FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 1069

Date Filmed 12/17/80 Camera No. --- 2

Cameraman SPC

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FEDERAL ELECTION COMMISSION

MUR 1069

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

____	(1) Classified Information	____	(6) Personal privacy
____	(2) Internal rules and practices	____	(7) Investigatory files
____	(3) Exempted by other statute	✓	(8) Banking Information
____	(4) Trade secrets and commercial or financial information	____	(9) Well Information (geographic or geophysical)
____	(5) Internal Documents		

Signed [signature]

date 12/16/80

FEC 9-21-77

8004025135

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard G. McCracken
6919 East 10th Street, Suite E6A
Indianapolis, Indiana 46219

Re: MUR 1069

Dear Mr. McCracken:

On December 2, 1980, the Commission accepted the conciliation agreement signed by your client (and a civil penalty) in settlement of a violation of 2 U.S.C. § 441a(a)(2)(A). Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

Conciliation Agreement

00402513 6

12/11/80

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard G. McCracken, Esq.
6919 East 10th Street, Suite E6A
Indianapolis, Indiana 46219

Re: MUR 1069

Dear Mr. McCracken:

On December 2, 1980, the Commission accepted the conciliation agreement signed by you (and a civil penalty) in settlement of a violation of 2 U.S.C. § 441a(a)(2)(A). Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

Conciliation Agreement

8004202513 7

GCC #2317

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1068(79)
Central Indiana Building &	)	
Construction Trades PAC	)	

'80 NOV 3 P2:54

CONCILIATION AGREEMENT

This matter having been initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted after the Commission found reason to believe that Central Indiana Building and Construction Trades Council ("C.I.B.P.A.C.") violated 2 U.S.C. §441a(a)(2)(A) by being part of a multicandidate political committee which contriuted more than $5,000 to the general election campaign of the Evans for Congress Committee.

NOW, THEREFORE, the Commission and C.I.B.P.A.C. having duly participated in informal methods of conciliation, do hereby agree as follows:

I. The Commission has jurisdiction over the C.I.B.P.A.C. and the subject matter of this proceeding, and this Agreement has the effect of a conciliation agreement under 2 U.S.C. § 437g(a)(4)(A).

II. C.I.B.P.A.C. has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. C.I.B.P.A.C. enters voluntarily into this Agreement with the Commission.

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

1. That C.I.B.P.A.C. was and is an unregistered committee.

2. That C.I.B.P.A.C. made a $500 contribution to the Dave Evans for Congress Committee (Evans Committee) on July 7, 1979 and an $800.00 contribution to the Evans Committee on October 20, 1978.

3. That C.I.B.P.A.C. was established by the Central Indiana Building and Construction Trades Council.

4. That the Central Indiana Building and Construction Trades Council is a local committee of the Building and Construction Trades Department, A.F.L - C.I.O and as such, C.I.B.P.A.C. is affiliated with the Political Education Fund of the Building and Construction Trades Department ("P.E.F. - B.C.T.D."), a registered multicandidate political committee.

5. P.E.F. - B.C.T.D. is itself registered as being affiliated with the A.F.L - C.I.O. C.O.P.E. Political Contributions Committee ("AFL-CIO C.O.P.E. P.C.C."), also a registered multicandidate political committee.

6. That the three affiliated committees made the following contributions to the Evans Committee for the 1978 general elections:

7/7/78	C.I.B.P.A.C.	$ 500.00
8/17/78	A.F.L. - C.I.O. C.O.P.E. P.C.C.	$1,500.00
9/19/78	A.F.L. - C.I.O. C.O.P.E. P.C.C.	$1,500.00
10/5/78	P.E.F. - B.C.T.D.	$ 400.00
10/20/78	C.I.B.P.A.C.	$ 800.00
10/24/78	A.F.L. - C.I.O. C.O.P.E. P.C.C.	$1,000.00
	Total Contributions	$5,700.00

7. That the Evans Committee refunded $300 on June 7, 1979 to C.I.B.P.A.C. on the suggestion of the Reports Analysis Division.

8. That even with the refund of the $300 by the Evans Committee to C.I.B.P.A.C. the amount contributed to the Evans Cmmittee by the three affiliated committees was $5,400.00 for the general election.

9. That C.I.B.P.A.C. violated 2 U.S.C. § 441a(a)(2)(A) by being part of a "multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans Committee.

WHEREFORE, Respondent agrees:

V. That it violated 2 U.S.C. § 441a(a)(2)(A) by being part of a "multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans Committee.

VI. The contributions of the three affiliated committees (the P.E.F.-B.C.T.D., the C.I.B.P.A.C., and the A.F.L.-C.I.O. C.O.P.E. P.C.C.) are considered to have been by one multicandidate committee, and the three affiliated committees will pay in the aggregate a civil penalty of $350 pursuant to 2 U.S.C. § 437g(a)(5)(B).

VII. C.I.B.P.A.C. agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

GENERAL CONDITIONS

VIII. 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.

IX. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. It is agreed that C.I.B.P.A.C. shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

10 December 1980
Date

Charles N. Steele
General Counsel
Federal Election Commission

10-27-80
Date

Harry P. Stewart
Central Indiana Building and
Construction Trades Council

0 0 0 0 2 2 5 1 4 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Laurence Gold, Esq.
815 Sixteenth Street, N.W.
Washington, D.C. 20006

Re: MUR 1069

Dear Mr. Gold:

On December 2, 1980, the Commission accepted the conciliation agreement signed by your client (and a civil penalty) in settlement of a violation of 2 U.S.C. § 441a(a)(2)(A). Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

Conciliation Agreement

12/11/80

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Laurence Gold, Esq.
815 Sixteenth Street, N.W.
Washington, D.C. 20006

Re: MUR 1069

Dear Mr. Gold:

On December 2, 1980, the Commission accepted the conciliation agreement signed by you (and a civil penalty) in settlement of a violation of 2 U.S.C. § 441a(a)(2)(A). Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

Conciliation Agreement

GCC #
303

910604

RECEIVED

BEFORE THE FEDERAL ELECTION COMMISSION

80 OCT 17 P4:43

HAND DELIVERED

In the Matter of	)	
	)	MUR 1069
AFL-CIO COPE Poltical	)	
Contribution Committee	)	

CONCILIATION AGREEMENT

This matter having been initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted after the Commission found reason to believe that A.F.L.-C.I.O. C.O.P.E. Political ("A.F.L.-C.I.O. C.O.P.E. P.C.C.") violated 2 U.S.C. § 441a (a)(2)(A) and 2 U.S.C. § 433(b)(3) by beng part of a multicandidate political committee which contributed more than $5,000 to the general election campaign of the Evans for Congress Committee and for failing to identify the Central Indiana Building and Construction Trades Council P.A.C. as an affiliated committee.

NOW, THEREFORE, the Commission and A.F.L.-C.I.O. C.O.P.E. P.C.C., having duly participated in informal methods of conciliation, do hereby agree as follows:

I. The Commission has jurisdiction over the A.F.L.-C.I.O. C.O.P.E. P.C.C. and the subject matter of this proceeding, and this Agreement has the effect of a conciliation agreement under 2 U.S.C. § 437g(a)(4)(A).

II. A.F.L.-C.I.O. C.O.P.E. P.C.C. has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. A.F.L.-C.I.O. C.O.P.E. P.C.C. voluntarily enters into this Agreement with the Commission.

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

1. That the A.F.L.-C.I.O. C.O.P.E. P.C.C. is a registered multicandidate committee established by the A.F.L.-C.I.O. C.O.P.E.

2. That the A.F.L.-C.I.O. C.O.P.E. P.C.C. made contributions of $1,500 on August 17, 1978; $1,500 on September 19, 1978; and $1,000 on October 24, 1978.

3. That the A.F.L.-C.I.O. C.O.P.E. P.C.C. is affiliated with the Political Education Fund of the Building and Construction Trades Department (P.E.F.-B.C.T.D.), also a registered multicandidate committee.

4. That the Central Indiana Building and Construction Trades Council Political Action Committee (C.I.B.P.A.C.) established by the Central Indiana Building and Construction Trades Council, is affiliated with P.E.F.B.C.T.D. that the three affiliated committees made the following contributions to the Dave Evans for Congress Committee (Evans Committee) for the 1978 general election:

7/7/78	C.I.B.P.A.C.	$ 500.00
8/17/78	A.F.L.-C.I.O. C.O.P.E. P.C.C.	1,500.00
9/19/78	A.F.L.-C.I.O. C.O.P.E. P.C.C.	1,500.00
10/5/78	P.E.F. - B.C.T.D.	400.00
10/20/78	C.I.B.P.A.C.	800.00
10/24/78	A.F.L.-C.I.O. C.O.P.E. P.C.C.	1,000.00
	Total Contributions	$5,700.00

0 0 0 4 0 0 2 5 1 4 5

That the Evans committee refunded $300 on June 7, 1979 to C.I.B.P.A.C. on the suggestion of the Reports Analysis Division.

8. That even with the refund of $300 by the Evans committee to C.I.B.P.A.C. the amount contributed to the Evans committee by the three affiliated committees was $5,400.00 for the general election.

9. That the A.F.L.-C.I.O. C.O.P.E. P.C.C. failed to identify the Central Indiana Building and Construction Trades Council P.A.C. as an affiliated committee.

10. That the A.F.L.-C.I.O. C.O.P.E. P.C.C. violated 2 U.S.C. § 441a(a)(2)(A) by being part of a multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans committee, and that, also, the A.F.L.-C.I.O. C.O.P.E. P.C.C. violated 2 U.S.C. § 433(b)(2) for failing to identify C.I.B.P.A.C. as an affiliated committee.

WHEREFORE, A.F.L.-C.I.O. C.O.P.E. P.C.C. agrees:

V. That it violated 2 U.S.C. § 441a(a)(2)(A) by being part of a "multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans committee and violated 2 U.S.C. § 433(b)(2) by failing to identify the Indiana Building and Construction Trades Council PAC as an affiliated committee.

VI. The contributions of the three affiliated committees (the P.E.F-B.C.T.D., the C.I.B.-P.A.C., and the A.F.L.-C.I.O. C.O.P.E. P.C.C.) are considered to have been made by one multicandidate committee, and the three affiliated committees will pay in the aggregate a civil penalty of $350.00 pursuant to 2 U.S.C. § 437g(a)(5)(B).

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VII. A.F.L.-C.I.O. C.O.P.E. P.C.C. shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

GENERAL CONDITIONS

VIII. 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.

IX. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. It is agreed that the A.F.L.-C.I.O. C.O.P.E. P.C.C. shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

0004002147

10 December 1980
Date

Charles N. Steele
General Counsel
Federal Election Commission

October 17, 1980
Date

Thomas R. Donahue
A.F.L.-C.I.O. C.O.P.E. P.C.C.
BY: Thomas R. Donahue
ITS: Secy-Treasurer

RECEIVED

BEFORE THE FEDERAL ELECTION COMMISSION

80 OCT 17 P 4: 43

HAND DELIVERED

In the Matter of	)	
	)	
Political Education Fund of the Building & Construction Trades Department, AFL-CIO	)	MUR 1069

CONCILIATION AGREEMENT

This matter having been initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted after the Commission found reason to believe that the Political Education Fund of the Building and Construction Trades Department ("P.E.F.-B.C.T.D.") violated 2 U.S.C. § 441a(a)(2)(A) by being part of a multicandidate political committee which contributed more than $5,000 to the general election campaign of the Dave Evans for Congress Committee ("Evans Committee").

NOW, THEREFORE, the Commission and P.E.F.-B.C.T.D. having duly participated in informal methods of conciliation, do hereby agree as follows:

I. The Commission has jurisdiction over P.E.F.-B.C.T.D. and the subject matter of this proceeding, and this Agreement has the effect of a conciliation agreement under 2 U.S.C. § 437g(a)(4)(A).

II. P.E.F.-B.C.T.D. has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

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III. P.E.F.-B.C.T.D. enters voluntarily into this Agreement with the Commission.

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

1. The P.E.F.-B.C.T.D. is a registered multicandidate political committee established by the Building and Construction Trades Department of the A.F.L.-C.I.O.

2. That P.E.F.-B.C.T.D. made a contribution of $400 to the Dave Evans for Congress Committee ("Evans Committee") on October 5, 1979.

3. That the Central Indiana Building and Construction Trades Council P.A.C. (C.I.B.P.A.C.), established by the Central Indiana Building and Construction Trades Council, is affiliated with P.E.F.-B.C.T.D.

4. P.E.F.-B.C.T.D. is itself registered as being affliated with the A.F.L.-C.I.O. C.O.P.E. Political Contributions Committee ("A.F.L.-C.I.O. C.O.P.E. P.C.C."), also a registered multicandidate political committee.

5. That the three affiliated committees made the following contributions to the Evans committee for the 1978 general election:

7/7/78	C.I.B. P.A.C.	$ 500.00
8/17/78	A.F.L.-C.I.O. C.O.P.E P.C.C.	$1,500.00
9/19/78	A.F.L.-C.I.O. C.O.P.E P.C.C.	$1,500.00
10/5/78	P.E.F.-B.C.T.D.	$ 400.00
10/20/78	C.I.B.P.A.C.	$ 800.00
10/24/78	A.F.C.-C.I.O. C.O.P.E. P.C.C.	$1,000.00
	Total Contributions	$5,700.00

7. That the Evans committee refunded $300 on June 7, 1979 to C.I.B.P.A.C. on the suggestion of the Reports Analysis Division.

8. That even with the refund of $300 by the Evans committee to C.I.B.P.A.C. the amount contributed to the Evans committee by the three affiliated committees was $5,400.00 for the general election.

9. That P.E.G.-B.C.T.D. violated 2 U.S.C. § 441a (a)(2)(A) by being part of a "multicandidate political committee" which contributed more than $5,000 to the genral election campaign of the Evans committee.

Wherefore, P.E.F.-B.C.T.D. agrees:

V. That it violated 2 U.S.C. § 441a(a)(2)(A) by being part of a "multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans committee.

VI. The contributions of the three affiliated committees (the C.I.B.P.A.C., and the A.F.L.-C.I.O. C.O.P.E. P.C.C.) are considered to have been by one multicandidate committee, and the three affiliated committees will pay in the aggregate a civil penalty of $350.00 pursuant to 2 U.S.C. § 437g(a)(5)(B).

VII. P.E.F.-B.C.T.D. agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

GENERAL CONDITIONS

VIII. 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.

IX. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. It is agreed that P.E.F.-B.C.T.D. shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

10 December 1980
Date

Charles N. Steele
General Counsel
Federal Election Commission

10/17/80
Date

Political Education Fund of
The Building and Construction
Trades Department

BY: Robert A. Georgine

ITS: President

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 12, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas J. Kern, Esq.
P.O. Box 41709-B
Indianapolis, Indiana 46241

Re: MUR 1069

Dear Mr. Kern:

On December 2, 1980, the Commission accepted the conciliation agreement signed by you (and a civil penalty) in settlement of a violation of 2 U.S.C. § 441a(f). Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

Conciliation Agreement

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

12/11/80

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas J. Kern, Esq.
P.O. Box 41709-B
Indianapolis, Indiana 46241

Re: MUR 1069

Dear Mr. Kern:

On December 2, 1980, the Commission accepted the conciliation agreement signed by you (and a civil penalty) in settlement of a violation of 2 U.S.C. § 441a(f). Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

Conciliation Agreement

80040025153

910258
GCC #2748

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
80 SEP 24 P2:48
80 SEP 24 P4:19

In the Matter of	)	
	)	
Dave Evans for Congress	)	MUR 1069
	)	

CONCILIATION AGREEMENT

This matter having been initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted after the Commission found reason to believe that the Dave Evans for Congress Committee ("Respondent") violated 2 U.S.C. § 441a (f) by accepting a contribution in excess of $1,000.

NOW, THEREFORE, the Commission and Respondent, having duly participated in informal methods of conciliation, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this Agreement has the effect of a conciliation agreement under 2 U.S.C. § 437g(a)(4)(A).

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

III. Respondent enters voluntarily into this Agreement with the Commission.

00002514

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

1. that the Dave Evans for Congress Committee ("Respondent") is the principal campaign committee of Dave Evans who was a candidate for Congress in 1978.

2. That the Respondent accepted a contribution in excess of $1,000 from the Johnson County Democratic Central Committee (J.C.C.), an unregistered committee.

3. that the Respondent returned the excess amount of the contribution ($300) to the JCC by checks dated June 12th and June 25th, 1980.

WHEREFORE, Respondent agrees:

V. that the Respondent consented to the acceptance of the excess contributions from the J.C.C. in violation of 2 U.S.C. § 441a(f).

VI. Respondent agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

GENERAL CONDITIONS

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. It is mutually agreed that 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. It is agreed that respondent shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

16 December 1980
Date

Charles N. Steele
General Counsel
Federal Election Commission

9/22/80
Date

Dave Evans for Congress Committee
Dave Evans for Congress Committee

BY: Thomas F. Kern

ITS: Legal Advisor

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1069
Dave Evans for Congress)

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on December 2, 1980, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1069:

1. Accept the conciliation agreements attached to the General Counsel's November 21, 1980 memorandum report.

2. CLOSE THE FILE IN THIS MATTER.

Attest:

12/5/80
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY

DATE: NOVEMBER 24, 1980

SUBJECT: MUR 1069 - Memorandum to the Commission undated, Received in OCS 11-21-80, 10:41

The above-named document was circulated on a 48 hour vote basis at 2:00, November 21, 1980.

Commissioner Friedersdorf submitted an objection at 4:24, November 21, 1980.

This matter will be placed on the Executive Session Agenda for Tuesday, December 2, 1980.

November 21, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Gene Colgrove

SUBJECT: MUR 1069

Please have the attached Memo to the Commission on MUR 1069 distributed to the Commission on a 48 hour tally basis.

Thank you.

80040225159

RECEIVED
COMMISSION SECRETARY
80 NOV 21 A10: 41

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: MUR 1069(79) Conciliation Agreements

Attached are conciliation agreements that have been signed by the appropriate officials of the respondents unions.

The attached agreements include all the provisions that the Commission determined should be included.

The Office of General Counsel recommends the acceptance of this agreement and the closing of the file.

Attachment
Conciliation Agreements (3)

Taylor

910258
GCC#2748

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED

80 SEP 24 P2:46

80 SEP 24 P4:19

In the Matter of	)	
	)	
Dave Evans for Congress	)	MUR 1069
	)	

CONCILIATION AGREEMENT

This matter having been initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted after the Commission found reason to believe that the Dave Evans for Congress Committee ("Respondent") violated 2 U.S.C. § 441a (f) by accepting a contribution in excess of $1,000.

NOW, THEREFORE, the Commission and Respondent, having duly participated in informal methods of conciliation, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this Agreement has the effect of a conciliation agreement under 2 U.S.C. § 437g(a)(4)(A).

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

III. Respondent enters voluntarily into this Agreement with the Commission.

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

1. that the Dave Evans for Congress Committee ("Respondent") is the principal campaign committee of Dave Evans who was a candidate for Congress in 1978.

2. That the Respondent accepted a contribution in excess of $1,000 from the Johnson County Democratic Central Committee (J.C.C.), an unregistered committee.

3. that the Respondent returned the excess amount of the contribution ($300) to the JCC by checks dated June 12th and June 25th, 1980.

WHEREFORE, Respondent agrees:

V. that the Respondent consented to the acceptance of the excess contributions from the J.C.C. in violation of 2 U.S.C. § 441a(f).

VI. Respondent agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

GENERAL CONDITIONS

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. It is mutually agreed that 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. It is agreed that respondent shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

Date

Charles N. Steele
General Counsel
Federal Election Commission

9/22/80
Date

Dave Evans for Congress Committee
Dave Evans for Congress Committee
BY: Thomas J. Kerr
ITS: Legal Advisor

8 0 0 4 0 0 2 2 5 4 1 6 7

3030 Taylor 910604

BEFORE THE FEDERAL ELECTION COMMISSION

80 OCT 17 P4:43

HAND DELIVERED

In the Matter of	)	
	)	MUR 1069
AFL-CIO COPE Poltical Contribution Committee	)	

CONCILIATION AGREEMENT

This matter having been initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted after the Commission found reason to believe that A.F.L.-C.I.O. C.O.P.E. Political ("A.F.L.-C.I.O. C.O.P.E. P.C.C.") violated 2 U.S.C. § 441a (a)(2)(A) and 2 U.S.C. § 433(b)(3) by beng part of a multicandidate political committee which contributed more than $5,000 to the general election campaign of the Evans for Congress Committee and for failing to identify the Central Indiana Building and Construction Trades Council P.A.C. as an affiliated committee.

NOW, THEREFORE, the Commission and A.F.L.-C.I.O. C.O.P.E. P.C.C., having duly participated in informal methods of conciliation, do hereby agree as follows:

I. The Commission has jurisdiction over the A.F.L.-C.I.O. C.O.P.E. P.C.C. and the subject matter of this proceeding, and this Agreement has the effect of a conciliation agreement under 2 U.S.C. § 437g(a)(4)(A).

II. A.F.L.-C.I.O. C.O.P.E. P.C.C. has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. A.F.L.-C.I.O. C.O.P.E. P.C.C. voluntarily enters into this Agreement with the Commission.

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

1. That the A.F.L.-C.I.O. C.O.P.E. P.C.C. is a registered multicandidate committee established by the A.F.L.-C.I.O. C.O.P.E.

2. That the A.F.L.-C.I.O. C.O.P.E. P.C.C. made contributions of $1,500 on August 17, 1978; $1,500 on September 19, 1978; and $1,000 on October 24, 1978.

3. That the A.F.L.-C.I.O. C.O.P.E. P.C.C. is affiliated with the Political Education Fund of the Building and Construction Trades Department (P.E.F.-B.C.T.D.), also a registered multicandidate committee.

4. That the Central Indiana Building and Construction Trades Council Political Action Committee (C.I.B.P.A.C.) established by the Central Indiana Building and Construction Trades Council, is affiliated with P.E.F.B.C.T.D. that the three affiliated committees made the following contributions to the Dave Evans for Congress Committee (Evans Committee) for the 1978 general election:

7/7/78	C.I.B.P.A.C.	$ 500.00
8/17/78	A.F.L.-C.I.O. C.O.P.E. P.C.C.	1,500.00
9/19/78	A.F.L.-C.I.O. C.O.P.E. P.C.C.	1,500.00
10/5/78	P.E.F. - B.C.T.D.	400.00
10/20/78	C.I.B.P.A.C.	800.00
10/24/78	A.F.L.-C.I.O. C.O.P.E. P.C.C.	1,000.00
	Total Contributions	$5,700.00

That the Evans committee refunded $300 on June 7, 1979 to C.I.B.P.A.C. on the suggestion of the Reports Analysis Division.

