

MAY 18 2000

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD REFERRAL: 99NF-26
DATE ACTIVATED: March 17, 2000

EXPIRATION OF STATUTE OF
LIMITATIONS: January 31, 2003
STAFF MEMBERS: Donald E. Campbell
Lawrence Calvert

SOURCE: INTERNALLY GENERATED
RESPONDENTS: Hispanic PAC USA, Inc. and Esteban Torres, as treasurer
RELEVANT STATUTE: 434(a)(4)(A)(i), (ii) and (iv)
INTERNAL REPORTS CHECKED: Disclosure Reports
FEDERAL AGENCIES CHECKED: None

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FEDERAL ELECTION
COMMISSION
SECRETARIAT
2000 MAY 18 AM 11:37

I. GENERATION OF MATTER

On November 17, 1999, the Reports Analysis Division ("RAD") referred the Hispanic PAC USA, Inc. and Esteban Torres, as treasurer ("Respondents"), for failure to file four (4) Reports of Receipts of Disbursements in a timely manner for the 1997-1998 election cycle. These four reports are the 1997 Year End, 1998 July Quarterly, 1998 12 Day Pre-General Report, and the 1998 Year End. The RAD referral further states that: "...the Committee was previously referred to your office in May 1995 for the chronic late filing of six (6) reports for the 1993-1994 election cycle (see RAD Referral #95NF-20, closed MUR #4281)."

II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, Attachment 1, this Office recommends that the Commission find reason to believe Hispanic PAC USA, Inc. and Esteban Torres, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), (ii), and (iv).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

This Office also recommends that the Commission offer to enter into conciliation with Respondents prior to a finding of probable cause to believe. Attached for the Commission's approval is a proposed conciliation agreement

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IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that Hispanic PAC USA, Inc. and Esteban Torres, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), (ii), and (iv), 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

5/17/00
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments:

1. Factual and Legal Analysis
2. Proposed conciliation agreement

