



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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FEDERAL ELECTION
COMMISSION
SECRETARIAT

2000 NOV -8 A 11: 29

November 7, 2000

William L. Golding, Treasurer
Golding 98 Congress
2011 Michigan Avenue
Cocoa, FL 32926

SENSITIVE

RE: MUR 5077
Golding 98 Congress and
William L. Golding, as treasurer

Dear Mr. Golding:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, on August 22, 2000, the Federal Election Commission found reason to believe that Golding 98 Congress and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i), and instituted an investigation in this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief that you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

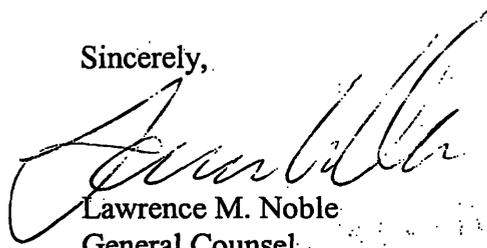
A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90, days to settle this matter through a conciliation agreement.

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William L. Golding
MUR 5077
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Should you have any questions, please contact Michael E. Scurry, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure:
Brief

21 04 405 312

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Golding 98 Congress and) MUR 5077
William L. Golding, as treasurer)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On August 24, 2000, the Commission found reason to believe Golding 98 Congress ("the Committee") and William L. Golding, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i).

Underlying the Commission's determination was information that the Committee failed to file its 1998 12 Day Pre General Report.

II. ANALYSIS

Pursuant to 2 U.S.C. § 434(a)(2)(A)(i), the principal campaign committee of a congressional candidate involved in the general election must file a report of its financial activity 12 days before the election. The reports include financial activity as of the 20th day before the general election. 2 U.S.C. §434 (a)(2)(A)(i). The Committee is the principal campaign committee for congressional candidate David Golding. David Golding ran in the 1998 general election, which occurred on November 3, 1998. Accordingly, the Committee's 1998 12 Day Pre General Report was due on October 22, 1998.

The Committee failed to satisfy the Act's reporting requirements. The Committee was notified on December 29, 1997 and on September 30, 1998, that the 12 Day Pre General Report ("the Report") was due on October 22, 1998. A Non-Filer Notice for the Report was sent via mailgram to the Committee and its treasurer on October 23, 1998. The Non-Filer Notice informed the Committee that failure to file the Report within four business days might result in

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publication, audit or legal enforcement action. The name of the Committee was published on October 30, 1998 for failure to file the Report.

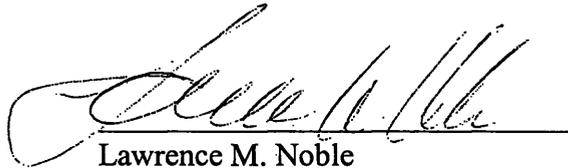
On January 26, 1999, the Reports Analysis Division ("RAD") analyst attempted to call David Golding, the candidate, concerning the non-filing of the Report. The analyst left a message for the candidate. On March 24, 1999, David Golding contacted the RAD analyst. David Golding stated the Report would be in the mail on Monday, March 29, 1999. On May 6, 1999, the RAD analyst left a message for the candidate. On May 13, 1999, the RAD analyst spoke to David Golding, explaining the Report needed to be filed, and gave the candidate specific instructions on how to find his committee's reports on the Internet. On June 11, 1999, the RAD analyst contacted David Golding to remind him the Report had not been received. David Golding stated he would deliver it Wednesday, June 15, 1999. Nevertheless, the Committee failed to file this report. Therefore, the Office of the General Counsel recommends that the Commission find probable cause to believe Golding 98 Congress and William L. Golding, as treasurer, violated 2 U.S.C. §434 (a)(2)(A)(i).

III. GENERAL COUNSEL'S RECOMMENDATION

1. Find probable cause to believe that Golding 98 Congress and William L. Golding, as treasurer, violated 2 U.S.C. §434 (a)(2)(A)(i).

Date

1/6/00



Lawrence M. Noble
General Counsel

21.04.405.3114



FEDERAL ELECTION COMMISSION

Washington, DC 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel *WCS*

DATE: November 8, 2000

SUBJECT: MUR 5077-General Counsel's Brief

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

Open Session _____

Closed Session _____

CIRCULATION

DISTRIBUTION

SENSITIVE
NON-SENSITIVE

COMPLIANCE

72 Hour TALLY VOTE

Open/Closed Letters

24 Hour TALLY VOTE

MUR

DSP

24 Hour NO OBJECTION

STATUS SHEETS

Enforcement

INFORMATION

Litigation

PFESP

RATING SHEETS

AUDIT MATTERS

LITIGATION

ADVISORY OPINIONS

REGULATIONS

OTHER

21.04.405.315