8. That even with the refund of $300 by the Evans committee to C.I.B.P.A.C. the amount contributed to the Evans committee by the three affiliated committees was $5,400.00 for the general election.

9. That the A.F.L.-C.I.O. C.O.P.E. P.C.C. failed to identify the Central Indiana Building and Construction Trades Council P.A.C. as an affiliated committee.

10. That the A.F.L.-C.I.O. C.O.P.E. P.C.C. violated 2 U.S.C. § 441a(a)(2)(A) by being part of a multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans committee, and that, also, the A.F.L.-C.I.O. C.O.P.E. P.C.C. violated 2 U.S.C. § 433(b)(2) for failing to identify C.I.B.P.A.C. as an affiliated committee.

WHEREFORE, A.F.L.-C.I.O. C.O.P.E. P.C.C. agrees:

V. That it violated 2 U.S.C. § 441a(a)(2)(A) by being part of a "multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans committee and violated 2 U.S.C. § 433(b)(2) by failing to identify the Indiana Building and Construction Trades Council PAC as an affiliated committee.

VI. The contributions of the three affiliated committees (the P.E.F-B.C.T.D., the C.I.B.-P.A.C., and the A.F.L.-C.I.O. C.O.P.E. P.C.C.) are considered to have been made by one multicandidate committee, and the three affiliated committees will pay in the aggregate a civil penalty of $350.00 pursuant to 2 U.S.C. § 437g(a)(5)(B).

00402251665

VII. A.F.L.-C.I.O. C.O.P.E. P.C.C. shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

GENERAL CONDITIONS

VIII. 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.

IX. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. It is agreed that the A.F.L.-C.I.O. C.O.P.E. P.C.C. 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.

Date

Charles N. Steele
General Counsel
Federal Election Commission

October 17, 1980
Date

Thomas R. Donahue
A.F.L.-C.I.O. C.O.P.E. P.C.C.
BY: Thomas R. Donahue
ITS: Secy-Treasurer

7 9 1 5 2 0 0 0 0

BEFORE THE FEDERAL ELECTION COMMISSION 80 OCT 17 P 4: 43

HAND DELIVERED

In the Matter of	)	
	)	
Political Education Fund of the Building & Construction Trades Department, AFL-CIO	)	MUR 1069

CONCILIATION AGREEMENT

This matter having been initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted after the Commission found reason to believe that the Political Education Fund of the Building and Construction Trades Department ("P.E.F.-B.C.T.D.") violated 2 U.S.C. § 441a(a)(2)(A) by being part of a multicandidate political committee which contributed more than $5,000 to the general election campaign of the Dave Evans for Congress Committee ("Evans Committee").

NOW, THEREFORE, the Commission and P.E.F.-B.C.T.D. having duly participated in informal methods of conciliation, do hereby agree as follows:

I. The Commission has jurisdiction over P.E.F.-B.C.T.D. and the subject matter of this proceeding, and this Agreement has the effect of a conciliation agreement under 2 U.S.C. § 437g(a)(4)(A).

II. P.E.F.-B.C.T.D. has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. P.E.F.-B.C.T.D. enters voluntarily into this Agreement with the Commission.

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

1. The P.E.F.-B.C.T.D. is a registered multicandidate political committee established by the Building and Construction Trades Department of the A.F.L.-C.I.O.

2. That P.E.F.-B.C.T.D. made a contribution of $400 to the Dave Evans for Congress Committee ("Evans Committee") on October 5, 1979.

3. That the Central Indiana Building and Construction Trades Council P.A.C. (C.I.B.P.A.C.), established by the Central Indiana Building and Construction Trades Council, is affiliated with P.E.F.-B.C.T.D.

4. P.E.F.-B.C.T.D. is itself registered as being affliated with the A.F.L.-C.I.O. C.O.P.E. Political Contributions Committee ("A.F.L.-C.I.O. C.O.P.E. P.C.C."), also a registered multicandidate political committee.

5. That the three affiliated committees made the following contributions to the Evans committee for the 1978 general election:

7/7/78	C.I.B. P.A.C.	$ 500.00
8/17/78	A.F.L.-C.I.O. C.O.P.E P.C.C.	$1,500.00
9/19/78	A.F.L.-C.I.O. C.O.P.E P.C.C.	$1,500.00
10/5/78	P.E.F.-B.C.T.D.	$ 400.00
10/20/78	C.I.B.P.A.C.	$ 800.00
10/24/78	A.F.C.-C.I.O. C.O.P.E. P.C.C.	$1,000.00
	Total Contributions	$5,700.00

0 0 4 0 2 2 5 1 6 0

7. That the Evans committee refunded $300 on June 7, 1979 to C.I.B.P.A.C. on the suggestion of the Reports Analysis Division.

8. That even with the refund of $300 by the Evans committee to C.I.B.P.A.C. the amount contributed to the Evans committee by the three affiliated committees was $5,400.00 for the general election.

9. That P.E.G.-B.C.T.D. violated 2 U.S.C. § 441a (a)(2)(A) by being part of a "multicandidate political committee" which contributed more than $5,000 to the genral election campaign of the Evans committee.

Wherefore, P.E.F.-B.C.T.D. agrees:

V. That it violated 2 U.S.C. § 441a(a)(2)(A) by being part of a "multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans committee.

VI. The contributions of the three affiliated committees (the C.I.B.P.A.C., and the A.F.L.-C.I.O. C.O.P.E. P.C.C.) are considered to have been by one multicandidate committee, and the three affiliated committees will pay in the aggregate a civil penalty of $350.00 pursuant to 2 U.S.C. § 437g(a)(5)(B).

VII. P.E.F.-B.C.T.D. agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

GENERAL CONDITIONS

VIII. 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.

IX. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. It is agreed that P.E.F.-B.C.T.D. shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

Date

Charles N. Steele
General Counsel
Federal Election Commission

12/17/80
Date

Political Education Fund of
The Building and Construction
Trades Department

BY: Robert A. Georgine

ITS: President

Taylor

910970

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

EXECUTIVE COUNCIL

LANE KIRKLAND
PRESIDENT

THOMAS R. DONAHUE
SECRETARY-TREASURER

JOHN H. LYONS
FREDERICK O'NEAL
AL H. CHESSER
ALBERT SHANKER
EDWARD T. HANLEY
WILLIAM H. McCLENNAN
DAVID J. FITZMAURICE
ALVIN E. HEAPS
FRED J. KROLL
WAYNE E. GLENN
WILLIAM KONYHA

PETER BOMMARITO
JERRY WURF
MARTIN J. WARD
GLENN E. WATTS
ANGELO FOSCO
J. C. TURNER
KENNETH T. BLAYLOCK
WM. W. WINPISINGER
JOHN J. O'DONNELL
ROBERT F. GOSS
JOYCE D. MILLER

THOMAS W. GLEASON
S. FRANK RAFTERY
MURRAY H. FINLEY
SOL C. CHAIKIN
CHARLES H. PILLARD
LLOYD McBRIDE
EMMET ANDREWS
WILLIAM H. WYNN
JOHN DeCONCINI
DANIEL V. MAHONEY
JOHN J. SWEENEY

GCC#3174

815 SIXTEENTH STREET, N.W.
WASHINGTON, D.C. 20006

(202) 637-5000

0 OCT 30 P 3:56

October 29, 1980

Memorandum

To : Bill Taylor

From : Nancy Tutt

Subject: MUR 1069

Larry asked that I forward the attached to your attention. This check represents the AFL-CIO's share of the civil penalty in the above-noted MUR. The check from the AFL-CIO's Building and Construction Trades Department will be forwarded (to your attention) this week.

15-3
511

COMMITTEE ON POLITICAL EDUCATION, AFL-CIO
815 16TH STREET, N. W., WASHINGTON, D. C. 20006
EDUCATIONAL FUND

DATE	CHECK NUMBER	PAY TO THE ORDER OF	AMOUNT	AMOUNT
OCT 2 80	1246	TREASURER OF THE UNITED STATES	$ 116.66	$ 116.66

Thomas Donahue
SECRETARY-TREASURER

THE RIGGS NATIONAL BANK OF WASHINGTON
WASHINGTON, D. C.

⑆3 ⑆054000030⑆ 06⑈0700799 3⑈

0 4 0 0 2 5 1 7 1

Taylor

BCC #5241

MEMO FROM:

TO: Bill Truck

DATE: 11/6/90

Here is the check from B&C Trades Dept. This should complete the matter. Thanks for your patience.

N. Tutt

90 NOV 9 PM 3:38

Kelly Press Inc. • (202) 529-1600
5788 SECOND STREET, N.E. WASHINGTON, D.C. 20011

BUILDING AND CONSTRUCTION TRADES DEPARTMENT

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

ROOM 603
815 16TH STREET, N.W.
WASHINGTON, D.C. 20006

15-7
540

DATE November 6, 1980

47265

PAY EXACTLY $116.66 $ 116.66

TO THE ORDER OF Treasurer of the U. S.

PRES.

SEC. TREAS.

LIBERTY BRANCH
THE NATIONAL BANK OF WASHINGTON
WASHINGTON, D.C.

⑈047265⑈ ⑆054000072⑆ 6⑈019 16 3⑈

DATE	INVOICE NO.	DESCRIPTION	AMOUNT	DEDUCTIONS	NET AMOUNT
11/6/80		As per Conciliation Agreement - MUR 1069.....	$116.66		

47265

BUILDING AND CONSTRUCTION TRADES DEPARTMENT
WASHINGTON, D.C. 20006

Taylor 911079

GCC#2317

FILLENWARTH & FILLENWARTH
ATTORNEYS AT LAW

EDWARD J. FILLENWARTH
EDWARD J. FILLENWARTH, JR.
FREDERICK W. DENNERLINE III
WILLIAM R. GROTH
RICHARD G. MC CRACKEN

SUITE E6A, SHADELAND SQUARE
6019 EAST 10TH STREET
INDIANAPOLIS, INDIANA 46219
TELEPHONE: (317) 353-9363

October 30, 1980

Mr. Charles N. Steele, General Counsel
Federal Election Commission
Washington, D.C. 20463

Attention: William Taylor

In Re: MUR 1069

Dear Mr. Taylor:

Pursuant to our previous conversation, please find enclosed three copies of the Conciliation Agreement supplied to the undersigned by your office, each executed by Mr. Harry P. Gowan, Central Indiana Building and Construction Trades Council PAC. Also enclosed is a check for $116.67, representing one-third of the civil penalty assessed against the three respondents in the above-referenced matter.

If you will be so kind, we would appreciate receiving back a fully executed copy of the Conciliation Agreement for the files of the Central Indiana Building and Construction Trades Council PAC.

Very truly yours,

FILLENWARTH & FILLENWARTH

By: Richard G. McCracken
Richard G. McCracken

RGM/tb
Encls.
cc: Harry P. Gowan

CERTIFIED MAIL #5047606
RETURN RECEIPT REQUESTED

80 NOV 3 P 2:

GCC#2317

BEFORE THE FEDERAL ELECTION COMMISSION

GENERAL COUNSEL

In the Matter of)
)
Central Indiana Building &)
Construction Trades PAC)

MUR 1069 (79) 10 NOV 3 P2:53

CONCILIATION AGREEMENT

This matter having been initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted after the Commission found reason to believe that Central Indiana Building and Construction Trades Council ("C.I.B.P.A.C.") violated 2 U.S.C. §441a(a)(2)(A) by being part of a multicandidate political committee which contriuted more than $5,000 to the general election campaign of the Evans for Congress Committee.

NOW, THEREFORE, the Commission and C.I.B.P.A.C. having duly participated in informal methods of conciliation, do hereby agree as follows:

I. The Commission has jurisdiction over the C.I.B.P.A.C. and the subject matter of this proceeding, and this Agreement has the effect of a conciliation agreement under 2 U.S.C. § 437g(a)(4)(A).

II. C.I.B.P.A.C. has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. C.I.B.P.A.C. enters voluntarily into this Agreement with the Commission.

8004021177

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

1. That C.I.B.P.A.C. was and is an unregistered committee.

2. That C.I.B.P.A.C. made a $500 contribution to the Dave Evans for Congress Committee (Evans Committee) on July 7, 1979 and an $800.00 contribution to the Evans Committee on October 20, 1978.

3. That C.I.B.P.A.C. was established by the Central Indiana Building and Construction Trades Council.

4. That the Central Indiana Building and Construction Trades Council is a local committee of the Building and Construction Trades Department, A.F.L - C.I.O and as such, C.I.B.P.A.C. is affiliated with the Political Education Fund of the Building and Construction Trades Department ("P.E.F. - B.C.T.D."), a registered multicandidate political committee.

5. P.E.F. - B.C.T.D. is itself registered as being affiliated with the A.F.L - C.I.O. C.O.P.E. Political Contributions Committee ("AFL-CIO C.O.P.E. P.C.C."), also a registered multicandidate political committee.

6. That the three affiliated committees made the following contributions to the Evans Committee for the 1978 general elections:

7/7/78	C.I.B.P.A.C.	$ 500.00
8/17/78	A.F.L. - C.I.O. C.O.P.E. P.C.C.	$1,500.00
9/19/78	A.F.L. - C.I.O. C.O.P.E. P.C.C.	$1,500.00
10/5/78	P.E.F. - B.C.T.D.	$ 400.00
10/20/78	C.I.B.P.A.C.	$ 800.00
10/24/78	A.F.L. - C.I.O. C.O.P.E. P.C.C.	$1,000.00
	Total Contributions	$5,700.00

7. That the Evans Committee refunded $300 on June 7, 1979 to C.I.B.P.A.C. on the suggestion of the Reports Analysis Division.

8. That even with the refund of the $300 by the Evans Committee to C.I.B.P.A.C. the amount contributed to the Evans Cmmittee by the three affiliated committees was $5,400.00 for the general election.

9. That C.I.B.P.A.C. violated 2 U.S.C. § 441a(a)(2)(A) by being part of a "multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans Committee.

WHEREFORE, Respondent agrees:

V. That it violated 2 U.S.C. § 441a(a)(2)(A) by being part of a "multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans Committee.

VI. The contributions of the three affiliated committees (the P.E.F.-B.C.T.D., the C.I.B.P.A.C., and the A.F.L.-C.I.O. C.O.P.E. P.C.C.) are considered to have been by one multicandidate committee, and the three affiliated committees will pay in the aggregate a civil penalty of $350 pursuant to 2 U.S.C. § 437g(a)(5)(B).

VII. C.I.B.P.A.C. agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

GENERAL CONDITIONS

VIII. 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.

IX. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. It is agreed that C.I.B.P.A.C. shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

Date

Charles N. Steele
General Counsel
Federal Election Commission

10-27-80
Date

Harry P. Green
Central Indiana Building and
Construction Trades Council

Merchants National Bank
& TRUST COMPANY OF INDIANAPOLIS INDIANA

20-6
740

927 844

REMITTER Central Indiana Building & Construction
Trades Political Action Commitee

DATE Oct. 24, 1980

PAY
TO THE
ORDER OF Federal Election Commission

$**116.67

-SOUTHERN-
PLACE OFFICE 116 dol's 67 cts

CASHIER'S CHECK

AUTHORIZED SIGNATURE

⑈927844⑈ ⑆074000065⑆ ⑈0000004 2⑈

1064 GCC #3261

MEMO

FROM:

TO: DATE: 11/4/80

Bill Taylor

Here is the check from BIC Trades Dept. This should complete the matter. Thanks for your patience.

N. Tutt

10 NOV 6 P4:38

GENERAL COUNSEL RECEIVED

Kelly Press Inc. • (202) 529-1600
5788 SECOND STREET, N. E. WASHINGTON, D. C. 20011

The basis for the respondent's request for an extension of time is that their records are in such dispersed locations, as Los Angeles, Indianapolis, Malvern, Pennsylvania, and Pittsburgh, that their attorney needs the additional time to set forth the mitigating circumstances that justify the delayed transmittal of the contributions in question by the respondents. It is our

AMERICAN FEDERATION
OF LABOR AND
CONGRESS OF INDUSTRIAL
ORGANIZATIONS

815 SIXTEENTH STREET, N. W., WASHINGTON, D. C. 20006

Bu hard

BILL TAYLOR
F.C.C.
1325 K ST NW

NOV 9 P2:19

911074

GCC#327

FILLENWARTH & FILLENWARTH
ATTORNEYS AT LAW

EDWARD J. FILLENWARTH
EDWARD J. FILLENWARTH, JR.
FREDERICK W. DENNERLINE III
WILLIAM R. GROTH
RICHARD G. MC CRACKEN

SUITE E6A, SHADELAND SQUARE
6919 EAST 10TH STREET
INDIANAPOLIS, INDIANA 46219
TELEPHONE: (317) 353-9363

October 30, 1980

Mr. Charles N. Steele, General Counsel
Federal Election Commission
Washington, D.C. 20463

Attention: William Taylor

In Re: MUR 1069

Dear Mr. Taylor:

Pursuant to our previous conversation, please find enclosed three copies of the Conciliation Agreement supplied to the undersigned by your office, each executed by Mr. Harry P. Gowan, Central Indiana Building and Construction Trades Council PAC. Also enclosed is a check for $116.67, representing one-third of the civil penalty assessed against the three respondents in the above-referenced matter.

If you will be so kind, we would appreciate receiving back a fully executed copy of the Conciliation Agreement for the files of the Central Indiana Building and Construction Trades Council PAC.

Very truly yours,

FILLENWARTH & FILLENWARTH

By: Richard G. McCracken
Richard G. McCracken

RGM/tb
Encls.
cc: Harry P. Gowan

CERTIFIED MAIL #5047606
RETURN RECEIPT REQUESTED

80 NOV 3 P2:56

GCC#2317

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1009
Central Indiana Building &)
Construction Trades PAC)

2 NOV 30 P 2:54

CONCILIATION AGREEMENT

This matter having been initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted after the Commission found reason to believe that Central Indiana Building and Construction Trades Council ("C.I.B.P.A.C.") violated 2 U.S.C. §441a(a)(2)(A) by being part of a multicandidate political committee which contriuted more than $5,000 to the general election campaign of the Evans for Congress Committee.

NOW, THEREFORE, the Commission and C.I.B.P.A.C. having duly participated in informal methods of conciliation, do hereby agree as follows:

I. The Commission has jurisdiction over the C.I.B.P.A.C. and the subject matter of this proceeding, and this Agreement has the effect of a conciliation agreement under 2 U.S.C. § 437g(a)(4)(A).

II. C.I.B.P.A.C. has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. C.I.B.P.A.C. enters voluntarily into this Agreement with the Commission.

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

1. That C.I.B.P.A.C. was and is an unregistered committee.

2. That C.I.B.P.A.C. made a $500 contribution to the Dave Evans for Congress Committee (Evans Committee) on July 7, 1979 and an $800.00 contribution to the Evans Committee on October 20, 1978.

3. That C.I.B.P.A.C. was established by the Central Indiana Building and Construction Trades Council.

4. That the Central Indiana Building and Construction Trades Council is a local committee of the Building and Construction Trades Department, A.F.L - C.I.O and as such, C.I.B.P.A.C. is affiliated with the Political Education Fund of the Building and Construction Trades Department ("P.E.F. - B.C.T.D."), a registered multicandidate political committee.

5. P.E.F. - B.C.T.D. is itself registered as being affiliated with the A.F.L - C.I.O. C.O.P.E. Political Contributions Committee ("AFL-CIO C.O.P.E. P.C.C."), also a registered multicandidate political committee.

6. That the three affiliated committees made the following contributions to the Evans Committee for the 1978 general elections:

7/7/78	C.I.B.P.A.C.	$ 500.00
8/17/78	A.F.L. - C.I.O. C.O.P.E. P.C.C.	$1,500.00
9/19/78	A.F.L. - C.I.O. C.O.P.E. P.C.C.	$1,500.00
10/5/78	P.E.F. - B.C.T.D.	$ 400.00
10/20/78	C.I.B.P.A.C.	$ 800.00
10/24/78	A.F.L. - C.I.O. C.O.P.E. P.C.C.	$1,000.00
	Total Contributions	$5,700.00

7. That the Evans Committee refunded $300 on June 7, 1979 to C.I.B.P.A.C. on the suggestion of the Reports Analysis Division.

8. That even with the refund of the $300 by the Evans Committee to C.I.B.P.A.C. the amount contributed to the Evans Cmmittee by the three affiliated committees was $5,400.00 for the general election.

9. That C.I.B.P.A.C. violated 2 U.S.C. § 441a(a)(2)(A) by being part of a "multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans Committee.

WHEREFORE, Respondent agrees:

V. That it violated 2 U.S.C. § 441a(a)(2)(A) by being part of a "multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans Committee.

VI. The contributions of the three affiliated committees (the P.E.F.-B.C.T.D., the C.I.B.P.A.C., and the A.F.L.-C.I.O. C.O.P.E. P.C.C.) are considered to have been by one multicandidate committee, and the three affiliated committees will pay in the aggregate a civil penalty of $350 pursuant to 2 U.S.C. § 437g(a)(5)(B).

VII. C.I.B.P.A.C. agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

GENERAL CONDITIONS

VIII. 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.

IX. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. It is agreed that C.I.B.P.A.C. shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

Date

Charles N. Steele
General Counsel
Federal Election Commission

10-27-80
Date

Harry P. Gowan
Central Indiana Building and
Construction Trades Council

2 2 4 2 2 3 1 9

15-3
911

COMMITTEE ON POLITICAL EDUCATION, AFL-CIO
815 16TH STREET, N. W., WASHINGTON, D. C. 20006

EDUCATIONAL FUND

DATE	CHECK NUMBER	PAY TO THE ORDER OF	AMOUNT	AMOUNT
OCT 28 80	1246	TREASURER OF THE UNITED STATES	$ 116.66	$ 116.66

Thomas Donahue

SECRETARY-TREASURER

THE RIGGS NATIONAL BANK OF WASHINGTON
WASHINGTON, D. C.

