437g(a)(5)(A). Respondents will amend their disclosure reports to accurately reflect and characterize contributions and expenditures.

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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 thirty (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.

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FOR THE COMMISSION:

Lawrence H. Norton
General Counsel

BY: Rhonda Vosdingh
Rhonda Vosdingh
Acting Associate General Counsel

10/2/01
Date

FOR THE RESPONDENTS:

George H. Bonnett, Jr.
(Name) GEORGE H. BONNETT, JR.
(Position) EXECUTIVE DIRECTOR

31 AUGUST 2001
Date