[redacted]

WARTH & FILLENWARTH
ATTORNEYS AT LAW
SUITE E6A
919 EAST 10TH STREET
ANAPOLIS, INDIANA 46219

Mr. Charles N. Steele, General
Counsel
Federal Election Commission
Washington, D.C. 20463

Attn: William Taylor

CERTIFIED
P14 5047606
MAIL

1 8 2 1 5

910970

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

EXECUTIVE COUNCIL

LANE KIRKLAND
PRESIDENT

THOMAS R. DONAHUE
SECRETARY-TREASURER

JOHN H. LYONS
FREDERICK O'NEAL
AL H. CHESSER
ALBERT SHANKER
EDWARD T. HANLEY
WILLIAM H. McCLENNAN
DAVID J. FITZMAURICE
ALVIN E. HEAPS
FRED J. KROLL
WAYNE E. GLENN
WILLIAM KONYHA

PETER BONANNITO
JERRY WURF
MARTIN J. WARD
GLENN E. WATTS
ANGELO FOSCO
J. C. TURNER
KENNETH T. BLAYLOCK
WM. W. WINPISINGER
JOHN J. O'DONNELL
ROBERT F. GOSS
JOYCE D. MILLER

THOMAS W. GLEASON
S. FRANK RAFFERTY
MURRAY H. FINLEY
SOL C. CHAIKIN
CHARLES H. PILLARD
LLOYD McBRIDE
EMMET ANDREWS
WILLIAM H. WYNN
JOHN DeCONCINI
DANIEL V. MAHONEY
JOHN J. SWEENEY

GCC#3174

815 SIXTEENTH STREET, N.W.
WASHINGTON, D.C. 20006

(202) 637-5000

80 OCT 30 P3:56

October 29, 1980

Memorandum

To : Bill Taylor

From : Nancy Tutt

Subject: MUR 1069

Larry asked that I forward the attached to your attention. This check represents the AFL-CIO's share of the civil penalty in the above-noted MUR. The check from the AFL-CIO's Building and Construction Trades Department will be forwarded (to your attention) this week.

00402519

Merchants National Bank
& TRUST COMPANY OF INDIANAPOLIS INDIANA

206
740

[redacted]

REMITTER Central Indiana Building & Construction
Trades Political Action Commitee

DATE Oct. 24, 1980

PAY
TO THE
ORDER OF Federal Election Commission

$**116.67

-SOUTHERN-
PLACE OFFICE One hundred sixty seven cts

CASHIER'S CHECK

AUTHORIZED SIGNATURE

⑈922844⑈ [redacted]

AMERICAN FEDERATION
OF LABOR AND
CONGRESS OF INDUSTRIAL
ORGANIZATIONS

815 SIXTEENTH STREET, N. W., WASHINGTON, D. C. 20006

HAND DELIVER

00 OCT 20 P3:1

BILL TAYLOR
F.E.C.
1325 K ST, N.W.

9 0 0 1 2 2 2 1 9 5

RECEIVED

90 OCT 17 P4:43

HAND DELIVERED

Bill Taylor
FEC
1325 K ST

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY

DATE: OCTOBER 27, 1980

SUBJECT: MUR 1069 - Interim Conciliation Report #2, dated 10-23-80; Received in OCS 10-23-80, 5:46

The above-named document was circulated to the Commission on a no-objection basis at 2:00, October 24, 1980.

There were no objections to the Interim Conciliation Report at the time of the deadline.

October 23, 1980

MEMORANDUM TO: Majorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1069

Please have the attached Interim Council Report distributed to the Commission. Thank you.

8004022519 7

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Dave Evans for Congress Committee	)	
The AFL-CIO COPE Political	)	
Contribution Committee,	)	
Political Education Fund of the	)	MUR 1069 (79)
Building and Construction Trades	)	
Department, AFL-CIO, Central	)	
Indiana Building and Construction	)	
Trades PAC	)	

INTERIM CONCILIATION REPORT #2

The Dave Evans for Congress Committee, the AFL-CIO COPE Political Contribution Committee, and the Building and Construction Trades Department, AFL-CIO have all returned to the Commission signed conciliation agreements. The attorney for the Central Indiana Building and Construction Trades P.A.C. states that a signed conciliation agreement is in the mail.

As part of the conciliation agreements, the above mentioned P.A.C.'s were assessed an aggregate civil penalty of $350.00. Their respective attorneys have informed us that they have agreed to pay an equal share of the civil penalty and that the checks are in the mail.

The Office of General Counsel recommends that the respondents be given an additional fourteen days in which to forward the remaining conciliation agreement and to pay the civil penalty.

23 October 1980
Date

Charles N. Steele
General Counsel

0001025196

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE MWE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY mw

DATE: OCTOBER 1, 1980

SUBJECT: MUR 1069 - Inrerim Conciliation Report #1, dated 9-24-80; Signed 9-29-80; Received in OCS 9-30-80, 10:00

The above-named document was circulated to the Commission on a no-objection basis at 4:00, September 30, 1980.

There were no objections to the Interim Conciliation Report at the time of the deadline.

00402519

September 30, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Jane Colgrove

SUBJECT: MUR 1069

Please have the attached Interim Compilation Report on MUR 1069 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

8004022520

BEFORE THE FEDERAL ELECTION COMMISSION
September 24, 1980

In the Matter of	)	
	)	
The AFL-CIO, COPE Political Contribution Committee, Political Education Fund of the Building and Construction Trades Department AFL-CIO, Central Indiana Building and Construction Trades PAC and The Dave Evans for Congress Committee	)	MUR 1069 (79)

INTERIM CONCILIATION REPORT #1

The attorneys for the AFL-CIO COPE Political Contribution Committee, the Political Education Fund of the Building and Construction Trades Department, AFL-CIO, Central Indiana Building and Construction Trades PAC, have informed the Office of General Counsel that they have agreed on a way to proportion the civil penalty among their clients and they will be returning the signed conciliation agreements to the Commission forthwith.

The attorney for the Dave Evans for Congress Committee informed our office that the conciliation agreement has been signed and is in the mail.

The Office of General Counsel is awaiting the return of these signed conciliation agreements so that this matter can be closed.

29 Sept 1980
Date

Charles N. Steele
General Counsel

00040022501

You Can Believe

Dave Evans

Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, Indiana 46241

9004022562

INDIANAPOLIS IN
PM
RECEIVED

80 SEP 24 P2:46

Charles N. Steele
General Counsel
Federal Election Commission
Washington, DC 20463

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
- ☐ Show to whom and date delivered.....___¢
- ☐ Show to whom, date and address of delivery...___¢
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered.....___¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery.$___

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Richard G McCracken Esq
3919 East 10th St
Indianapolis Indiana 46219

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	016476	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE: ☐Addressee ☐Authorized agent

4. DATE OF DELIVERY: 9-15-80 SEP 22 1980 POSTMARK

5. ADDRESS (Complete only if requested)
RECEIVED

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

MSR 1069 ☆GPO : 1978-288-848

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 9, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard G. McCracken, Esquire
6919 East 10th Street
Indianapolis, Indiana 46219

Re: MUR 1069

Dear Mr. McCracken:

The Commission has received your letter of June 30, 1980, seeking to begin informal conciliation in the above-referenced matter, and on September 3, 1980, authorized the Office of General Counsel to enter into such conciliation efforts. Accordingly, please find enclosed conciliation agreements which this office is prepared to recommend the Commission approve in settlement of this. If you agree with the provisions of this agreement, please sign it and return it to the Commission within 5 days. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed Conciliation Agreement, or, if you wish to arrange a meeting with my staff, please call William Taylor at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard G. McCracken, Esquire
6919 East 10th Street
Indianapolis, Indiana 46219

Re: MUR 1069

Dear Mr. McCracken:

The Commission has received your letter of June 30, 1980, seeking to begin informal conciliation in the above-referenced matter, and on September 3, 1980, authorized the Office of General Counsel to enter into such conciliation efforts. Accordingly, please find enclosed conciliation agreements which this office is prepared to recommend the Commission approve in settlement of this. If you agree with the provisions of this agreement, please sign it and return it to the Commission within 5 days. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed Conciliation Agreement, or, if you wish to arrange a meeting with my staff, please call William Taylor at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1069 (79)
Central Indiana Building & Construction Trades PAC	)	

CONCILIATION AGREEMENT

This matter having been initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted after the Commission found reason to believe that Central Indiana Building and Construction Trades Council ("C.I.B.P.A.C.") violated 2 U.S.C. §441a(a)(2)(A) by being part of a multicandidate political committee which contriuted more than $5,000 to the general election campaign of the Evans for Congress Committee.

NOW, THEREFORE, the Commission and C.I.B.P.A.C. having duly participated in informal methods of conciliation, do hereby agree as follows:

I. The Commission has jurisdiction over the C.I.B.P.A.C. and the subject matter of this proceeding, and this Agreement has the effect of a conciliation agreement under 2 U.S.C. § 437g(a)(4)(A).

II. C.I.B.P.A.C. has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. C.I.B.P.A.C. enters voluntarily into this Agreement with the Commission.

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

1. That C.I.B.P.A.C. was and is an unregistered committee.

2. That C.I.B.P.A.C. made a $500 contribution to the Dave Evans for Congress Committee (Evans Committee) on July 7, 1979 and an $800.00 contribution to the Evans Committee on October 20, 1978.

3. That C.I.B.P.A.C. was established by the Central Indiana Building and Construction Trades Council.

4. That the Central Indiana Building and Construction Trades Council is a local committee of the Building and Construction Trades Department, A.F.L - C.I.O and as such, C.I.B.P.A.C. is affiliated with the Political Education Fund of the Building and Construction Trades Department ("P.E.F. - B.C.T.D."), a registered multicandidate political committee.

5. P.E.F. - B.C.T.D. is itself registered as being affiliated with the A.F.L - C.I.O. C.O.P.E. Political Contributions Committee ("AFL-CIO C.O.P.E. P.C.C."), also a registered multicandidate political committee.

6. That the three affiliated committees made the following contributions to the Evans Committee for the 1978 general elections:

7/7/78	C.I.B.P.A.C.	$ 500.00
8/17/78	A.F.L. - C.I.O. C.O.P.E. P.C.C.	$1,500.00
9/19/78	A.F.L. - C.I.O. C.O.P.E. P.C.C.	$1,500.00
10/5/78	P.E.F. - B.C.T.D.	$ 400.00
10/20/78	C.I.B.P.A.C.	$ 800.00
10/24/78	A.F.L. - C.I.O. C.O.P.E. P.C.C.	$1,000.00
	Total Contributions	$5,700.00

8001025207

7. That the Evans Committee refunded $300 on June 7, 1979 to C.I.B.P.A.C. on the suggestion of the Reports Analysis Division.

8. That even with the refund of the $300 by the Evans Committee to C.I.B.P.A.C. the amount contributed to the Evans Cmmittee by the three affiliated committees was $5,400.00 for the general election.

9. That C.I.B.P.A.C. violated 2 U.S.C. § 441a(a)(2)(A) by being part of a "multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans Committee.

WHEREFORE, Respondent agrees:

V. That it violated 2 U.S.C. § 441a(a)(2)(A) by being part of a "multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans Committee.

VI. The contributions of the three affiliated committees (the P.E.F.-B.C.T.D., the C.I.B.P.A.C., and the A.F.L.-C.I.O. C.O.P.E. P.C.C.) are considered to have been by one multicandidate committee, and the three affiliated committees will pay in the aggregate a civil penalty of $350 pursuant to 2 U.S.C. § 437g(a)(5)(B).

VII. C.I.B.P.A.C. agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

GENERAL CONDITIONS

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein

9004022508

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.

IX. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. It is agreed that C.I.B.P.A.C. shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

Date	Charles N. Steele General Counsel Federal Election Commission
Date	Central Indiana Building and Construction Trades Council

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
- ☐ Show to whom and date delivered ___¢
- ☐ Show to whom, date, and address of delivery ___¢
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered ___¢
- ☐ RESTRICTED DELIVERY
  Show to whom, date, and address of delivery $___
  (CONSULT POSTMASTER FOR FEES)

DB

2. ARTICLE ADDRESSED TO:
Thomas J. Kern, Esq.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	946211	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

Nancy Hunt

4. DATE OF DELIVERY POSTMARK

80 SEP 22 P3:52

5. ADDRESS (Complete only if requested)

RECEIVED

6. UNABLE TO DELIVER BECAUSE

SEP 22 1980
CLERKS INITIALS

RETURN RECEIPT REGISTERED, INSURED, CERTIFIED AND COD MAIL

MLR-1069- Taylor

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 9, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas J. Kern, Esquire
P.O. Box 41709-B
Indianapolis, Indiana 46241

Re: MUR 1069

Dear Mr. Kern:

The Commission has received your letter of June 25, 1980, seeking to begin informal conciliation in the above-referenced matter, and on September 3, 1980, authorized the Office of General Counsel to enter into such conciliation efforts. Accordingly, please find enclosed conciliation agreement which this office is prepared to recommend the Commission approve in settlement of this matter. If you agree with the provisions of this Agreement, please sign it and return it to the Commission within 5 days. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange the enclosed conciliation agreements, or if you wish to arrange a meeting with my staff, please call William Taylor at 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosures
Conciliation Agreement

00040225211

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas J. Kern, Esquire
P.O. Box 41709-B
Indianapolis, Indiana 46241

Re: MUR 1069

Dear Mr. Kern:

The Commission has received your letter of June 25, 1980, seeking to begin informal conciliation in the above-referenced matter, and on September 3, 1980, authorized the Office of General Counsel to enter into such conciliation efforts. Accordingly, please find enclosed conciliation agreement which this office is prepared to recommend the Commission approve in settlement of this matter. If you agree with the provisions of this Agreement, please sign it and return it to the Commission within 5 days. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange the enclosed conciliation agreements, or if you wish to arrange a meeting with my staff, please call William Taylor at 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosures
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Dave Evans for Congress	)	MUR 1069
	)	

CONCILIATION AGREEMENT

This matter having been initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted after the Commission found reason to believe that the Dave Evans for Congress Committee ("Respondent") violated 2 U.S.C. § 441a (f) by accepting a contribution in excess of $1,000.

NOW, THEREFORE, the Commission and Respondent, having duly participated in informal methods of conciliation, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this Agreement has the effect of a conciliation agreement under 2 U.S.C. § 437g(a)(4)(A).

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

III. Respondent enters voluntarily into this Agreement with the Commission.

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

1. that the Dave Evans for Congress Committee ("Respondent") is the principal campaign committee of Dave Evans who was a candidate for Congress in 1978.

2. That the Respondent accepted a contribution in excess of $1,000 from the Johnson County Democratic Central Committee (J.C.C.), an unregistered committee.

3. that the Respondent returned the excess amount of the contribution ($300) to the JCC by checks dated June 12th and June 25th, 1980.

WHEREFORE, Respondent agrees:

V. that the Respondent consented to the acceptance of the excess contributions from the J.C.C. in violation of 2 U.S.C. § 441a(f).

VI. Respondent agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

GENERAL CONDITIONS

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.

00402521

VIII. It is mutually agreed that 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. It is agreed that respondent shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

_____	_____
Date	Charles N. Steele General Counsel Federal Election Commission
_____	_____
Date	Dave Evans for Congress Committee BY: _____ ITS: _____

9004022521

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one)
- ☐ Show to whom and date delivered ___¢
- ☐ Show to whom, date and address of delivery ___¢
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered ___¢
- ☐ RESTRICTED DELIVERY
  Show to whom, date and address of delivery $___
  (CONSULT POSTMASTER FOR FEES)

RECEIVED
80 SEP 17 AM 11:47

2. ARTICLE ADDRESSED TO:
Laurence Gold
815 16th St. NW.
Wash. D.C. 20006

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	946240	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
Tony Gold

4. DATE OF DELIVERY
9-12-80

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE

CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

GPO: 1978-272-302

MDR-1069 Taylor

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 9, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Laurence Gold
America Federation of Labor
and Congress of Industrial
Organizations
815 Sixteenth Street, N.W.
Washington, D.C. 20006

Re: MUR 1069

Dear Mr. Gold:

The Commission has received your letter of July 11, 1980 seeking to begin informal conciliation in the above-referenced matter, and on September 3, 1980, authorized the Office of General Counsel to enter into such conciliation efforts. Accordingly, please find enclosed conciliation agreements which this office is prepared to recommend the Commission approve in settlement of this matter. If you agree with the provisions of this agreement, please sign it and return it to the Commission within 5 days. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting with my staff, please call William Taylor at 523-452.

Sincerely,

Charles N. Steele
General Counsel

Enclosures
Conciliation Agreements

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Laurence Gold
America Federation of Labor
and Congress of Industrial
Organizations
815 Sixteenth Street, N.W.
Washington, D.C. 20006

Re: MUR 1069

Dear Mr. Gold:

The Commission has received your letter of July 11, 1980 seeking to begin informal conciliation in the above-referenced matter, and on September 3, 1980, authorized the Office of General Counsel to enter into such conciliation efforts. Accordingly, please find enclosed conciliation agreements which this office is prepared to recommend the Commission approve in settlement of this matter. If you agree with the provisions of this agreement, please sign it and return it to the Commission within 5 days. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting with my staff, please call William Taylor at 523-452.

Sincerely,

Charles N. Steele
General Counsel

Enclosures
Conciliation Agreements

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1069
AFL-CIO COPE Poltical	)	
Contribution Committee	)	

CONCILIATION AGREEMENT

This matter having been initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted after the Commission found reason to believe that A.F.L.-C.I.O. C.O.P.E. Political ("A.F.L.-C.I.O. C.O.P.E. P.C.C.") violated 2 U.S.C. § 441a (a)(2)(A) and 2 U.S.C. § 433(b)(3) by beng part of a multicandidate political committee which contributed more than $5,000 to the general election campaign of the Evans for Congress Committee and for failing to identify the Central Indiana Building and Construction Trades Council P.A.C. as an affiliated committee.

NOW, THEREFORE, the Commission and A.F.L.-C.I.O. C.O.P.E. P.C.C., having duly participated in informal methods of conciliation, do hereby agree as follows:

I. The Commission has jurisdiction over the A.F.L.-C.I.O. C.O.P.E. P.C.C. and the subject matter of this proceeding, and this Agreement has the effect of a conciliation agreement under 2 U.S.C. § 437g(a)(4)(A).

II. A.F.L.-C.I.O. C.O.P.E. P.C.C. has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. A.F.L.-C.I.O. C.O.P.E. P.C.C. voluntarily enters into this Agreement with the Commission.

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

1. That the A.F.L.-C.I.O. C.O.P.E. P.C.C. is a registered multicandidate committee established by the A.F.L.-C.I.O. C.O.P.E.

2. That the A.F.L.-C.I.O. C.O.P.E. P.C.C. made contributions of $1,500 on August 17, 1978; $1,500 on September 19, 1978; and $1,000 on October 24, 1978.

3. That the A.F.L.-C.I.O. C.O.P.E. P.C.C. is affiliated with the Political Education Fund of the Building and Construction Trades Department (P.E.F.-B.C.T.D.), also a registered multicandidate committee.

4. That the Central Indiana Building and Construction Trades Council Political Action Committee (C.I.B.P.A.C.) established by the Central Indiana Building and Construction Trades Council, is affiliated with P.E.F.B.C.T.D. that the three affiliated committees made the following contributions to the Dave Evans for Congress Committee (Evans Committee) for the 1978 general election:

7/7/78	C.I.B.P.A.C.	$ 500.00
8/17/78	A.F.L.-C.I.O. C.O.P.E. P.C.C.	1,500.00
9/19/78	A.F.L.-C.I.O. C.O.P.E. P.C.C.	1,500.00
10/5/78	P.E.F. - B.C.T.D.	400.00
10/20/78	C.I.B.P.A.C.	800.00
10/24/78	A.F.L.-C.I.O. C.O.P.E. P.C.C.	1,000.00
	Total Contributions	$5,700.00

That the Evans committee refunded $300 on June 7, 1979 to C.I.B.P.A.C. on the suggestion of the Reports Analysis Division.

8. That even with the refund of $300 by the Evans committee to C.I.B.P.A.C. the amount contributed to the Evans committee by the three affiliated committees was $5,400.00 for the general election.

9. That the A.F.L.-C.I.O. C.O.P.E. P.C.C. failed to identify the Central Indiana Building and Construction Trades Council P.A.C. as an affiliated committee.

10. That the A.F.L.-C.I.O. C.O.P.E. P.C.C. violated 2 U.S.C. § 441a(a)(2)(A) by being part of a multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans committee, and that, also, the A.F.L.-C.I.O. C.O.P.E. P.C.C. violated 2 U.S.C. § 433(b)(2) for failing to identify C.I.B.P.A.C. as an affiliated committee.

WHEREFORE, A.F.L.-C.I.O. C.O.P.E. P.C.C. agrees:

V. That it violated 2 U.S.C. § 441a(a)(2)(A) by being part of a "multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans committee and violated 2 U.S.C. § 433(b)(2) by failing to identify the Indiana Building and Construction Trades Council PAC as an affiliated committee.

VI. The contributions of the three affiliated committees (the P.E.F-B.C.T.D., the C.I.B.-P.A.C., and the A.F.L.-C.I.O. C.O.P.E. P.C.C.) are considered to have been made by one multicandidate committee, and the three affiliated committees will pay in the aggregate a civil penalty of $350.00 pursuant to 2 U.S.C. § 437g(a)(5)(B).

VII. A.F.L.-C.I.O. C.O.P.E. P.C.C. shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

GENERAL CONDITIONS

VIII. 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.

IX. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. It is agreed that the A.F.L.-C.I.O. C.O.P.E. P.C.C. shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

Date

Charles N. Steele
General Counsel
Federal Election Commission

Date

A.F.L.-C.I.O. C.O.P.E. P.C.C.

BY: _____

ITS: _____

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Political Education Fund of the Building & Construction Trades Department, AFL-CIO	)	MUR 1069

CONCILIATION AGREEMENT

This matter having been initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted after the Commission found reason to believe that the Political Education Fund of the Building and Construction Trades Department ("P.E.F.-B.C.T.D.") violated 2 U.S.C. § 441a(a)(2)(A) by being part of a multicandidate political committee which contributed more than $5,000 to the general election campaign of the Dave Evans for Congress Committee ("Evans Committee").

NOW, THEREFORE, the Commission and P.E.F.-B.C.T.D. having duly participated in informal methods of conciliation, do hereby agree as follows:

I. The Commission has jurisdiction over P.E.F.-B.C.T.D. and the subject matter of this proceeding, and this Agreement has the effect of a conciliation agreement under 2 U.S.C. § 437g(a)(4)(A).

II. P.E.F.-B.C.T.D. has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. P.E.F.-B.C.T.D. enters voluntarily into this Agreement with the Commission.

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

1. The P.E.F.-B.C.T.D. is a registered multicandidate political committee established by the Building and Construction Trades Department of the A.F.L.-C.I.O.

2. That P.E.F.-B.C.T.D. made a contribution of $400 to the Dave Evans for Congress Committee ("Evans Committee") on October 5, 1979.

3. That the Central Indiana Building and Construction Trades Council P.A.C. (C.I.B.P.A.C.), established by the Central Indiana Building and Construction Trades Council, is affiliated with P.E.F.-B.C.T.D.

4. P.E.F.-B.C.T.D. is itself registered as being affliated with the A.F.L.-C.I.O. C.O.P.E. Political Contributions Committee ("A.F.L.-C.I.O. C.O.P.E. P.C.C."), also a registered multicandidate political committee.

5. That the three affiliated committees made the following contributions to the Evans committee for the 1978 general election:

7/7/78	C.I.B. P.A.C.	$ 500.00
8/17/78	A.F.L.-C.I.O. C.O.P.E P.C.C.	$1,500.00
9/19/78	A.F.L.-C.I.O. C.O.P.E P.C.C.	$1,500.00
10/5/78	P.E.F.-B.C.T.D.	$ 400.00
10/20/78	C.I.B.P.A.C.	$ 800.00
10/24/78	A.F.C.-C.I.O. C.O.P.E. P.C.C.	$1,000.00
	Total Contributions	$5,700.00

0 0 0 4 0 0 2 5 2 2 4

7. That the Evans committee refunded $300 on June 7, 1979 to C.I.B.P.A.C. on the suggestion of the Reports Analysis Division.

8. That even with the refund of $300 by the Evans committee to C.I.B.P.A.C. the amount contributed to the Evans committee by the three affiliated committees was $5,400.00 for the general election.

9. That P.E.G.-B.C.T.D. violated 2 U.S.C. § 441a (a)(2)(A) by being part of a "multicandidate political committee" which contributed more than $5,000 to the genral election campaign of the Evans committee.

Wherefore, P.E.F.-B.C.T.D. agrees:

V. That it violated 2 U.S.C. § 441a(a)(2)(A) by being part of a "multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans committee.

VI. The contributions of the three affiliated committees (the C.I.B.P.A.C., and the A.F.L.-C.I.O. C.O.P.E. P.C.C.) are considered to have been by one multicandidate committee, and the three affiliated committees will pay in the aggregate a civil penalty of $350.00 pursuant to 2 U.S.C. § 437g(a)(5)(B).

VII. P.E.F.-B.C.T.D. agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

GENERAL CONDITIONS

VIII. 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.

IX. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. It is agreed that P.E.F.-B.C.T.D. shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

9004022526

_____
Date

_____
Charles N. Steele
General Counsel
Federal Election Commission

_____
Date

_____
Political Education Fund of
The Building and Construction
Trades Department

BY: _____

ITS: _____

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Dave Evans for Congress	)	
AFL-CIO COPE Political	)	MUR 1069
Contribution Committee	)	
Political Education Fund	)	
of the Building &	)	
Construction Trades	)	
Department, AFL-CIO	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission's executive session of September 3, 1980, do hereby certify that the Commission decided by a vote of 6-0 to approve the letters and conciliation agreements attached to the General Counsel's August 22, 1980 report on MUR 1069, as amended by the General Counsel's September 3, 1980 report.

Attest:

9/5/80
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

8 0 0 4 0 0 2 5 2 2 7

EXECUTIVE SESSION
September 3, 1980

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: MUR 1069 - Amendment to Conciliation Agreement
Item G on Agenda for September 3, 1980
Executive Session

Paragraph VI of the proposed conciliation agreements to be sent to the Central Indiana Building and Construction Trades Council P.A.C., the Political Educational Fund of the Building and Construction Trades Department, AFL-CIO, and the AFL-C.I.O. C.O.P.E. Political Contributions Committee have been amended to read as follows:

VI. The contribution of the three affiliated committees (the P.E.C.-B.C.T.D., the C.I.B.-P.A.C. and the A.F.L.-C.I.O. C.O.P.E. P.C.C.) are considered to have been made by one multi-candidate committee, and the three affiliated committees will pay in the aggregate a civil penalty of $350.00 pursuant to 2 U.S.C. § 437g(a)(5)(B).

Attached is a revised page three of each of the conciliation agreements that have been amended. These changes should clarify the fact that the affiliated committees shall be considered as having made one political contribution.

8 0 0 4 0 0 2 5 2 2 8

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY mc

DATE: AUGUST 25, 1980

SUBJECT: OBJECTION - MUR 1069 - Memorandum to the Commission dated 8-22-80

The above-named document was circulated on a 48 hour vote basis at 2:00, August 22, 1980.

Commissioner Aikens submitted an objection at 11:21, August 25, 1980.

This matter will be placed on the Executive Session Agenda for Wednesday, September 3, 1980.

August 22, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1069

Please have the attached Memo distributed to the Commission on a 48 hour tally basis. Thank you.

8004022530

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

80 AUG 22 A10: 34

August 22, 1980

MEMORANDUM

TO: The Commission

FROM. Charles N. Steele
General Counsel

SUBJECT: Offer of Informal Conciliation - MUR 1069

On May 21, 1980, the Commission found reason to believe that the Central Indiana Building and Construction Trades Council P.A.C., The Political Education Fund of the Building and Construction Trades Department, AFL-CIO, and the A.F.L. - C.I.O. C.O.P.E. Political Contributions Committee violated 2 U.S.C. § 441a(a) by being part of an affiliated group which contributed more than $5,000 to the Dave Evans for Congress Committee. In addition, the Commission found reason to believe that the A.F.L. - C.I.O. C.O.P.E. violated 2 U.S.C. § 433(b)(2) for failing to identify the Central Indiana Building and Construction Trades Council P.A.C. as an affiliated committee. The Commission found reason to believe that the Dave Evans for Congress Committee violated 2 U.S.C. § 441a(f) for accepting a contribution from the Johnson County Democratic Central Committee.

All respondents have made written requests to enter into informal conciliation with the Commission, pursuant to 11 C.F.R. § 111.18(d) (attachments "A", "B" and "C"). It should be noted that Laurance Gold represents the Political Education Fund of The Building and Construction Trades Department, A.F.L. - C.I.O. and the A.F.L. - C.I.O. C.O.P.E. Political Contributions Committee.

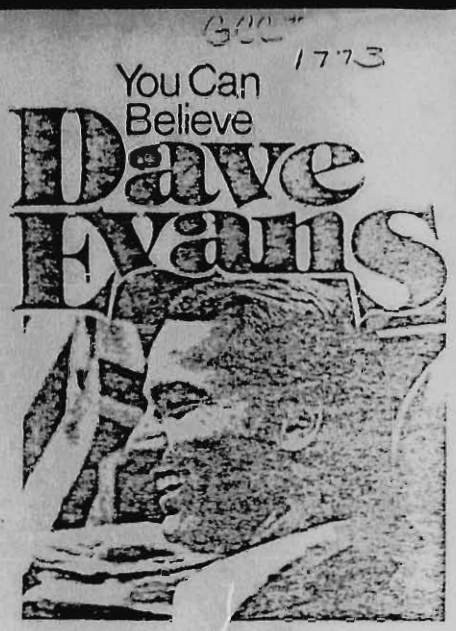
Recommendation

Approve and send attached Conciliation Agreements and letters.

Attachments

1. Letter from the Dave Evans for Congress Committee - A
2. Letter from the Central Indiana Building and Construction Trades Political Action Committee - B
3. Letter from Laurance Gold Esq. of the A.F.L.-C.I.O. - C
4. Conciliation Agreements (4) with accompanying letters (3)

Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, Indiana 46241



June 25, 1980

008755

Kevin H. Smith
Federal Election Commission
Washington, D.C. 20463

RE: MUR 1069

Dear Mr. Smith:

This is in follow-up to our phone conversation following receipt of our letter to you dated June 13, 1980.

You indicated that there were actually two "excessive" contributions received by our Committee from the Johnson County Democratic Central Committee; both amounting to $150.00 over the "legal amount" that that Committee could contribute to our Campaign Committee. Accordingly, we are this date refunding an additional $150.00 to the Johnson County Democratic Central Committee, a copy of that check is attached.

In view of the fact that our Committee apparently was in "technical" violation of the election laws (although there certainly was never any intent to violate the laws) we hereby request, pursuant to Regulation 111.18(d) that the Commission consider a conciliation agreement with our Committee relative to this matter.

Sincerely,

Thomas J. Kern

Thomas J. Kern
Legal Advisor

TJK/sb

encl.

rec'd KHS 6/26

"A"

80 JUN 26 P 1:27

RECEIVED
GENERAL COUNSEL'S OFFICE

RECEIVED
JUN 26 PM 12:07

8004022532

DAVE EVANS FOR CONGRESS
COMMITTEE
P. O. BOX 41709
INDIANAPOLIS, INDIANA 46241

1643

6-12 19 86 20-5 740

PAY TO THE ORDER OF [illegible] $ 100.00

One Hundred & 00/100 DOLLARS

The Indiana National Bank
Indianapolis, Indiana 46266

FOR Contribution Refund [illegible]

[redacted]

DAVE EVANS FOR CONGRESS
COMMITTEE
P. O. BOX 41709
INDIANAPOLIS, INDIANA 46241

1644

6-12 19 86 20-5 740

PAY TO THE ORDER OF Johnson County Democrat Central Committee $ 250.00

One Hundred Fifty & 00/100 DOLLARS

The Indiana National Bank
Indianapolis, Indiana 46266

FOR Contribution Refund [illegible]

[redacted]

G-CC# 1825

FILLENWARTH & FILLENWARTH
ATTORNEYS AT LAW

EDWARD J. FILLENWARTH
EDWARD J. FILLENWARTH, JR.
FREDERICK W. DENNERLINE III
WILLIAM R. GROTH
RICHARD G. MC CRACKEN

SUITE E6A, SHADELAND SQUARE
6919 EAST 10TH STREET
INDIANAPOLIS, INDIANA 46219
TELEPHONE: (317) 353-9363

80 JUL 2 P1:46

June 30, 1980

Mr. Kevin H. Smith
Federal Election Commission
Washington, D.C. 20463

In Re: MUR No. 1069

Dear Mr. Smith:

This office represents the Central Indiana Building & Construction Trades Political Action Committee. In reference to the above-referenced matter, the officers of the CIBCTPAC had no idea whatsoever that their contributions to the candidacy of Dave Evans constituted what might be a violation of the Federal Election Campaign Act, and there was no intention, let alone a plan, to commit such a violation. The first it occurred to them that there might be something wrong with either the method or amount of their contributions was when they received the "Notification of Possible Violations" in this matter. Consequently, I have been authorized to seek informal conciliation with the Commission, pursuant to 11 C.F.R. §111.18. Please inform me what remedy the Commission staff believes to be appropriate in this case.

Very truly yours,

608945

FILLENWARTH & FILLENWARTH

By: Richard G. McCracken
Richard G. McCracken

RGM/tb

("B")

90406

GCC #1933

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

EXECUTIVE COUNCIL

LANE KIRKLAND
PRESIDENT

THOMAS R. DONAHUE
SECRETARY-TREASURER

GEORGE MEANY
PRESIDENT EMERITUS

PAUL HALL
THOMAS W. GLEASON
E. FRANK RAFFERTY
MARTIN J. WARD
ALBERT SHANKER
EDWARD T. HANLEY
WILLIAM H. McCLENNAN
DAVID J. FITZMAURICE
ALVIN E. HEAPS
FRED J. KROLL
WAYNE E. GLENN

JOHN H. LYONS
FREDERICK O'NEAL
GEORGE HARDY
WILLIAM SIDELL
GLENN E. WATTS
ANGELO FOSCO
J. C. TURNER
KENNETH T. BLAYLOCK
WM. W. WINPISINGER
JOHN T. O'DONNELL
ROBERT F. GOSS

PETER BOMMARITO
JERRY WURF
AL H. CHESSER
MURRAY H. FINLEY
SOL C. CHAIKIN
CHARLES H. PULLARD
LLOYD McBRIDE
EMMET ANDREWS
WILLIAM H. WYNN
JOHN DeCONCINI
DANIEL V. MAHONEY

815 SIXTEENTH STREET, N.W.
WASHINGTON, D.C. 20006

(202) 637-5000

July 11, 1980

80 JUL 15 A10:33
GENERAL COUNSEL

Mr. Kevin H. Smith, Esq.
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

Re: MUR 1069

Dear Mr. Smith:

This is to advise you that the respondents in the above-noted case wish to explore the possibility of terminating the matter through settlement rather than litigation. I will be away from my office through Thursday, July 17, 1980 and will be available to meet with you thereafter to discuss this matter.

Very truly yours,

Laurence Gold

Laurence Gold
Special Counsel

8004022523 5

("C")

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas J. Kern, Esquire
P.O. Box 41709-B
Indianapolis, Indiana 46241

Re: MUR 1069

Dear Mr. Kern.

The Commission has received your letter of June 25, 1980, seeking to begin informal conciliation in the above-referenced matter, and on August , 1980, authorized the Office of General Counsel to enter into such conciliation efforts. Accordingly, please find enclosed conciliation agreement which this office is prepared to recommend the Commission approve in settlement of this matter. If you agree with the provisions of this Agreement, please sign it and return it to the Commission within 5 days. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange the enclosed conciliation agreements, or if you wish to arrange a meeting with my staff, please call William Taylor at 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosures
Conciliation Agreement

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Laurence Gold
America Federation of Labor
and Congress of Industrial
Organizations
815 Sixteenth Street, N.W.
Washington, D.C. 20006

Re: MUR 1069

Dear Mr. Gold:

The Commission has received your letter of July 11, 1980 seeking to begin informal conciliation in the above-referenced matter, and on August , 1980, authorized the Office of General Counsel to enter into such conciliation efforts. Accordingly, please find enclosed conciliation agreements which this office is prepared to recommend the Commission approve in settlement of this matter. If you agree with the provisions of this agreement, please sign it and return it to the Commission within 5 days. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting with my staff, please call William Taylor at 523-452.

Sincerely,

Charles N. Steele
General Counsel

Enclosures
Conciliation Agreements

8004102237

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard G. McCracken, Esquire
6919 East 10th Street
Indianapolis, Indiana 46219

Re: MUR 1069

Dear Mr. McCracken:

The Commission has received your letter of June 30, 1980, seeking to begin informal conciliation in the above-referenced matter, and on August , 1980, authorized the Office of General Counsel to enter into such conciliation efforts. Accordingly, please find enclosed conciliation agreement which this office is prepared to recommend the Commission approve in settlement of this. If you agree with the provisions of this agreement, please sign it and return it to the Commission within 5 days. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed Conciliation Agreement, or, if you wish to arrange a meeting with my staff, please call William Taylor at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

8004020238

909069

GCC#1933

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

EXECUTIVE COUNCIL

LANE KIRKLAND
PRESIDENT

THOMAS R. DONAHUE
SECRETARY-TREASURER

GEORGE MEANY
PRESIDENT EMERITUS

PAUL HALL
THOMAS W. GLEASON
S. FRANK RAFTERY
MARTIN J. WARD
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DAVID J. FITZMAURICE
ALVIN E. HEAPS
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WAYNE E. GLENN

JOHN H. LYONS
FREDERICK O'NEAL
GEORGE HARDY
WILLIAM SIDELL
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J. C. TURNER
KENNETH T. BLAYLOCK
WM. W. WINPISINGER
JOHN J. O'DONNELL
ROBERT F. GOSS

PETER BOMMARITO
JERRY WURF
AL H. CHESSER
MURRAY H. FINLEY
SOL C. CHAIKIN
CHARLES H. PILLARD
LLOYD McBRIDE
EMMET ANDREWS
WILLIAM H. WYNN
JOHN DeCONCINI
DANIEL V. MAHONEY

815 SIXTEENTH STREET, N.W.
WASHINGTON, D.C. 20006

(202) 637-5000

July 11, 1980

80 JUL 15 A10:33

GENERAL COUNSEL

Mr. Kevin H. Smith, Esq.
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

Re: MUR 1069

Dear Mr. Smith:

This is to advise you that the respondents in the above-noted case wish to explore the possibility of terminating the matter through settlement rather than litigation. I will be away from my office through Thursday, July 17, 1980 and will be available to meet with you thereafter to discuss this matter.

Very truly yours,

Laurence Gold

Laurence Gold
Special Counsel

AMERICAN FEDERATION
OF LABOR AND
CONGRESS OF INDUSTRIAL
ORGANIZATIONS

815 SIXTEENTH STREET, N. W., WASHINGTON, D. C. 20006

Mr. Kevin H. Smith, Esq.
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY

DATE: JULY 9, 1980

SUBJECT: MUR 1069 - Interim Investigative Report #1, dated 6-30-80; Signed 7-3-80; Received in OCS 7-8-80, 10:01

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 4:00, July 8, 1980.

There were no objections to the Interim Investigative Report at the time of the deadline.

0 0 0 1 0 2 5 2 4 1

July 8, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Jane Colgrove

SUBJECT: MUR 1069

Please have the attached Interim Investigative Report on MUR 1069 distributed to the Commission on a 24 hour no-objectionbbasis.

Thank you.

8004022524 2

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION
June 30, 1980

80 JUL 8 A10: 01

In the Matter of

Dave Evans for Congress AFL-CIO COPE Political Contribution Committee Political Education Fund of the Building & Construction Trades Department, AFL-CIO Central Indiana Building & Construction Trades PAC	))))))))	MUR 1069 (79)

INTERIM INVESTIGATIVE REPORT #1

On May 20, 1980, the Commission found reason to believe against the above respondents and authorized an investigation. Upon receiving our notifications, all but the Political Education Fund of the Building & Construction Trades Department, AFL-CIO ["PEF-BCTD"] have contacted this office by telephone and have indicated a desire to enter into conciliation negotiations pursuant to 11 C.F.R. § 111.18(d) without the necessity of a probable cause finding. We are currently awaiting receipt of the appropriate letters so that we may begin that process by circulating proposed conciliation agreements to the Commission. Counsel for AFL-CIO COPE PCC has indicated agreement with the Commission's findings; we have not officially heard from PEF-BCTD but believe that the same counsel may also enter his appearance on their behalf.

The Dave Evans for Congress Committee has now refunded both the $400 remaining excess from the AFL-CIO affiliated group and also the $300 excess from the Johnson County Central Democratic Committee.

3 July 1980
Date

Charles M. Steele
General Counsel

RECEIVED
GCC# 1825
'80 JUL 2 AM 12:00

OFFICE OF THE GENERAL COUNSEL

FILLENWARTH & FILLENWARTH
ATTORNEYS AT LAW

EDWARD J. FILLENWARTH
EDWARD J. FILLENWARTH, JR.
FREDERICK W. DENNERLINE III
WILLIAM R. GROTH
RICHARD G. MC CRACKEN

80 JUL 2 P1:46

SUITE 604, SHADELAND SQUARE
6919 EAST 10TH STREET
INDIANAPOLIS, INDIANA 46219
TELEPHONE: (317) 353-9363

June 30, 1980

Mr. Kevin H. Smith
Federal Election Commission
Washington, D.C. 20463

In Re: MUR No. 1069

Dear Mr. Smith:

This office represents the Central Indiana Building & Construction Trades Political Action Committee. In reference to the above-referenced matter, the officers of the CIBCTPAC had no idea whatsoever that their contributions to the candidacy of Dave Evans constituted what might be a violation of the Federal Election Campaign Act, and there was no intention, let alone a plan, to commit such a violation. The first it occurred to them that there might be something wrong with either the method or amount of their contributions was when they received the "Notification of Possible Violations" in this matter. Consequently, I have been authorized to seek informal conciliation with the Commission, pursuant to 11 C.F.R. §111.18. Please inform me what remedy the Commission staff believes to be appropriate in this case.

068845

Very truly yours,

FILLENWARTH & FILLENWARTH

By: Richard G. McCracken
Richard G. McCracken

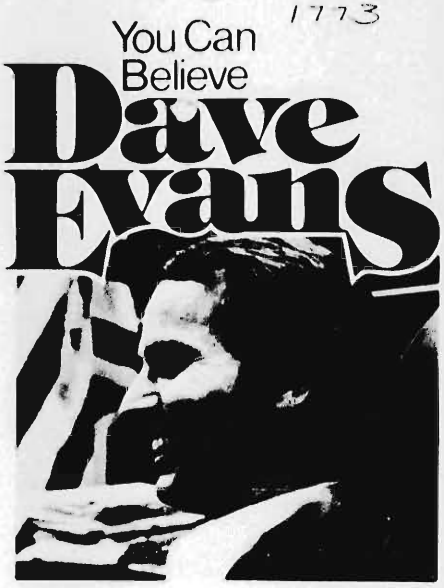
RGM/tb

FILLENWARTH & FILLENWARTH
ATTORNEYS AT LAW
SUITE E6A
6919 EAST 10TH STREET
INDIANAPOLIS, INDIANA 46219

Mr. Kevin H. Smith
Federal Election Commission
Washington, D.C. 20463

8004022524 6

Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, Indiana 46241



June 25, 1980

C08755

Kevin H. Smith
Federal Election Commission
Washington, D.C. 20463

RE: MUR 1069

Dear Mr. Smith:

This is in follow-up to our phone conversation following receipt of our letter to you dated June 13, 1980.

You indicated that there were actually two "excessive" contributions received by our Committee from the Johnson County Democratic Central Committee; both amounting to $150.00 over the "legal amount" that that Committee could contribute to our Campaign Committee. Accordingly, we are this date refunding an additional $150.00 to the Johnson County Democratic Central Committee, a copy of that check is attached.

In view of the fact that our Committee apparently was in "technical" violation of the election laws (although there certainly was never any intent to violate the laws) we hereby request, pursuant to Regulation 111.18(d) that the Commission consider a conciliation agreement with our Committee relative to this matter.

Sincerely,

Thomas J. Kern

Thomas J. Kern
Legal Advisor

TJK/sb

encl.

80 JUN 26 P1:27
GENERAL COUNSEL
RECEIVED

RECEIVED
80 JUN 25 PM 12:07

You Can
Believe
Dave Evans

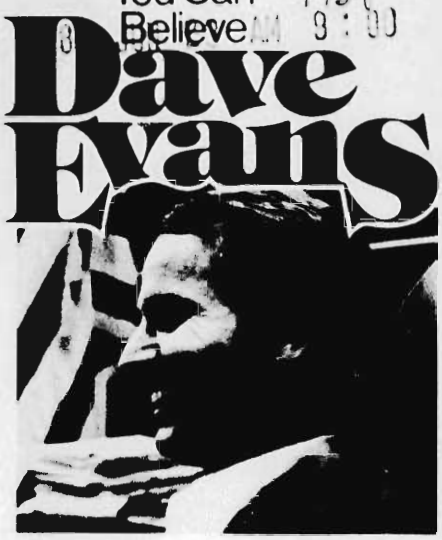
Dave Evans for Congress Committee
501 National Avenue
Indianapolis, Indiana 46227

INDIANAPOLIS
PM
24 JUN
1980

15¢

Kevin H. Smith
Federal Election Commission
Washington, D.C. 20463

Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, Indiana 46241



RECEIVED
Gen Counsel
1980 JUN 23 AM 9:00

080598

June 13, 1980

Kevin H. Smith
Federal Election Commission
Washington, D.C. 20463

RE: MUR 1069

Dear Mr. Smith:

This is to acknowledge receipt on behalf of the Dave Evans for Congress Committee of the letter dated June 5, 1980, from the Federal Election Commission indicating that it has "determined" that there is reason to believe that our Committee violated the Election laws.

With respect to the contribution received from Johnson County Democratic Central Committee: I am enclosing a copy of my last letter to the Commission on this subject dated June 7, 1979. As indicated in that letter, we had asked for a "response to the position we have taken". The explanation with your June 5th letter clarifies the matter, and accordingly we are this date refunding $150.00 to the Johnson County Democratic Central Committee.

Also, in response to the Committee's "urging", we are this date refunding $400.00 to AFL-CIO C.O.P.E. PEC. (Copies of our checks are attached.)

Sincerely,

Thomas J. Kern
Legal Advisor

TJK/sb

encls.

90 JUN 23 A10:38
GENERAL COUNSEL
RECEIVED

Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, Indiana 46241

June 7, 1979

Federal Election Commission
1325 "K" Street, N.W.
Washington, D.C. 20463

RE: 4SV1/79-51,53PH

Dear Sirs:

This is in response to your letter of May 30, 1979.

With respect to the proported excess contributions by the Johnson County Democratic Central Committee on June 6, 1978, and again on February 2, 1979:

The issue is, since the Johnson County Democratic Central Committee is not a "registered committee" within the meaning of the Federal Election laws, is it in violation of those laws for the Dave Evans for Congress Committee to accept a contribution from the Committee in excess of One Thousand Dollars ($1,000.00) per election? (Actual contribution was One Thousand One Hundred Fifty Dollars ($1,150.00).)

In response to this question being raised with respect to the Committee's contribution to our committee in 1977, we, by letter of January 31, 1978, asserted that our position is as follows:

> "The Johnson County Democratic Central Committee is a part of the formal State Committee structure under the Indiana Democratic Central Committee and; therefore, the contribution received from the Johnson County Democratic Central Committee has been accepted under the provision of Section 1.10.3 of the law." (The right of State Party Committee to give Ten Thousand Dollars ($10,000.00).)

Again, in response to the same question raised by your letter dated January 29, 1979, with respect to the Johnson County Committee's contribution to the Dave Evans for Congress Committee's general election fund in 1978, we responded by letter of February 2, 1979, that our response is the same as set out above.

We have not received responses to our January 31, 1978, or our February 2, 1979, letters.

Around March 27, 1979, both the Chairman of the Johnson County Democratic Central Committee and myself were contacted by phone by a Mr. Dave Greevy of your office with respect to this matter. He insisted we were in violation of the law and that the Evans Committee must refund monies to the Johnson County Committee. We ask that he at least give us some type of response to our position as set out in our previous two (2) letters. He indicated that such a response would have to go through a chain of bosses and super bosses and that it would be very difficult. He suggested it would be simpler if we would just "refund the money"!

I feel this type of interpretation and attempted enforcement of regulations by staff persons is wrong. As I left it with Mr. Greevy, all we ask and have been asking for two (2) years is that someone respond to the position WE have taken.

With respect to the questioned One Thousand Three Hundred Dollar ($1,300) contribution by the Central Indiana Building and Construction Trades PAC to the General Election campaign for Congressman Evans in 1978:

We were not aware that this PAC committee is not a "registered PAC" within the meaning of the Federal Election laws, and accordingly limited to making contributions of One Thousand Dollars ($1,000) per election to any federal candidate. Accordingly, per your recommendation, and as evidence by the enclosed copy of our letter to that committee, we have returned as of this date Three Hundred Dollars ($300).

Sincerely,

Thomas J. Kern

Thomas J. Kern
Legal Advisor

TJK/sb

encl.

DAVE EVANS FOR CONGRESS
COMMITTEE
P. O. BOX 41709, B
INDIANAPOLIS, INDIANA 46241

1855

6 25 19 80 22-5/745

PAY TO THE ORDER OF [illegible] $ 150.00

[illegible] Dollars

The Indiana National Bank
Indianapolis, Indiana 46206

FOR [illegible]

⑈001855⑈ ⑆074000052⑆ 10⑈029 567⑈

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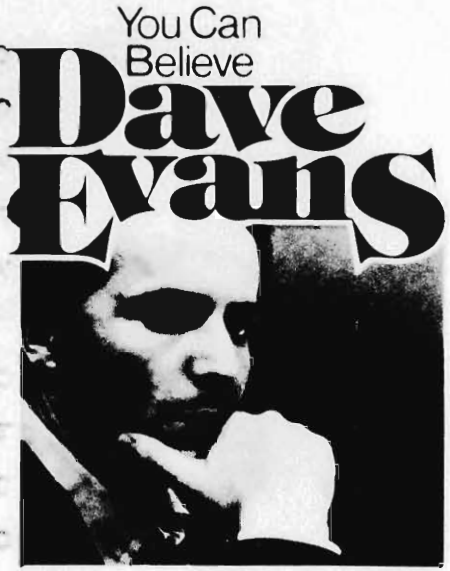

Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, Indiana 46241

Kevin H. Smith
Federal Election Commission
Washington, D.C. 20463

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 5, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas R. Donahue, Treasurer
AFL-CIO COPE Political
Contributions Committee
815 16th Street, N.W.
Washington, D.C. 20006

Re: MUR 1069

Dear Mr. Donahue:

The Federal Election Commission, on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, has found reason to believe that your committee violated 2 U.S.C. §441a(a) by making contributions, together with other committees with which you are considered as one, in excess of $5,000.00 to the 1978 general election campaign of the Dave Evans for Congress Committee. A report on the Commission's finding is attached for your information. You are encouraged to submit any factual or legal materials which you believe are relevant to the Commission's investigation and analysis of this matter. A description of Commission procedures is enclosed for your information.

The Commission also found reason to believe that your committee violated 2 U.S.C. §433(b)(2) by failing to list the Central Indiana Building and Construction Trades PAC in your Statement of Organization or in a subsequent amendment as an affiliated committee. The attached report and description of procedures also covers this finding.

This matter will remain confidential in accordance with 2 U.S.C. §§437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please direct them to Kevin H. Smith, the attorney assigned to this matter, at 202-523-4529.

Sincerely,

Max L. Friedersdorf

Max L. Friedersdorf
Chairman

Enclosures

FEDERAL ELECTION COMMISSION

NOTIFICATION OF POSSIBLE VIOLATIONS

DATE JUN 1980

MUR NO. 1069

STAFF MEMBER(S) & TEL. NO.

Kevin H. Smith
(202) 523-4529

RESPONDENT: Central Indiana Building and Construction Trades PAC; Political Education Fund of the Building and Construction Trades Department; AFL-CIO COPE Political Contributions Committee

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND

The reports of the Dave Evans for Congress Committee reveal the receipt of six contributions totalling $5,700 in connection with the 1978 general election from the Central Indiana Building and Construction Trades PAC ["CIBPAC"], the Political Education Fund of the Building and Construction Trades Department ["PEF-BCTD"], and the AFL-CIO COPE Political Contributions Committee ["AFL-CIO COPE PCC"] as follows:

7/7/78	CIBPAC	$ 500.00
8/17/78	AFL-CIO COPE PCC	$1,500.00
9/19/78	AFL-CIO COPE PCC	$1,500.00
10/5/78	PEF-BCTD	$ 400.00
10/20/78	CIBPAC	$ 800.00
10/24/78	AFL-CIO COPE PCC	$1,000.00
	TOTAL CONTRIBUTIONS	$5,700.00

Initially, the Commission's Reports Analysis Division ["RAD"] noticed the $1,300.00 from CIBPAC, an unregistered committee, and advised the Evans Committee of the unregistered status of CIBPAC. RAD's initial assumption was that since CIBPAC was unregistered, it could not qualify as a "multicandidate political committee" and was therefore limited to contributing $1,000 to any candidate's general election campaign. In accordance with RAD's direction, the Evans Committee refunded $300.00 to CIBPAC on June 7, 1979.

At a later point in Commission proceedings, concern was expressed that RAD may have taken the wrong approach since CIBPAC appeared to be the separate segregated fund of the Central Indiana Building and Construction Trades Council which appeared to be a local unit of the AFL-CIO and its Building and Construction Trades Department. The concern was that CIBPAC would therefore have been entitled to share a $5,000.00 limit with the segregated funds of the AFL-CIO and its Building and Construction Trades Department, which were both qualified multicandidate committees. As such, the concern was that CIBPAC might have been entitled to give $1,300.00 to the Evans Committee and the refund might therefore have been unfair to both CIBPAC and the Evans Committee. Accordingly, the Office of General Counsel checked filings with the Department of Labor and confirmed that the Council was registered as part of the Building and Construction Trades Department, AFL-CIO. The Office of General Counsel then checked the reports of the Evans Committee to see if it had received more than $3,700.00, ($5,000 minus $1,300) from PEF-BCTD and AFL-CIO COPE PCC; this check revealed the contributions listed above.

FACTUAL BASIS AND LEGAL ANALYSIS

The factual basis of the Commission's findings is as indicated above.

The anti-proliferation provisions of 2 U.S.C. §441a(a)(5) provide that all separate segregated funds established by a labor organization and its departments and local units "shall be treated as a single separate segregated fund" for purposes of the contribution limitations of 2 U.S.C. §441a(a). This per se rule applies to the AFL-CIO and its local committees. See Walther v. FEC, CCH Federal Election Campaign Financing Guide ¶9076, at 50,638-39 (D.D.C. 1979).

The three respondent committees, treated as one committee, could not therefore have legally contributed more than $5,000.00 to the Committee. Even after deducting the $300.00 refund to CIBPAC, which obviated its obligation to register and report, there remains a total of $5,400 from the three committees in apparent violation of 2 U.S.C. §441a(a).

Based upon the same facts, the AFL-CIO COPE PCC itself has also apparently violated 2 U.S.C. §433(b)(2) which requires political committees to list in their statements of organization the names, addresses, and relationship of all affiliated committees. Commission regulations provide that the obligation to list all of the committees in an affiliated group rests with the political committee established by the top organization or federation in the chair of sponsoring organizations. See 11 C.F.R. §102.1(b)(1)(ii)(A). In this case, that committee is AFL-CIO COPE PCC.

Based upon the foregoing analysis, the Federal Election Commission has found:

1. That there is reason to believe that CIBPAC violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

2. That there is reason to believe that PEF-BCTD violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

3. That there is reason to believe that AFL-CIO COPE PCC violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

4. That there is reason to believe that AFL-CIO COPE PCC violated 2 U.S.C. §433(b)(2) by failing to identify CIBPAC as an affiliated committee.

8 0 0 1 0 0 2 5 5 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 5, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph F. Maloney, Treasurer
Political Education Fund of
the Building and Construction
Trades Department
815 16th Street, N.W., Suite 603
Washington, D.C. 20005

Re: MUR 1069

Dear Mr. Maloney:

The Federal Election Commission, on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, has found reason to believe that your committee violated 2 U.S.C. §441a(a) by making contributions, together with other committees with which you are considered as one, in excess of $5,000.00 to the 1978 general election campaign of the Dave Evans for Congress Committee. A report on the Commission's finding is attached for your information. You are encouraged to submit any factual or legal materials which you believe are relevant to the Commission's investigation and analysis of this matter. A description of Commission procedures is enclosed for your information.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please direct them to Kevin H. Smith, the attorney assigned to this matter at 202-523-4529.

Sincerely,

Max L. Friedersdorf

Max L. Friedersdorf
Chairman

Enclosures

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one)
- ☐ Show to whom and date delivered ____¢
- ☐ Show to whom, date, and address of delivery ____¢
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered ____¢
- ☐ RESTRICTED DELIVERY
  Show to whom, date, and address of delivery $____
  (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Joseph F. Maloney, Treas.
815 16th St., N.W. Suite 603
Wash, D.C. 20005

3. ARTICLE DESCRIPTION

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	L50Shb	

4. (Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
Chris Cupmore

5. DATE OF DELIVERY	POSTMARK
10-13-80	

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE

CLERK'S INITIALS

☆ GPO: 1976-272-302

Smith MUR-1067

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FEDERAL ELECTION COMMISSION

NOTIFICATION OF POSSIBLE VIOLATIONS

DATE JUN 1980

MUR NO. 1069

STAFF MEMBER(S) & TEL. NO.

Kevin H. Smith
(202) 523-4529

RESPONDENT: Central Indiana Building and Construction Trades PAC; Political Education Fund of the Building and Construction Trades Department; AFL-CIO COPE Political Contributions Committee

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

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10/5/78	PEF-BCTD	$ 400.00
10/20/78	CIBPAC	$ 800.00
10/24/78	AFL-CIO COPE PCC	$1,000.00
	TOTAL CONTRIBUTIONS	$5,700.00

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The three respondent committees, treated as one committee, could not therefore have legally contributed more than $5,000.00 to the Committee. Even after deducting the $300.00 refund to CIBPAC, which obviated its obligation to register and report, there remains a total of $5,400 from the three committees in apparent violation of 2 U.S.C. §441a(a).

Based upon the foregoing analysis, the Federal Election Commission has found:

1. That there is reason to believe that CIBPAC violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

2. That there is reason to believe that PEF-BCTD violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

3. That there is reason to believe that AFL-CIO COPE PCC violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 5, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Treasurer
Central Indiana Building
and Construction Trades PAC
2635 South Madison Avenue
Indianapolis, IN 46225

Re: MUR 1069

Dear Treasurer:

The Federal Election Commission on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, has found reason to believe that your committee violated 2 U.S.C. §441a(a) by making contributions, together with other committees with which you are considered as one, in excess of $5,000.00 to the 1978 general election campaign of the Dave Evans for Congress Committee. A report on the Commission's finding is attached for your information. You are encouraged to submit any factual or legal materials which you believe are relevant to the Commission's investigation and analysis of this matter. A description of Commission procedures is enclosed for your information.

The Commission also found reason to believe that your committee violated 2 U.S.C. §§433 and 434 by failing to register and report as a "political committee" after it contributed $1,300.00 to the Dave Evans for Congress Committee during 1978. The Commission took note, however, that $300.00 was refunded by the Evans Committee to your committee at the suggestion of our Reports Analysis Division, and decided to take no further action with respect to that violation. The Commission did vote, however, to remind you that pursuant to the 1979 amendments to the Act, specifically the current 2 U.S.C. §§431(4), 433(a), and 434, all separate segregated funds are "political committees," regardless of the amount of activity, and must therefore register and report pursuant to the Act.

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one)
- ☐ Show to whom and date delivered ____¢
- ☐ Show to whom, date, and address of delivery ____¢
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered ____¢
- ☐ RESTRICTED DELIVERY
  Show to whom, date, and address of delivery $____
  (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO
Treasurer
2635 South Madison Ave.
Indianapolis IN 46225

3. ARTICLE DESCRIPTION

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	645064	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☒ Addressee ☐ Authorized agent

4. DATE OF DELIVERY
6-9-80

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE

CLERK'S INITIALS

RECEIVED 1 SHELBY ST. INDIANAPOLIS IND. JUN 9 1980 USPO

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆ GPO: 1976-272-302

Smith MUR 764

This matter will remain confidential in accordance with 2 U.S.C. §§437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please direct them to Kevin H. Smith, the attorney assigned to this matter at 202-523-4529.

Sincerely,

Max L. Friedersdorf

Max L. Friedersdorf
Chairman

Enclosures

00402526

FEDERAL ELECTION COMMISSION

NOTIFICATION OF POSSIBLE VIOLATIONS

DATE JUN 1980

MUR NO. 1069

STAFF MEMBER(S) & TEL. NO.

Kevin H. Smith
(202) 523-4529

RESPONDENT: Central Indiana Building and Construction Trades PAC; Political Education Fund of the Building and Construction Trades Department; AFL-CIO COPE Political Contributions Committee

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND

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8/17/78	AFL-CIO COPE PCC	$1,500.00
9/19/78	AFL-CIO COPE PCC	$1,500.00
10/5/78	PEF-BCTD	$ 400.00
10/20/78	CIBPAC	$ 800.00
10/24/78	AFL-CIO COPE PCC	$1,000.00
	TOTAL CONTRIBUTIONS	$5,700.00

Initially, the Commission's Reports Analysis Division ["RAD"] noticed the $1,300.00 from CIBPAC, an unregistered committee, and advised the Evans Committee of the unregistered status of CIBPAC. RAD's initial assumption was that since CIBPAC was unregistered, it could not qualify as a "multicandidate political committee" and was therefore limited to contributing $1,000 to any candidate's general election campaign. In accordance with RAD's direction, the Evans Committee refunded $300.00 to CIBPAC on June 7, 1979.

At a later point in Commission proceedings, concern was expressed that RAD may have taken the wrong approach since CIBPAC appeared to be the separate segregated fund of the Central Indiana Building and Construction Trades Council which appeared to be a local unit of the AFL-CIO and its Building and Construction Trades Department. The concern was that CIBPAC would therefore have been entitled to share a $5,000.00 limit with the segregated funds of the AFL-CIO and its Building and Construction Trades Department, which were both qualified multicandidate committees. As such, the concern was that CIBPAC might have been entitled to give $1,300.00 to the Evans Committee and the refund might therefore have been unfair to both CIBPAC and the Evans Committee. Accordingly, the Office of General Counsel checked filings with the Department of Labor and confirmed that the Council was registered as part of the Building and Construction Trades Department, AFL-CIO. The Office of General Counsel then checked the reports of the Evans Committee to see if it had received more than $3,700.00, ($5,000 minus $1,300) from PEF-BCTD and AFL-CIO COPE PCC; this check revealed the contributions listed above.

FACTUAL BASIS AND LEGAL ANALYSIS

The factual basis of the Commission's findings is as indicated above.

The anti-proliferation provisions of 2 U.S.C. §441a(a)(5) provide that all separate segregated funds established by a labor organization and its departments and local units "shall be treated as a single separate segregated fund" for purposes of the contribution limitations of 2 U.S.C. §441a(a). This *per se* rule applies to the AFL-CIO and its local committees. *See Walther v. FEC*, CCH Federal Election Campaign Financing Guide ¶9076, at 50,638-39 (D.D.C. 1979).

The three respondent committees, treated as one committee, could not therefore have legally contributed more than $5,000.00 to the Committee. Even after deducting the $300.00 refund to CIBPAC, which obviated its obligation to register and report, there remains a total of $5,400 from the three committees in apparent violation of 2 U.S.C. §441a(a).

Based upon the same facts, CIBPAC apparently violated 2 U.S.C. §§433 and 434 by failing to register and report as a "political committee" after it contributed $1,300.00 to the Evans Committee during 1978. Since $300.00 was refunded to CIBPAC, however, the Commission decided to take no further action with respect to this registration and reporting violation.

Based upon the foregoing analysis, the Federal Election Commission has found:

1. That there is reason to believe that CIBPAC violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

2. That there is reason to believe that PEF-BCTD violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

3. That there is reason to believe that AFL-CIO COPE PCC violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

4. That there is reason to believe that CIBPAC violated 2 U.S.C. §§433 and 434 by failing to register and report as a political committee, but that no further action should be taken with respect to that failure.

MEMO TO: FILE
FROM: William Taylor
RE: MUR 1069

The letter sent to MR Jim STAPLES, Chairman, Johnson County Democratic Central Committee at 50 West Main Street, Greenwood, Indiana was returned addressee unknown. After many efforts, I have been unable to locate MR STAPLES OR whoever is Chairman of the Johnson County Democratic Central Committee. Please keep the letter in the file and do not remail.

Mr James Staples
317-888-0654

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

June 5, 1980

Mr. Jim Staples
Chairman
Johnson County Democratic
Central Committee
50 West Main Street
Greenwood, Indiana 46162

Re: MUR 1069

Dear Mr. Staples:

The Commission has reviewed your organization's two contributions of $1,150 each to the Evans Committee in 1977 and again in 1978 and has reason to believe that your Committee violated 2 U.S.C. §§ 433 and 434 by failing to file a registration statement and periodic reports with the Commission.

Additionally, the Commission has concluded that there is reason to believe that your Committee violated 2 U.S.C. § 441a(a)(1)(A) by making contributions with respect to a federal election in excess of $1,000. The exception in 2 U.S.C §441a(d), permitting a state party committee, including subordinate committees, to make expenditures of up to $10,000 in connection with the general election campaign of its party's candidate for the House of Representatives, is not applicable to direct money contributions. See Advisory Opinions 1975-120 and 1979-9, copies of which are enclosed. You were also not entitled to share a $5,000 multicandidate limit with the state committee since it was not registered at the time of the subject contributions.

Considering the circumstances of this matter, however, the Commission has determined to take no further action and to close the file in connection with the above violations. You are reminded, however, that if your Committee should again make contributions in excess of $1,000 during a calendar year, you will be required to file a registration statement and periodic reports with the Commission. You are further reminded that unless you become a properly qualified multicandidate committee in accordance with the Act and regulations or become affiliated with such a committee pursuant to the Act and regulations, you are prohibited from contributing over $1,000 to any one candidate in any one election. You should take immediate steps to insure that violations do not occur in the future.

A report on the Commission's finding is attached for your information. Should you have any questions, please direct them to Kevin H. Smith, the attorney assigned to this matter, at (202) 523-4529.

Sincerely

Max L. Friedersdorf
Chairman

Enclosures (3)

8004022527

FEDERAL ELECTION COMMISSION

NOTIFICATION OF POSSIBLE VIOLATION

DATE JUN 4 1980

MUR NO. 1069

STAFF MEMBER(S) & TEL. NO.

RESPONDENT: Johnson County Democratic Central Committee

Kevin H. Smith
(202) 523-4529

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND

On December 7, 1977, and again on June 16, 1978, the Johnson County Democratic Central Committee ("JCC") conributed $1,150.00 to Dave Evans for Congress ("Evans Committee"). JCC was not registered as a political committee. The Reports Analysis Division ("RAD") asked JCC to request a refund of $300.00 from the Evans Committee in order to avoid the registration and reporting obligations of 2 U.S.C. §§433 and 434. JCC made the requests but the Evans Committee refused to refund the money claiming that JCC was entitled to give that amount because of JCC's affiliation with the state party committee in Indiana.

PRELIMINARY
FACTUAL BASIS AND LEGAL ANALYSIS

Any organization which makes "expenditures" of more than $1,000 in a calendar year is a "political committee" within the definition of 2 U.S.C. §431(a) and is required to register and report as such pursuant to 2 U.S.C. §§433 and 434. JCC was therefore required to register and report. The Commission, however, took note of JCC's compliance with RAD's advice that requesting a refund of the excess amount would obviate the need to register and report and therefore voted to take no further action on the violation.

2 U.S.C. §441a(a) provides that no organization, registered or unregistered, which is not considered a "multicandidate political committee" under §441a may make contributions in excess of $1,000 to any candidate for any election. The special $10,000 limit applicable to expenditures made by state party committees and their subordinate committees does not apply to conributions of money directly to a candidate or committee. See 2 U.S.C. §441a(d); AO 1979-9; AO 1975-120. The only possible way for an unregistered

committee to be considered a "multicandidate political committee" is if it is affiliated with such a committee and therefore treated as one with such a committee pursuant to 2 U.S.C. §441a(a)(5). While JCC may have been affiliated with the state party committee in Indiana at the time, the state party committee was not itself a "multicandidate political committee" since it was also unregistered and therefore the two committees, even if affiliated, were not entitled to the $5,000 multicandidate limit. See 2 U.S.C. §§441a(a)(4), 441a(a)(2)(A). JCC therefore violated the contribution limits of §441a(a)(1)(A). The Commission took note, however, that the inapplicability of the $10,000 special limit to money contributions was not obvious from the face of the Act and regulations. The Commission also took note of the small excess amount involved and of the fact that JCC requested a refund of the excess $300. Accordingly, the Commission voted to take no further action with respect to this violation.

Based on the foregoing analysis, the Federal Election Commission has found:

1. That there is reason to believe that JCC violated §§433 and 434 by failing to register and report as a political committee, but that no further action should be taken.

2. That there is reason to believe that JCC violated §441a (a)(1)(A) by contributing in excess of $1,000 to the Evans Committee, but that no further action should be taken.

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

May 3, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1979-9

John Pouland
The Texas Democratic Party
215 Stokes Building
Austin, Texas 78071

Dear Mr. Pouland:

This is in response to your undated letter received on February 26, 1979, as supplemented, by letters received on March 5 and 18, 1979, requesting an advisory opinion concerning the applicability of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the ability of the Texas Democratic Voter Participation Project to eradicate the outstanding debts of at least 5 Federal candidates from Texas, three of whom were candidates in the general election and two of whom were candidates only in the primary.

Your request states that the Texas Democratic Voter Participation Project is an authorized subordinate committee of the Democratic Party in Texas. On its behalf you ask the following: 1) May our committee make direct payment on behalf of our 1978 Federal candidates to the creditors of those candidates? 2) In soliciting contributions are we required to state that the money will be spent to eradicate the debts incurred during the 1978 campaign? 3) Does the $5,000 contribution limit on individual contributions to our committee apply on a calendar year basis? 4) Does the $25,000 annual personal limit apply to contributions to our committee?

In response to your first question the Commission answers in two parts. First, regarding candidates who lost in the primary, your committee which is a multicandidate political committee as defined in §441a(a)(4) may make total

contributions not exceeding $5,000 to each candidate with respect to their primary election for Federal office. 2 U.S.C. §441a(a)(2)(A). Payment of a candidate's debts directly to the creditor would be a contribution subject to §441a(a) limits. See 11 CFR 110.1(g)(2). Such payments would also have to be combined with any pre-primary contributions by your committee to the same candidate, since only one $5,000 limit is available for primary election contributions.

Second, for those candidates who were in the general election, 2 U.S.C. §441a(d) applies. Section 441a(d)(1) provides that a State committee of a political party may make expenditures in connection with the general election campaign of its candidates for Federal office, subject to the limitations contained in that subsection. Although legislative history is silent as to the applicability of this section to the payment of candidate debts by the party committee, the 1976 Conference Report makes clear that the limited permission in §441a(d) allows political parties to make contributions in kind which would otherwise be covered by the contribution limits in §441a(a). See House Report No. 94-1057, page 59. Hence, the Commission concludes that payments by the committee to candidate creditors are expenditures for purposes of §441a(d) and that your committee may make direct payment to the creditors of the candidates who were in the general election, subject to the limits set forth in §441a(d)(3). However, all other §441a(d) expenditures made by the committee for a particular candidate's general election campaign must be combined with the payments to retire debts and when combined must be within the applicable §441a(d)(3) limit. In addition, the committee may also make payments to the candidates' creditors to the extent that the committee has not exhausted its §441a(a) contribution limits in pre-general election contributions. 11 CFR 110.7(b)(3).

Your second question is whether in soliciting contributions you are to state that the money will be spent to eradicate the debts incurred during the 1978 campaign. According to Commission regulation §102.6(b), your committee may receive only contributions (a) designated for your committee, (b) received as a result of a solicitation which expressly states that the contribution will be used for Federal elections, or (c) from contributors who are informed that all contributions are subject to the limitations of §§110.1, 110.2 and 110.5. Therefore, the Commission would not require that contributors be informed that their contributions will be used to retire debts incurred by specific candidates for Federal office in their 1978 campaigns.

The answer to your third question is yes-- the $5,000 contribution limit on individuals contributing to your committee is a limit by calendar year. Section 441a(a)(1)(C) clearly states that no person shall make contributions to any other political committee (one that is not an authorized candidate committee or a political committee established by a national political party) in any calendar year which, in the aggregate, exceed $5,000.

Your final question concerns application of the annual $25,000 personal limitation to contributions by individuals to your committee. Section 441a(a)(3), which contains the personal limitation, states that an individual may not make contributions:

> "aggregating more than $25,000 in any calendar year. For purposes of this paragraph, any contribution made to a candidate in a year other than the calendar year in which the election is held with respect to which such contribution is made, is considered to be made during the calendar year in which such election is held."

Commission regulations at 11 CFR 110.5 explain that an individual's contribution to a political committee in a non-election year is not attributable to the calendar year in which an election is held as long as the political committee is not the principal campaign committee or other authorized committee of a candidate, or a single candidate committee supporting the candidate, and as long as the contribution is not otherwise designated for a particular election. In this instance any contributions by an individual to your party committee between January 1, 1979, and December 1, 1979, will be attributed to the $25,000 limit for 1979 regardless of the fact that this money may be used by the party committee to retire debts incurred by Federal candidates in 1978 elections.

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act, or prescribed as a Commission regulation, to the specific factual situation set forth in your request. See 2 U.S.C. §437f.

Sincerely yours,

Joan D. Aikens

Joan D. Aikens
Chairman for the
Federal Election Commission

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975-120

TREATMENT OF CONTRIBUTIONS MADE TO A HOUSE CANDIDATE BY AN AFFILIATE OF A STATE PARTY

This advisory opinion is rendered under 2 U.S.C. § 437f in response to a request submitted by the Clifford Allen for Congress Committee and published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59311). Interested parties were given an opportunity to submit written comments pertaining to the request. No comments were received.

The Clifford Allen for Congress Committee is a political committee formed to support the election of Clifford Allen to Congress from Tennessee (5th Congressional District). The Committee states that subsequent to the Tennessee primary, held on October 9, 1975, it received a $2,500 check from the Tennessee Democratic Party Telethon Committee—a group which had registered with the House of Representatives in July 1975, and which, in the view of the Allen Committee, was a division of the Tennessee Democratic Party. There was no indication as to which portion of the $2,500 check was to be used for the just concluded primary election and which portion for the upcoming election.

The Allen Committee seeks assistance from the Commission as to what portions of the Telethon Committee's check it may utilize for the primary and special elections without violating the Federal Election Campaign Act of 1971, as amended.

In the view of the Commission, the $2,500 check is clearly a contribution within the meaning of 18 U.S.C. § 591(e). Since the Telethon Committee was not in existence for six months when it made the contribution, it therefore, did not come within the scope of the specialized definition in 18 U.S.C. § 608(b)(2), and could donate no more than $1,000 to a single election campaign. (See 18 U.S.C. §§ 591(a) and 608(b)(1), also, AO 1975-32, published in 40 FR 55599, November 28, 1975.) As a general matter,[1] the Allen Committee could receive $2,000 and this amount would have to be divided evenly between the two campaigns. The Commission notes, however, that the check was received subsequent to the primary election.[1] The Commission is of the opinion that contributions earmarked for the primary election which are received by the candidate after the primary will be treated as contribution for the special election unless at the time the contribution is received the amount of debts from the primary campaign exceeds the balance on hand in the primary election account. (See AO 1975-53 published in 40 FR 58392, Dec. 16, 1975 and proposed allocation regulation adopted by the Commission on January 19, 1976. Although the Telethon Committee did not specifically "earmark" a portion of the contribution for the primary, the Allen Committee may, under the limited facts of this case, consider $1,000 of this check to be a contribution to the primary election if the following two considerations are met. First, the Telethon Committee has not made any other contribution to Allen's primary election. Second, the Allen Committee has at the time of receipt, outstanding debts from the primary election of $1,000 or more. In addition, the Allen Committee could receive $1,000 to be applied toward the special election campaign. Any amount in excess of this violates Federal election laws and would, therefore, have to be returned to the Telethon Committee.

In reaching this conclusion the Commission is mindful that pursuant to 18 U.S.C. § 608(f)(3)(B) and its prior ruling in AO 1975-2 (40 FR 36692, August 18, 1975), a state party and its lawfully designated subcommittees may expend up to $10,000 on the general election campaign of a Congressional candidate.[2] However, a direct donation of money to a candidate—as in the present instance—is not the same as an expenditure "in connection with the general election campaign" of a candidate. In one case, the candidate acquires exclusive use of the monies in question; in the other, the state party, although it may consult with the candidate as to how to expend the funds, has control over how the monies are used.

This advisory opinion is issued on an interim basis pending final promulgation by the Commission of rules and regulations or policy statements of general applicability.

Dated: January 28, 1976.

NEIL STAEBLER,
Vice Chairman for the Federal Election Commission.

[FR Doc.76-2879 Filed 1-28-76;3:40 am]

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[1] The term "primary election" is used herein to refer to the primary that was held to determine which candidates would run in the subsequent special election held to fill a vacancy.

[2] The Commission regards a special election to fill a vacancy in Federal office as included in the term general election as used in 18 U.S.C. § 608(f).

FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

DESCRIPTION OF PRELIMINARY PROCEDURES
FOR PROCESSING POSSIBLE VIOLATIONS DISCOVERED BY THE
FEDERAL ELECTION COMMISSION

Public Law No. 96-187, signed January 8, 1980 by President Carter, changes the enforcement procedures of the Federal Election Campaign Act of 1971, as amended. Regulations conforming to the changes in the Law are in the process of being drafted; however, until they are approved by the Congress, the "Interim Procedures" described herein will be followed:

Possible violations discovered during the normal course of the Commission's supervisory responsibilities shall be referred to the Enforcement Division of the Office of General Counsel where they are assigned a MUR (Matter Under Review) number, and assigned to a staff member.

Following review of the information which generated the MUR, a recommendation on how to proceed on the matter, which shall include a preliminary legal and factual analysis, and any information compiled from materials available to the Commission shall be submitted to the Commission. This initial report shall recommend either: (a) that the Commission find reason to believe that a possible violation of the Federal Election Campaign Act (FECA) may have occurred or is about to occur and that the Commission conduct an investigation of the matter; or (b) that the Commission find no reason to believe that a possible violation of the FECA has occurred and that the Commission close the file on the matter.

Thereafter, if the Commission decides by an affirmative vote of four (4) Commissioners that there is reason to believe that a violation of the Federal Election Campaign Act (FECA) may have occurred or is about to occur, the Office of the General Counsel shall open an investigation into the matter. Upon notification of the Commission's finding(s), within 15 days a respondent(s) may submit any factual or legal materials relevant to the allegations. During the investigation, the Commission shall have the power to subpoena documents, to subpoena individuals to appear for depositions, and to order answers to interrogatories. The respondent(s) may be contacted more than once by the Commission in its investigation.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Official Business
Penalty for Private Use $300

HOLD
DATE 6-9
1ST NOTICE 6-17
2ND NOTICE 6-24
RETURN

Detached from
PS Form 3849—A
May 1979

POSTAGE AND FEES PAID

U.S. MAIL

. Jim Staples
hairman
ohnson County Democratic
Central Committee
50 West Main Street
Greenwood, Indiana 46162

CERTIFIED

9U5062

JUN 24 AM 1981

PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one)
- ☐ Show to whom and date delivered ____¢
- ☐ Show to whom, date, and address of delivery ____¢
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered ____¢
- ☑ RESTRICTED DELIVERY
  Show to whom, date, and address of delivery $____
  (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Jim Staples
50 West Main Street
Greenwood, Indiana 46142

3. ARTICLE DESCRIPTION

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	445062	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

MUR 1069 Smith

If, during this investigation period, the respondent(s) indicates a desire to enter into conciliation, the Office of General Counsel staff may begin the informal conciliation process. Conciliation is an informal method of conference and persuasion to endeavor to correct or prevent a violation of the Federal Election Campaign Act (FECA). Most often the result of conciliation is a Conciliation Agreement signed by the Commission and the respondent(s). The Conciliaton Agreement must be adopted by four affirmative votes of the Commission before it becomes final. After signature by the Commission and the respondent(s), the Commission shall make public the Conciliation Agreement.

If the investigation warrants, and informal conciliation has failed to resolve the matter the General Counsel shall notify respondent(s) of his/her intent to proceed to a vote on probable cause to believe that a violation of the Federal Election Campaign Act (FECA) has occurred or may occur. Included with the notification to the respondent(s) shall be a brief setting forth the position of the General Counsel on the legal and factual issues of the case. Within 15 days of receipt of such brief, the respondent(s) may submit a brief posing the position of respondent(s) and replying to the brief of the General Counsel. Both briefs shall be filed with the Commission Secretary and are to be considered by the Commission. Thereafter, if the Commission determines by an affirmative vote of four (4) Commissioners, that there is probable cause to believe that a violation of the FECA has occurred or is about to occur, formal conciliation must be undertaken for a period of at least 30 days but not more than 90 days. If formal conciliation fails, the Office of General Counsel may recommend that the Commission file a civil suit against the respondent(s) to enforce the Federal Election Campaign Act (FECA).

See 2 U.S.C. §437g, 11 C.F.R. Part 111.

January 31, 1980

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

June 5, 1980

Mr. Jim Staples
Chairman
Johnson County Democratic
Central Committee
50 West Main Street
Greenwood, Indiana 46162

Re: MUR 1069

Dear Mr. Staples:

The Commission has reviewed your organization's two contributions of $1,150 each to the Evans Committee in 1977 and again in 1978 and has reason to believe that your Committee violated 2 U.S.C. §§ 433 and 434 by failing to file a registration statement and periodic reports with the Commission.

Additionally, the Commission has concluded that there is reason to believe that your Committee violated 2 U.S.C. § 441a(a)(1)(A) by making contributions with respect to a federal election in excess of $1,000. The exception in 2 U.S.C §441a(d), permitting a state party committee, including subordinate committees, to make expenditures of up to $10,000 in connection with the general election campaign of its party's candidate for the House of Representatives, is not applicable to direct money contributions. See Advisory Opinions 1975-120 and 1979-9, copies of which are enclosed. You were also not entitled to share a $5,000 multicandidate limit with the state committee since it was not registered at the time of the subject contributions.

Considering the circumstances of this matter, however, the Commission has determined to take no further action and to close the file in connection with the above violations. You are reminded, however, that if your Committee should again make contributions in excess of $1,000 during a calendar year, you will be required to file a registration statement and periodic reports with the Commission. You are further reminded that unless you become a properly qualified multicandidate committee in accordance with the Act and regulations or become affiliated with such a committee pursuant to the Act and regulations, you are prohibited from contributing over $1,000 to any one candidate in any one election. You should take immediate steps to insure that violations do not occur in the future.

A report on the Commission's finding is attached for your information. Should you have any questions, please direct them to Kevin H. Smith, the attorney assigned to this matter, at (202) 523-4529.

Sincerely

Max L. Friedersdorf
Chairman

Enclosures (3)

FEDERAL ELECTION COMMISSION

NOTIFICATION OF POSSIBLE VIOLATION

DATE JUN 4 1980

MUR NO. 1069

STAFF MEMBER(S) & TEL. NO.

RESPONDENT: Johnson County Democratic Central Committee

Kevin H. Smith
(202) 523-4529

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND

On December 7, 1977, and again on June 16, 1978, the Johnson County Democratic Central Committee ("JCC") conributed $1,150.00 to Dave Evans for Congress ("Evans Committee"). JCC was not registered as a political committee. The Reports Analysis Division ("RAD") asked JCC to request a refund of $300.00 from the Evans Committee in order to avoid the registration and reporting obligations of 2 U.S.C. §§433 and 434. JCC made the requests but the Evans Committee refused to refund the money claiming that JCC was entitled to give that amount because of JCC's affiliation with the state party committee in Indiana.

PRELIMINARY
FACTUAL BASIS AND LEGAL ANALYSIS

Any organization which makes "expenditures" of more than $1,000 in a calendar year is a "political committee" within the definition of 2 U.S.C. §431(d) and is required to register and report as such pursuant to 2 U.S.C. §§433 and 434. JCC was therefore required to register and report. The Commission, however, took note of JCC's compliance with RAD's advice that requesting a refund of the excess amount would obviate the need to register and report and therefore voted to take no further action on the violation.

2 U.S.C. §441a(a) provides that no organization, registered or unregistered, which is not considered a "multicandidate political committee" under §441a may make contributions in excess of $1,000 to any candidate for any election. The special $10,000 limit applicable to expenditures made by state party committees and their subordinate committees does not apply to conributions of money directly to a candidate or committee. See 2 U.S.C. §441a(d); AO 1979-9; AO 1975-120. The only possible way for an unregistered

committee to be considered a "multicandidate political committee" is if it is affiliated with such a committee and therefore treated as one with such a committee pursuant to 2 U.S.C. §441a(a)(5). While JCC may have been affiliated with the state party committee in Indiana at the time, the state party committee was not itself a "multicandidate political committee" since it was also unregistered and therefore the two committees, even if affiliated, were not entitled to the $5,000 multicandidate limit. See 2 U.S.C. §§441a(a)(4), 441a(a)(2)(A). JCC therefore violated the contribution limits of §441a(a)(1)(A). The Commission took note, however, that the inapplicability of the $10,000 special limit to money contributions was not obvious from the face of the Act and regulations. The Commission also took note of the small excess amount involved and of the fact that JCC requested a refund of the excess $300. Accordingly, the Commission voted to take no further action with respect to this violation.

Based on the foregoing analysis, the Federal Election Commission has found:

1. That there is reason to believe that JCC violated §§433 and 434 by failing to register and report as a political committee, but that no further action should be taken.

2. That there is reason to believe that JCC violated §441a (a)(1)(A) by contributing in excess of $1,000 to the Evans Committee, but that no further action should be taken.

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

May 3, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1979-9

John Pouland
The Texas Democratic Party
215 Stokes Building
Austin, Texas 78071

Dear Mr. Pouland:

This is in response to your undated letter received on February 26, 1979, as supplemented, by letters received on March 5 and 18, 1979, requesting an advisory opinion concerning the applicability of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the ability of the Texas Democratic Voter Participation Project to eradicate the outstanding debts of at least 5 Federal candidates from Texas, three of whom were candidates in the general election and two of whom were candidates only in the primary.

Your request states that the Texas Democratic Voter Participation Project is an authorized subordinate committee of the Democratic Party in Texas. On its behalf you ask the following: 1) May our committee make direct payment on behalf of our 1978 Federal candidates to the creditors of those candidates? 2) In soliciting contributions are we required to state that the money will be spent to eradicate the debts incurred during the 1978 campaign? 3) Does the $5,000 contribution limit on individual contributions to our committee apply on a calendar year basis? 4) Does the $25,000 annual personal limit apply to contributions to our committee?

In response to your first question the Commission answers in two parts. First, regarding candidates who lost in the primary, your committee which is a multicandidate political committee as defined in §441a(a)(4) may make total

contributions not exceeding $5,000 to each candidate with respect to their primary election for Federal office. 2 U.S.C. §441a(a)(2)(A). Payment of a candidate's debts directly to the creditor would be a contribution subject to §441a(a) limits. See 11 CFR 110.1(g)(2). Such payments would also have to be combined with any pre-primary contributions by your committee to the same candidate, since only one $5,000 limit is available for primary election contributions.

Second, for those candidates who were in the general election, 2 U.S.C. §441a(d) applies. Section 441a(d)(1) provides that a State committee of a political party may make expenditures in connection with the general election campaign of its candidates for Federal office, subject to the limitations contained in that subsection. Although legislative history is silent as to the applicability of this section to the payment of candidate debts by the party committee, the 1976 Conference Report makes clear that the limited permission in §441a(d) allows political parties to make contributions in kind which would otherwise be covered by the contribution limits in §441a(a). See House Report No. 94-1057, page 59. Hence, the Commission concludes that payments by the committee to candidate creditors are expenditures for purposes of §441a(d) and that your committee may make direct payment to the creditors of the candidates who were in the general election, subject to the limits set forth in §441a(d)(3). However, all other §441a(d) expenditures made by the committee for a particular candidate's general election campaign must be combined with the payments to retire debts and when combined must be within the applicable §441a(d)(3) limit. In addition, the committee may also make payments to the candidates' creditors to the extent that the committee has not exhausted its §441a(a) contribution limits in pre-general election contributions. 11 CFR 110.7(b)(3).

Your second question is whether in soliciting contributions you are to state that the money will be spent to eradicate the debts incurred during the 1978 campaign. According to Commission regulation §102.6(b), your committee may receive only contributions (a) designated for your committee, (b) received as a result of a solicitation which expressly states that the contribution will be used for Federal elections, or (c) from contributors who are informed that all contributions are subject to the limitations of §§110.1, 110.2 and 110.5. Therefore, the Commission would not require that contributors be informed that their contributions will be used to retire debts incurred by specific candidates for Federal office in their 1978 campaigns.

The answer to your third question is yes-- the $5,000 contribution limit on individuals contributing to your committee is a limit by calendar year. Section 441a(a)(1)(C) clearly states that no person shall make contributions to any other political committee (one that is not an authorized candidate committee or a political committee established by a national political party) in any calendar year which, in the aggregate, exceed $5,000.

Your final question concerns application of the annual $25,000 personal limitation to contributions by individuals to your committee. Section 441a(a)(3), which contains the personal limitation, states that an individual may not make contributions:

> "aggregating more than $25,000 in any calendar year. For purposes of this paragraph, any contribution made to a candidate in a year other than the calendar year in which the election is held with respect to which such contribution is made, is considered to be made during the calendar year in which such election is held."

Commission regulations at 11 CFR 110.5 explain that an individual's contribution to a political committee in a non-election year is not attributable to the calendar year in which an election is held as long as the political committee is not the principal campaign committee or other authorized committee of a candidate, or a single candidate committee supporting the candidate, and as long as the contribution is not otherwise designated for a particular election. In this instance any contributions by an individual to your party committee between January 1, 1979, and December 1, 1979, will be attributed to the $25,000 limit for 1979 regardless of the fact that this money may be used by the party committee to retire debts incurred by Federal candidates in 1978 elections.

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act, or prescribed as a Commission regulation, to the specific factual situation set forth in your request. See 2 U.S.C. §437f.

Sincerely yours,

Joan D. Aikens

Joan D. Aikens
Chairman for the
Federal Election Commission

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975-120

TREATMENT OF CONTRIBUTIONS MADE TO A HOUSE CANDIDATE BY AN AFFILIATE OF A STATE PARTY

This advisory opinion is rendered under 2 U.S.C. § 437f in response to a request submitted by the Clifford Allen for Congress Committee and published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59311). Interested parties were given an opportunity to submit written comments pertaining to the request. No comments were received.

The Clifford Allen for Congress Committee is a political committee formed to support the election of Clifford Allen to Congress from Tennessee (5th Congressional District). The Committee states that subsequent to the Tennessee primary, held on October 9, 1975, it received a $2,500 check from the Tennessee Democratic Party Telethon Committee—a group which had registered with the House of Representatives in July 1975, and which, in the view of the Allen Committee, was a division of the Tennessee Democratic Party. There was no indication as to which portion of the $2,500 check was to be used for the just concluded primary election and which portion for the upcoming election.

The Allen Committee seeks assistance from the Commission as to what portions of the Telethon Committee's check it may utilize for the primary and special elections without violating the Federal Election Campaign Act of 1971, as amended.

In the view of the Commission, the $2,500 check is clearly a contribution within the meaning of 18 U.S.C. § 591(e). Since the Telethon Committee was not in existence for six months when it made the contribution, it therefore, did not come within the scope of the specialized definition in 18 U.S.C. § 608(b)(2), and could donate no more than $1,000 to a single election campaign. (See 18 U.S.C. §§ 591(a) and 608(b)(1), also, AO 1975-32, published in 40 FR 55599, November 28, 1975.) As a general matter, the Allen Committee could receive $2,000 and this amount would have to be divided evenly between the two campaigns. The Commission notes, however, that the check was received subsequent to the primary election.[1] The Commission is of the opinion that contributions earmarked for the primary election which are received by the candidate after the primary will be treated as contribution for the special election unless at the time the contribution is received the amount of debts from the primary campaign exceeds the balance on hand in the primary election account. (See AO 1975-53 published in 40 FR 58332, Dec. 16, 1975 and proposed allocation regulation adopted by the Commission on January 19, 1976. Although the Telethon Committee did not specifically "earmark" a portion of the contribution for the primary, the Allen Committee may, under the limited facts of this case, consider $1,000 of this check to be a contribution to the primary election if the following two considerations are met. First, the Telethon Committee has not made any other contribution to Allen's primary election. Second, the Allen Committee has at the time of receipt, outstanding debts from the primary election of $1,000 or more. In addition, the Allen Committee could receive $1,000 to be applied toward the special election campaign. Any amount in excess of this violates Federal election laws and would, therefore, have to be returned to the Telethon Committee.

In reaching this conclusion the Commission is mindful that pursuant to 18 U.S.C. § 608(f)(3)(B) and its prior ruling in AO 1975-2 (40 FR 35699, August 18, 1975), a state party and its lawfully designated subcommittees may expend up to $10,000 on the general election campaign of a Congressional candidate.[2] However, a direct donation of money to a candidate—as in the present instance—is not the same as an expenditure "in connection with the general election campaign" of a candidate. In one case, the candidate acquires exclusive use of the monies in question; in the other, the state party, although it may consult with the candidate as to how to expend the funds, has control over how the monies are used.

This advisory opinion is issued on an interim basis pending final promulgation by the Commission of rules and regulations or policy statements of general applicability.

Dated: January 28, 1976.

NEIL STAEBLER,
Vice Chairman for the Federal Election Commission.

(FR Doc.76-2879 Filed 1-28-76;3:45 am)

[1] The term "primary election" is used herein to refer to the primary that was held to determine which candidates would run in the subsequent special election held to fill a vacancy.

[2] The Commission regards a special election to fill a vacancy in Federal office as included in the term general election as used in 18 U.S.C. § 608(f).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 5, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ray Clements, Treasurer
Dave Evans for Congress Committee
Post Office Box 41709-B
Indianapolis, Indiana 46241

Re: MUR 1069

Dear Mr. Clements:

The Commission has reviewed your committee's receipt of two contributions of $1,150 each from the Johnson County Democratic Central Committee ["JCC"] with respect to the 1978 primary and general elections and has determined that there is reason to believe that your committee violated 2 U.S.C. §441a(f) by knowingly accepting these contributions. A report explaining the Commission's finding is attached for your information. You are encouraged to submit any factual or legal materials which you believe are relevant to the Commission's investigation and analysis of this matter. A description of Commission procedures is also enclosed.

The Commission has also reviewed your committee's receipts of six contributions totalling $5,700.00 in connection with the 1978 general election from the following committees:

- Central Indiana Building and Construction Trades Council ($1,300.00) ["CIBPAC"]

- Political Education Fund of the Building and Construction Trades Department, AFL-CIO ($400.00) ["PEF-BCTD"]

- AFL-CIO COPE Political Contributions Committee ($4,000.00) ["AFL-CIO COPE PCC"]

The Commission has found reason to believe that these committees are all separate segregated funds of the AFL-CIO and its departments and local units and that they are therefore subject to one shared limit pursuant to 2 U.S.C. §441a(a)(5). Since PEF-BCTD and AFL-CIO COPE PCC are each registered multicandidate political committees, that limit shared among the three committees listed above was $5,000.00. See 2 U.S.C. §441a(a)(2). Your committee therefore received a total of $700.00 in excess contributions from the three committees. The Commission took note of the fact that you refunded $300.00 to CIBPAC when our Reports Analysis Division advised you that CIBPAC was not a registered committee. The Commission further considered that you may not have known the relationship among the three committees. Since 2 U.S.C. §441a(f) covers only recipient committees which "knowingly" accept contributions in excess of the applicable limits, the Commission found no reason to believe that your committee violated 2 U.S.C. §441a(f) by accepting the subject contributions. The Commission also voted, however, to urge you to immediately refund the $400.00 excess which you still hold above the $5,000 limit applicable to the three committees, and to take steps to insure that similar excessive contributions are not accepted in the future. You may refund the $400.00 among the three committees as you and the committees deem appropriate.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission writing that you wish the matter to be made public.

Should you have any questions, please direct them to Kevin H. Smith, the attorney assigned to this matter, at 202-523-4529.

Sincerely,

Max L. Friedersdorf

Max L. Friedersdorf
Chairman

Enclosures

1 6 2 5 2 0 0 0 0 0

● SENDER: Complete items 1, 2, and 3
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one)
☐ Show to whom and date delivered ___¢
☐ Show to whom, date, and address of delivery ___¢
☐ RESTRICTED DELIVERY
Show to whom and date delivered ___¢
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery $___
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Ray Clements, Treas.
P.O. Box 41709-B
Indianapolis, Ind. 46241

3. ARTICLE DESCRIPTION

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	590 5773	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
J. Smith (RC)

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK
JUN 10 1980
CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆ GPO: 1978-272-382

MUE-1069 Smith

FEDERAL ELECTION COMMISSION

NOTIFICATION OF POSSIBLE VIOLATION

DATE: June 4, 1980

MUR. NO. 1069
STAFF MEMBER(S) & TEL. NO.

RESPONDENT: Dave Evans for Congress Committee

Kevin H. Smith
(202) 523-4529

SOURCE OF MUR: INTERNALLY GENERATED

BACKGROUND

On December 7, 1977, and again on June 16, 1978, the Johnson County Democratic Central Committee ("JCC") contributed $1,150.00 to Dave Evans for Congress. JCC was not registered as a political committee. The Reports Analysis Division ("RAD") asked JCC to request a refund of $300 from the Evans Commitee in order to avoid the registration and reporting obligations of 2 U.S.C. §§433 and 434. JCC made the requests but the Evans Committee refused to refund the money claiming that JCC was entitled to give that amount because of JCC's affiliation with the state party committee in Indiana.

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. §441a(a) provides that no organization, registered or unregistered, which is not considered a "multicandidate politcal committee" under §441a may make contributions in excess of $1,000 to any candidate for any election. The special $10,000 limit applicable to expenditures made by state party committees and their subordinate committees does not apply to contributions of money directly to a candidate or committee. See 2 U.S.C. §441a(d); AO 1979-9; AO 1975-120 (copy of AOs enclosed). The only possible way for an unregistered committee to be considered a "multicandidate political committee" is if it is affiliated with such a committee and therefore treated as one with such a committee pursuant to 2 U.S.C. §441a(a)(5). While JCC may have been affiliated with the state party committee in Indiana at the time, the state party committee was not itself a "multicandidate political committee" since it was also unregistered; therefore, the two committees, even if affiliated, were not entitled to the $5,000 multicandidate limit. See 2 U.S.C. §§441a(a)(4), 441a(a)(2)(A).

2 U.S.C. §441a(f) prohibits a political committee from knowingly accepting a contribution which violates §441a. A committee's knowledge, actual or constructive, of the facts which make a contribution excessive is sufficient for liability under this section. In this case, the fact that JCC and the state party committee were both unregistered, readily ascertainable from public records available at the Commission even by telephone,

was all the Evans Committee needed to know to ascertain that the contributions were excessive.

Based upon the foregoing analysis, the Federal Election Commission has found that there is reason to believe that the Evans Committee violated 2 U.S.C. §441a(f) by knowingly accepting in excess of $1,000 from JCC.

8 0 0 1 0 0 2 5 2 9 1

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

May 3, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1979-9

John Pouland
The Texas Democratic Party
215 Stokes Building
Austin, Texas 78071

Dear Mr. Pouland:

This is in response to your undated letter received on February 26, 1979, as supplemented, by letters received on March 5 and 18, 1979, requesting an advisory opinion concerning the applicability of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the ability of the Texas Democratic Voter Participation Project to eradicate the outstanding debts of at least 5 Federal candidates from Texas, three of whom were candidates in the general election and two of whom were candidates only in the primary.

Your request states that the Texas Democratic Voter Participation Project is an authorized subordinate committee of the Democratic Party in Texas. On its behalf you ask the following: 1) May our committee make direct payment on behalf of our 1978 Federal candidates to the creditors of those candidates? 2) In soliciting contributions are we required to state that the money will be spent to eradicate the debts incurred during the 1978 campaign? 3) Does the $5,000 contribution limit on individual contributions to our committee apply on a calendar year basis? 4) Does the $25,000 annual personal limit apply to contributions to our committee?

In response to your first question the Commission answers in two parts. First, regarding candidates who lost in the primary, your committee which is a multicandidate political committee as defined in §441a(a)(4) may make total

contributions not exceeding $5,000 to each candidate with respect to their primary election for Federal office. 2 U.S.C. §441a(a)(2)(A). Payment of a candidate's debts directly to the creditor would be a contribution subject to §441a(a) limits. See 11 CFR 110.1(g)(2). Such payments would also have to be combined with any pre-primary contributions by your committee to the same candidate, since only one $5,000 limit is available for primary election contributions.

Second, for those candidates who were in the general election, 2 U.S.C. §441a(d) applies. Section 441a(d)(1) provides that a State committee of a political party may make expenditures in connection with the general election campaign of its candidates for Federal office, subject to the limitations contained in that subsection. Although legislative history is silent as to the applicability of this section to the payment of candidate debts by the party committee, the 1976 Conference Report makes clear that the limited permission in §441a(d) allows political parties to make contributions in kind which would otherwise be covered by the contribution limits in §441a(a). See House Report No. 94-1057, page 59. Hence, the Commission concludes that payments by the committee to candidate creditors are expenditures for purposes of §441a(d) and that your committee may make direct payment to the creditors of the candidates who were in the general election, subject to the limits set forth in §441a(d)(3). However, all other §441a(d) expenditures made by the committee for a particular candidate's general election campaign must be combined with the payments to retire debts and when combined must be within the applicable §441a(d)(3) limit. In addition, the committee may also make payments to the candidates' creditors to the extent that the committee has not exhausted its §441a(a) contribution limits in pre-general election contributions. 11 CFR 110.7(b)(3).

Your second question is whether in soliciting contributions you are to state that the money will be spent to eradicate the debts incurred during the 1978 campaign. According to Commission regulation §102.6(b), your committee may receive only contributions (a) designated for your committee, (b) received as a result of a solicitation which expressly states that the contribution will be used for Federal elections, or (c) from contributors who are informed that all contributions are subject to the limitations of §§110.1, 110.2 and 110.5. Therefore, the Commission would not require that contributors be informed that their contributions will be used to retire debts incurred by specific candidates for Federal office in their 1978 campaigns.

The answer to your third question is yes-- the $5,000 contribution limit on individuals contributing to your committee is a limit by calendar year. Section 441a(a)(1)(C) clearly states that no person shall make contributions to any other political committee (one that is not an authorized candidate committee or a political committee established by a national political party) in any calendar year which, in the aggregate, exceed $5,000.

Your final question concerns application of the annual $25,000 personal limitation to contributions by individuals to your committee. Section 441a(a)(3), which contains the personal limitation, states that an individual may not make contributions:

> "aggregating more than $25,000 in any calendar year. For purposes of this paragraph, any contribution made to a candidate in a year other than the calendar year in which the election is held with respect to which such contribution is made, is considered to be made during the calendar year in which such election is held."

Commission regulations at 11 CFR 110.5 explain that an individual's contribution to a political committee in a non-election year is not attributable to the calendar year in which an election is held as long as the political committee is not the principal campaign committee or other authorized committee of a candidate, or a single candidate committee supporting the candidate, and as long as the contribution is not otherwise designated for a particular election. In this instance any contributions by an individual to your party committee between January 1, 1979, and December 1, 1979, will be attributed to the $25,000 limit for 1979 regardless of the fact that this money may be used by the party committee to retire debts incurred by Federal candidates in 1978 elections.

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act, or prescribed as a Commission regulation, to the specific factual situation set forth in your request. See 2 U.S.C. §437f.

Sincerely yours,

Joan D. Aikens

Joan D. Aikens
Chairman for the
Federal Election Commission

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975-120

TREATMENT OF CONTRIBUTIONS MADE TO A HOUSE CANDIDATE BY AN AFFILIATE OF A STATE PARTY

This advisory opinion is rendered under 2 U.S.C. § 437f in response to a request submitted by the Clifford Allen for Congress Committee and published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59311). Interested parties were given an opportunity to submit written comments pertaining to the request. No comments were received.

The Clifford Allen for Congress Committee is a political committee formed to support the election of Clifford Allen to Congress from Tennessee (5th Congressional District). The Committee states that subsequent to the Tennessee primary, held on October 9, 1975, it received a $2,500 check from the Tennessee Democratic Party Telethon Committee—a group which had registered with the House of Representatives in July 1975, and which, in the view of the Allen Committee, was a division of the Tennessee Democratic Party. There was no indication as to which portion of the $2,500 check was to be used for the just concluded primary election and which portion for the upcoming election.

The Allen Committee seeks assistance from the Commission as to what portions of the Telethon Committee's check it may utilize for the primary and special elections without violating the Federal Election Campaign Act of 1971, as amended.

In the view of the Commission, the $2,500 check is clearly a contribution within the meaning of 18 U.S.C. § 591(e). Since the Telethon Committee was not in existence for six months when it made the contribution, it therefore, did not come within the scope of the specialized definition in 18 U.S.C. § 608(b)(2), and could donate no more than $1,000 to a single election campaign. (See 18 U.S.C. §§ 591(a) and 608(b)(1), also, AO 1975-32, published in 40 FR 55599, November 28, 1975.) As a general matter,[1] the Allen Committee could receive $2,000 and this amount would have to be divided evenly between the two campaigns. The Commission notes, however, that the check was received subsequent to the primary election.[1] The Commission is of the opinion that contributions earmarked for the primary election which are received by the candidate after the primary will be treated as contribution for the special election unless at the time the contribution is received the amount of debts from the primary campaign exceeds the balance on hand in the primary election account. (See AO 1975-53 published in 40 FR 58392, Dec. 18, 1975 and proposed allocation regulation adopted by the Commission on January 19, 1976. Although the Telethon Committee did not specifically "earmark" a portion of the contribution for the primary, the Allen Committee may, under the limited facts of this case, consider $1,000 of this check to be a contribution to the primary election if the following two considerations are met. First, the Telethon Committee has not made any other contribution to Allen's primary election. Second, the Allen Committee has at the time of receipt, outstanding debts from the primary election of $1,000 or more. In addition, the Allen Committee could receive $1,000 to be applied toward the special election campaign. Any amount in excess of this violates Federal election laws and would, therefore, have to be returned to the Telethon Committee.

In reaching this conclusion the Commission is mindful that pursuant to 18 U.S.C. § 608(f)(3)(B) and its prior ruling in AO 1975-2 (40 FR 38392, August 18, 1975), a state party and its lawfully designated subcommittees may expend up to $10,000 on the general election campaign of a Congressional candidate.[2] However, a direct donation of money to a candidate—as in the present instance—is not the same as an expenditure "in connection with the general election campaign" of a candidate. In one case, the candidate acquires exclusive use of the monies in question; in the other, the state party, although it may consult with the candidate as to how to expend the funds, has control over how the monies are used.

This advisory opinion is issued on an interim basis pending final promulgation by the Commission of rules and regulations or policy statements of general applicability.

Dated: January 28, 1976.

NEIL STAEBLER,
Vice Chairman for the Federal Election Commission.

[FR Doc.76-2879 Filed 1-29-76;9:45 am]

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[1] The term "primary election" is used herein to refer to the primary that was held to determine which candidates would run in the subsequent special election held to fill a vacancy.

[2] The Commission regards a special election to fill a vacancy in Federal office as included in the term general election as used in 18 U.S.C. § 608(f).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY mc

DATE: JUNE 4, 1980

SUBJECT: MUR 1069 - Memorandum to the Commission dated 6-2-80: Received in OCS 6-2-80, 2:54

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 11:00, June 3, 1980.

There were no objections to the revised notification letters and notifications of possible violations at the time of the deadline.

June 2, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1069

Please have the attached Memo distributed to the Commission on a 24 hour no-objection basis. Thank you.

8004022530

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

80 JUN 2 P2: 54

June 2, 1980

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

RE: MUR 1069 - Revised Notification Letters and Notifications of Possible Violations

Attached are copies of the letters and notifications which we now propose to send to the respective respondents in the above matter. They have been revised from those circulated with the report to reflect the Commission's discussion and action taken. Specifically, all references to the Clerk of the House are removed. Also, the Evans Committee letter and notification now reflect the Commission's decision to proceed further with respect to their receipt of excess contributions from the Johnson County Committee. Finally, the CIBPAC letter now reflects the effect of the 1979 amendments upon CIBPAC's current status and obligations.

Attachments

I. Letter and Notification to Evans for Congress
II. Letter and Notification to Johnson County Committee
III. Letter and Notification to CIBPAC
IV. Letter and Notification to PEF-BCTD
V. Letter and Notification to AFL-CIO-COPE-PCC

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ray Clements, Treasurer
Dave Evans for Congress Committee
Post Office Box 41709-B
Indianapolis, Indiana 46241

Re: MUR 1069

Dear Mr. Clements:

The Commission has reviewed your committee's receipt of two contributions of $1,150 each from the Johnson County Democratic Central Committee ["JCC"] with respect to the 1978 primary and general elections and has determined that there is reason to believe that your committee violated 2 U.S.C. §441a(f) by knowingly accepting these contributions. A report explaining the Commission's finding is attached for your information. You are encouraged to submit any factual or legal materials which you believe are relevant to the Commission's investigation and analysis of this matter. A description of Commission procedures is also enclosed.

The Commission has also reviewed your committee's receipts of six contributions totalling $5,700.00 in connection with the 1978 general election from the following committees:

- Central Indiana Building and Construction Trades Council ($1,300.00) ["CIBPAC"]

- Political Education Fund of the Building and Construction Trades Department, AFL-CIO ($400.00) ["PEF-BCTD"]

- AFL-CIO COPE Political Contributions Committee ($4,000.00) ["AFL-CIO COPE PCC"]

ATTACHMENT I - 1

The Commission has found reason to believe that these committees are all separate segregated funds of the AFL-CIO and its departments and local units and that they are therefore subject to one shared limit pursuant to 2 U.S.C. §441a(a)(5). Since PEF-BCTD and AFL-CIO COPE PCC are each registered multicandidate political committees, that limit shared among the three committees listed above was $5,000.00. See 2 U.S.C. §441a(a)(2). Your committee therefore received a total of $700.00 in excess contributions from the three committees. The Commission took note of the fact that you refunded $300.00 to CIBPAC when our Reports Analysis Division advised you that CIBPAC was not a registered committee. The Commission further considered that you may not have known the relationship among the three committees. Since 2 U.S.C. §441a(f) covers only recipient committees which "knowingly" accept contributions in excess of the applicable limits, the Commission found no reason to believe that your committee violated 2 U.S.C. §441a(f) by accepting the subject contributions. The Commission also voted, however, to urge you to immediately refund the $400.00 excess which you still hold above the $5,000 limit applicable to the three committees, and to take steps to insure that similar excessive contributions are not accepted in the future. You may refund the $400.00 among the three committees as you and the committees deem appropriate.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(112)(A) unless you notify the Commission writing that you wish the matter to be made public.

Should you have any questions, please direct them to Kevin H. Smith, the attorney assigned to this matter, at 202-523-4529.

Sincerely,

Enclosures

FEDERAL ELECTION COMMISSION

NOTIFICATION OF POSSIBLE VIOLATION

DATE: _____

MUR. NO. 1069

STAFF MEMBER(S) & TEL. NO.

RESPONDENT: Dave Evans for Congress Committee

Kevin H. Smith
(202) 523-4529

SOURCE OF MUR: INTERNALLY GENERATED

BACKGROUND

On December 7, 1977, and again on June 16, 1978, the Johnson County Democratic Central Committee ("JCC") contributed $1,150.00 to Dave Evans for Congress. JCC was not registered as a political committee. The Reports Analysis Division ("RAD") asked JCC to request a refund of $300 from the Evans Commitee in order to avoid the registration and reporting obligations of 2 U.S.C. §§433 and 434. JCC made the requests but the Evans Committee refused to refund the money claiming that JCC was entitled to give that amount because of JCC's affiliation with the state party committee in Indiana.

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. §441a(a) provides that no organization, registered or unregistered, which is not considered a "multicandidate politcal committee" under §441a may make contributions in excess of $1,000 to any candidate for any election. The special $10,000 limit applicable to expenditures made by state party committees and their subordinate committees does not apply to contributions of money directly to a candidate or committee. See 2 U.S.C. §441a(d); AO 1979-9; AO 1975-120 (copy of AOs enclosed). The only possible way for an unregistered committee to be considered a "multicandidate political committee" is if it is affiliated with such a committee and therefore treated as one with such a committee pursuant to 2 U.S.C. §441a(a)(5). While JCC may have been affiliated with the state party committee in Indiana at the time, the state party committee was not itself a "multicandidate political committee" since it was also unregistered; therefore, the two committees, even if affiliated, were not entitled to the $5,000 multicandidate limit. See 2 U.S.C. §§441a(a)(4), 441a(a)(2)(A).

2 U.S.C. §441a(f) prohibits a political committee from knowingly accepting a contribution which violates §441a. A committee's knowledge, actual or constructive, of the facts which make a contribution excessive is sufficient for liability under this section. In this case, the fact that JCC and the state party committee were both unregistered, readily ascertainable from public records available at the Commission even by telephone,

was all the Evans Committee needed to know to ascertain that the contributions were excessive.

Based upon the foregoing analysis, the Federal Election Commission has found that there is reason to believe that the Evans Committee violated 2 U.S.C. §441a(f) by knowingly accepting in excess of $1,000 from JCC.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jim Staples
Chairman
Johnson County Democratic
Central Committee
50 West Main Street
Greenwood, Indiana 46162

Re: MUR 1069

Dear Mr. Staples:

The Commission has reviewed your organization's two contributions of $1,150 each to the Evans Committee in 1977 and again in 1978 and has reason to believe that your Committee violated 2 U.S.C. §§ 433 and 434 by failing to file a registration statement and periodic reports with the Commission.

Additionally, the Commission has concluded that there is reason to believe that your Committee violated 2 U.S.C. § 441a(a)(1)(A) by making contributions with respect to a federal election in excess of $1,000. The exception in 2 U.S.C §441a(d), permitting a state party committee, including subordinate committees, to make expenditures of up to $10,000 in connection with the general election campaign of its party's candidate for the House of Representatives, is not applicable to direct money contributions. See Advisory Opinions 1975-120 and 1979-9, copies of which are enclosed. You were also not entitled to share a $5,000 multicandidate limit with the state committee since it was not registered at the time of the subject contributions.

Considering the circumstances of this matter, however, the Commission has determined to take no further action and to close the file in connection with the above violations. You are reminded, however, that if your Committee should again make contributions in excess of $1,000 during a calendar year, you will be required to file a registration statement and periodic reports with the Commission. You are further reminded that unless you become a properly qualified multicandidate committee in accordance with the Act and regulations or become affiliated with such a committee pursuant to the Act and regulations, you are prohibited from contributing over $1,000 to any one candidate in any one election. You should take immediate steps to insure that violations do not occur in the future.

ATTACHMENT II-1

A report on the Commission's finding is attached for your information. Should you have any questions, please direct them to Kevin H. Smith, the attorney assigned to this matter, at (202) 523-4529.

Sincerely

Enclosures (3)

8004022307

FEDERAL ELECTION COMMISSION

NOTIFICATION OF POSSIBLE VIOLATION

DATE _____ MUR NO. 1069

STAFF MEMBER(S) & TEL. NO.

RESPONDENT: Johnson County Democratic Central Committee

Kevin H. Smith
(202) 523-4529

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND

On December 7, 1977, and again on June 16, 1978, the Johnson County Democratic Central Committee ("JCC") conributed $1,150.00 to Dave Evans for Congress ("Evans Committee"). JCC was not registered as a political committee. The Reports Analysis Division ("RAD") asked JCC to request a refund of $300.00 from the Evans Committee in order to avoid the registration and reporting obligations of 2 U.S.C. §§433 and 434. JCC made the requests but the Evans Committee refused to refund the money claiming that JCC was entitled to give that amount because of JCC's affiliation with the state party committee in Indiana.

PRELIMINARY
FACTUAL BASIS AND LEGAL ANALYSIS

Any organization which makes "expenditures" of more than $1,000 in a calendar year is a "political committee" within the definition of 2 U.S.C. §431(a) and is required to register and report as such pursuant to 2 U.S.C. §§433 and 434. JCC was therefore required to register and report. The Commission, however, took note of JCC's compliance with RAD's advice that requesting a refund of the excess amount would obviate the need to register and report and therefore voted to take no further action on the violation.

2 U.S.C. §441a(a) provides that no organization, registered or unregistered, which is not considered a "multicandidate political committee" under §441a may make contributions in excess of $1,000 to any candidate for any election. The special $10,000 limit applicable to expenditures made by state party committees and their subordinate committees does not apply to conributions of money directly to a candidate or committee. See 2 U.S.C. §441a(d); AO 1979-9; AO 1975-120. The only possible way for an unregistered

committee to be considered a "multicandidate political committee" is if it is affiliated with such a committee and therefore treated as one with such a committee pursuant to 2 U.S.C. §441a(a)(5). While JCC may have been affiliated with the state party committee in Indiana at the time, the state party committee was not itself a "multicandidate political committee" since it was also unregistered and therefore the two committees, even if affiliated, were not entitled to the $5,000 multicandidate limit. See 2 U.S.C. §§441a(a)(4), 441a(a)(2)(A). JCC therefore violated the contribution limits of §441a(a)(1)(A). The Commission took note, however, that the inapplicability of the $10,000 special limit to money contributions was not obvious from the face of the Act and regulations. The Commission also took note of the small excess amount involved and of the fact that JCC requested a refund of the excess $300. Accordingly, the Commission voted to take no further action with respect to this violation.

Based on the foregoing analysis, the Federal Election Commission has found:

1. That there is reason to believe that JCC violated §§433 and 434 by failing to register and report as a political committee, but that no further action should be taken.

2. That there is reason to believe that JCC violated §441a (a)(1)(A) by contributing in excess of $1,000 to the Evans Committee, but that no further action should be taken.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Treasurer
Central Indiana Building
and Construction Trades PAC
2635 South Madison Avenue
Indianapolis, IN 46225

Re: MUR 1069

Dear Treasurer:

The Federal Election Commission on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, has found reason to believe that your committee violated 2 U.S.C. §441a(a) by making contributions, together with other committees with which you are considered as one, in excess of $5,000.00 to the 1978 general election campaign of the Dave Evans for Congress Committee. A report on the Commission's finding is attached for your information. You are encouraged to submit any factual or legal materials which you believe are relevant to the Commission's investigation and analysis of this matter. A description of Commission procedures is enclosed for your information.

The Commission also found reason to believe that your committee violated 2 U.S.C. §§433 and 434 by failing to register and report as a "political committee" after it contributed $1,300.00 to the Dave Evans for Congress Committee during 1978. The Commission took note, however, that $300.00 was refunded by the Evans Committee to your committee at the suggestion of our Reports Analysis Division, and decided to take no further action with respect to that violation. The Commission did vote, however, to remind you that pursuant to the 1979 amendments to the Act, specifically the current 2 U.S.C. §§431(4), 433(a), and 434, all separate segregated funds are "political committees," regardless of the amount of activity, and must therefore register and report pursuant to the Act.

ATTACHMENT III-1

This matter will remain confidential in accordance with 2 U.S.C. §§437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please direct them to Kevin H. Smith, the attorney assigned to this matter at 202-523-4529.

Sincerely,

Enclosures

FEDERAL ELECTION COMMISSION

NOTIFICATION OF POSSIBLE VIOLATIONS

DATE _____

MUR NO. 1069

STAFF MEMBER(S) & TEL. NO.

Kevin H. Smith
(202) 523-4529

RESPONDENT: Central Indiana Building and Construction Trades PAC; Political Education Fund of the Building and Construction Trades Department; AFL-CIO COPE Political Contributions Committee

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND

The reports of the Dave Evans for Congress Committee reveal the receipt of six contributions totalling $5,700 in connection with the 1978 general election from the Central Indiana Building and Construction Trades PAC ["CIBPAC"], the Political Education Fund of the Building and Construction Trades Department ["PEF-BCTD"], and the AFL-CIO COPE Political Contributions Committee ["AFL-CIO COPE PCC"] as follows:

7/7/78	CIBPAC	$ 500.00
8/17/78	AFL-CIO COPE PCC	$1,500.00
9/19/78	AFL-CIO COPE PCC	$1,500.00
10/5/78	PEF-BCTD	$ 400.00
10/20/78	CIBPAC	$ 800.00
10/24/78	AFL-CIO COPE PCC	$1,000.00
	TOTAL CONTRIBUTIONS	$5,700.00

Initially, the Commission's Reports Analysis Division ["RAD"] noticed the $1,300.00 from CIBPAC, an unregistered committee, and advised the Evans Committee of the unregistered status of CIBPAC. RAD's initial assumption was that since CIBPAC was unregistered, it could not qualify as a "multicandidate political committee" and was therefore limited to contributing $1,000 to any candidate's general election campaign. In accordance with RAD's direction, the Evans Committee refunded $300.00 to CIBPAC on June 7, 1979.

At a later point in Commission proceedings, concern was expressed that RAD may have taken the wrong approach since CIBPAC appeared to be the separate segregated fund of the Central Indiana Building and Construction Trades Council which appeared to be a local unit of the AFL-CIO and its Building and Construction Trades Department. The concern was that CIBPAC would therefore have been entitled to share a $5,000.00 limit with the segregated funds of the AFL-CIO and its Building and Construction Trades Department, which were both qualified multicandidate committees. As such, the concern was that CIBPAC might have been entitled to give $1,300.00 to the Evans Committee and the refund might therefore have been unfair to both CIBPAC and the Evans Committee. Accordingly, the Office of General Counsel checked filings with the Department of Labor and confirmed that the Council was registered as part of the Building and Construction Trades Department, AFL-CIO. The Office of General Counsel then checked the reports of the Evans Committee to see if it had received more than $3,700.00, ($5,000 minus $1,300) from PEF-BCTD and AFL-CIO COPE PCC; this check revealed the contributions listed above.

FACTUAL BASIS AND LEGAL ANALYSIS

The factual basis of the Commission's findings is as indicated above.

The anti-proliferation provisions of 2 U.S.C. §441a(a)(5) provide that all separate segregated funds established by a labor organization and its departments and local units "shall be treated as a single separate segregated fund" for purposes of the contribution limitations of 2 U.S.C. §441a(a). This *per se* rule applies to the AFL-CIO and its local committees. *See Walther v. FEC*, CCH Federal Election Campaign Financing Guide ¶9076, at 50,638-39 (D.D.C. 1979).

The three respondent committees, treated as one committee, could not therefore have legally contributed more than $5,000.00 to the Committee. Even after deducting the $300.00 refund to CIBPAC, which obviated its obligation to register and report, there remains a total of $5,400 from the three committees in apparent violation of 2 U.S.C. §441a(a).

Based upon the same facts, CIBPAC apparently violated 2 U.S.C. §§433 and 434 by failing to register and report as a "political committee" after it contributed $1,300.00 to the Evans Committee during 1978. Since $300.00 was refunded to CIBPAC, however, the Commission decided to take no further action with respect to this registration and reporting violation.

Based upon the foregoing analysis, the Federal Election Commission has found:

1. That there is reason to believe that CIBPAC violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

2. That there is reason to believe that PEF-BCTD violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

3. That there is reason to believe that AFL-CIO COPE PCC violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

4. That there is reason to believe that CIBPAC violated 2 U.S.C. §§433 and 434 by failing to register and report as a political committee, but that no further action should be taken with respect to that failure.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph F. Maloney, Treasurer
Political Education Fund of
the Building and Construction
Trades Department
815 16th Street, N.W., Suite 603
Washington, D.C. 20005

Re: MUR 1069

Dear Mr. Maloney:

The Federal Election Commission, on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, has found reason to believe that your committee violated 2 U.S.C. §441a(a) by making contributions, together with other committees with which you are considered as one, in excess of $5,000.00 to the 1978 general election campaign of the Dave Evans for Congress Committee. A report on the Commission's finding is attached for your information. You are encouraged to submit any factual or legal materials which you believe are relevant to the Commission's investigation and analysis of this matter. A description of Commission procedures is enclosed for your information.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please direct them to Kevin H. Smith, the attorney assigned to this matter at 202-523-4529.

Sincerely,

Enclosures

ATTACHMENT IV-1

FEDERAL ELECTION COMMISSION

NOTIFICATION OF POSSIBLE VIOLATIONS

DATE _____

MUR NO. 1069

STAFF MEMBER(S) & TEL. NO.

Kevin H. Smith
(202) 523-4529

RESPONDENT: Central Indiana Building and Construction Trades PAC; Political Education Fund of the Building and Construction Trades Department; AFL-CIO COPE Political Contributions Committee

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND

The reports of the Dave Evans for Congress Committee reveal the receipt of six contributions totalling $5,700 in connection with the 1978 general election from the Central Indiana Building and Construction Trades PAC ["CIBPAC"], the Political Education Fund of the Building and Construction Trades Department ["PEF-BCTD"], and the AFL-CIO COPE Political Contributions Committee ["AFL-CIO COPE PCC"] as follows:

7/7/78	CIBPAC	$ 500.00
8/17/78	AFL-CIO COPE PCC	$1,500.00
9/19/78	AFL-CIO COPE PCC	$1,500.00
10/5/78	PEF-BCTD	$ 400.00
10/20/78	CIBPAC	$ 800.00
10/24/78	AFL-CIO COPE PCC	$1,000.00
	TOTAL CONTRIBUTIONS	$5,700.00

Initially, the Commission's Reports Analysis Division ["RAD"] noticed the $1,300.00 from CIBPAC, an unregistered committee, and advised the Evans Committee of the unregistered status of CIBPAC. RAD's initial assumption was that since CIBPAC was unregistered, it could not qualify as a "multicandidate political committee" and was therefore limited to contributing $1,000 to any candidate's general election campaign. In accordance with RAD's direction, the Evans Committee refunded $300.00 to CIBPAC on June 7, 1979.

At a later point in Commission proceedings, concern was expressed that RAD may have taken the wrong approach since CIBPAC appeared to be the separate segregated fund of the Central Indiana Building and Construction Trades Council which appeared to be a local unit of the AFL-CIO and its Building and Construction Trades Department. The concern was that CIBPAC would therefore have been entitled to share a $5,000.00 limit with the segregated funds of the AFL-CIO and its Building and Construction Trades Department, which were both qualified multicandidate committees. As such, the concern was that CIBPAC might have been entitled to give $1,300.00 to the Evans Committee and the refund might therefore have been unfair to both CIBPAC and the Evans Committee. Accordingly, the Office of General Counsel checked filings with the Department of Labor and confirmed that the Council was registered as part of the Building and Construction Trades Department, AFL-CIO. The Office of General Counsel then checked the reports of the Evans Committee to see if it had received more than $3,700.00, ($5,000 minus $1,300) from PEF-BCTD and AFL-CIO COPE PCC; this check revealed the contributions listed above.

FACTUAL BASIS AND LEGAL ANALYSIS

The factual basis of the Commission's findings is as indicated above.

The anti-proliferation provisions of 2 U.S.C. §441a(a)(5) provide that all separate segregated funds established by a labor organization and its departments and local units "shall be treated as a single separate segregated fund" for purposes of the contribution limitations of 2 U.S.C. §441a(a). This *per se* rule applies to the AFL-CIO and its local committees. See Walther v. FEC, CCH Federal Election Campaign Financing Guide ¶9076, at 50,638-39 (D.D.C. 1979).

The three respondent committees, treated as one committee, could not therefore have legally contributed more than $5,000.00 to the Committee. Even after deducting the $300.00 refund to CIBPAC, which obviated its obligation to register and report, there remains a total of $5,400 from the three committees in apparent violation of 2 U.S.C. §441a(a).

Based upon the foregoing analysis, the Federal Election Commission has found:

1. That there is reason to believe that CIBPAC violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

2. That there is reason to believe that PEF-BCTD violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

3. That there is reason to believe that AFL-CIO COPE PCC violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas R. Donahue, Treasurer
AFL-CIO COPE Political
Contributions Committee
815 16th Street, N.W.
Washington, D.C. 20006

Re: MUR 1069

Dear Mr. Donahue:

The Federal Election Commission, on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, has found reason to believe that your committee violated 2 U.S.C. §441a(a) by making contributions, together with other committees with which you are considered as one, in excess of $5,000.00 to the 1978 general election campaign of the Dave Evans for Congress Committee. A report on the Commission's finding is attached for your information. You are encouraged to submit any factual or legal materials which you believe are relevant to the Commission's investigation and analysis of this matter. A description of Commission procedures is enclosed for your information.

The Commission also found reason to believe that your committee violated 2 U.S.C. §433(b)(2) by failing to list the Central Indiana Building and Construction Trades PAC in your Statement of Organization or in a subsequent amendment as an affiliated committee. The attached report and description of procedures also covers this finding.

This matter will remain confidential in accordance with 2 U.S.C. §§437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please direct them to Kevin H. Smith, the attorney assigned to this matter, at 202-523-4529.

Sincerely,

Enclosures

ATTACHMENT IV-1

FEDERAL ELECTION COMMISSION

NOTIFICATION OF POSSIBLE VIOLATIONS

DATE _____

MUR NO. 1069

STAFF MEMBER(S) & TEL. NO.

Kevin H. Smith
(202) 523-4529

RESPONDENT: Central Indiana Building and Construction Trades PAC; Political Education Fund of the Building and Construction Trades Department; AFL-CIO COPE Political Contributions Committee

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND

The reports of the Dave Evans for Congress Committee reveal the receipt of six contributions totalling $5,700 in connection with the 1978 general election from the Central Indiana Building and Construction Trades PAC ["CIBPAC"], the Political Education Fund of the Building and Construction Trades Department ["PEF-BCTD"], and the AFL-CIO COPE Political Contributions Committee ["AFL-CIO COPE PCC"] as follows:

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8/17/78	AFL-CIO COPE PCC	$1,500.00
9/19/78	AFL-CIO COPE PCC	$1,500.00
10/5/78	PEF-BCTD	$ 400.00
10/20/78	CIBPAC	$ 800.00
10/24/78	AFL-CIO COPE PCC	$1,000.00
	TOTAL CONTRIBUTIONS	$5,700.00

Initially, the Commission's Reports Analysis Division ["RAD"] noticed the $1,300.00 from CIBPAC, an unregistered committee, and advised the Evans Committee of the unregistered status of CIBPAC. RAD's initial assumption was that since CIBPAC was unregistered, it could not qualify as a "multicandidate political committee" and was therefore limited to contributing $1,000 to any candidate's general election campaign. In accordance with RAD's direction, the Evans Committee refunded $300.00 to CIBPAC on June 7, 1979.

At a later point in Commission proceedings, concern was expressed that RAD may have taken the wrong approach since CIBPAC appeared to be the separate segregated fund of the Central Indiana Building and Construction Trades Council which appeared to be a local unit of the AFL-CIO and its Building and Construction Trades Department. The concern was that CIBPAC would therefore have been entitled to share a $5,000.00 limit with the segregated funds of the AFL-CIO and its Building and Construction Trades Department, which were both qualified multicandidate committees. As such, the concern was that CIBPAC might have been entitled to give $1,300.00 to the Evans Committee and the refund might therefore have been unfair to both CIBPAC and the Evans Committee. Accordingly, the Office of General Counsel checked filings with the Department of Labor and confirmed that the Council was registered as part of the Building and Construction Trades Department, AFL-CIO. The Office of General Counsel then checked the reports of the Evans Committee to see if it had received more than $3,700.00, ($5,000 minus $1,300) from PEF-BCTD and AFL-CIO COPE PCC; this check revealed the contributions listed above.

FACTUAL BASIS AND LEGAL ANALYSIS

The factual basis of the Commission's findings is as indicated above.

The anti-proliferation provisions of 2 U.S.C. §441a(a)(5) provide that all separate segregated funds established by a labor organization and its departments and local units "shall be treated as a single separate segregated fund" for purposes of the contribution limitations of 2 U.S.C. §441a(a). This per se rule applies to the AFL-CIO and its local committees. See Walther v. FEC, CCH Federal Election Campaign Financing Guide ¶9076, at 50,638-39 (D.D.C. 1979).

The three respondent committees, treated as one committee, could not therefore have legally contributed more than $5,000.00 to the Committee. Even after deducting the $300.00 refund to CIBPAC, which obviated its obligation to register and report, there remains a total of $5,400 from the three committees in apparent violation of 2 U.S.C. §441a(a).

Based upon the same facts, the AFL-CIO COPE PCC itself has also apparently violated 2 U.S.C. §433(b)(2) which requires political committees to list in their statements of organization the names, addresses, and relationship of all affiliated committees. Commission regulations provide that the obligation to list all of the committees in an affiliated group rests with the political committee established by the top organization or federation in the chair of sponsoring organizations. See 11 C.F.R. §102.1(b)(1)(ii)(A). In this case, that committee is AFL-CIO COPE PCC.

Based upon the foregoing analysis, the Federal Election Commission has found:

1. That there is reason to believe that CIBPAC violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

2. That there is reason to believe that PEF-BCTD violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

3. That there is reason to believe that AFL-CIO COPE PCC violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

4. That there is reason to believe that AFL-CIO COPE PCC violated 2 U.S.C. §433(b)(2) by failing to identify CIBPAC as an affiliated committee.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1069
Johnson County Democratic Central Committee, Jim Staples, Chairman	)	
Dave Evans for Congress Committee, Ray Clements, Treasurer	)	
Central Indiana Building and Construction Trades PAC	)	
Political Education Fund of the Building and Construction Trades Department	)	
AFL-CIO COPE Political Contributions Committee	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 20, 1980, the Commission decided by a vote of 5-0 to take the following actions regarding MUR 1069:

1. Find REASON TO BELIEVE that the Johnson County Democratic Central Committee violated 2 U.S.C. §§ 433 and 434 by failing to register and report as a political committee, but take no further action and CLOSE THE FILE in that regard.

2. Find REASON TO BELIEVE that Johnson County Democratic Central Committee violated 2 U.S.C. § 441a(a)(1)(A) by contributing in excess of $1,000 to Dave Evans for Congress, but take no further action and CLOSE THE FILE in that regard.

3. Find REASON TO BELIEVE that the Central Indiana Building and Construction Trades Council violated 2 U.S.C. §§ 433 and 434 by failing to register and report as a political committee, but take no further action and CLOSE THE FILE in that regard.

(Continued)

4. Find REASON TO BELIEVE that the Central Indiana Building and Construction Trades Council PAC violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

5. Find REASON TO BELIEVE that the Political Education Fund of the Building and Construction Trades Department, AFL-CIO, violated 2 U.S.C. § 441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

6. Find REASON TO BELIEVE that the AFL-CIO COPE Political Contributions Committee violated 2 U.S.C. § 441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

7. Find REASON TO BELIEVE that the AFL-CIO COPE Political Contributions Committee violated 2 U.S.C. § 433(b)(2) by failing to identify the Central Indiana Building and Construction Trades Council PAC as an affiliated committee.

8. Find NO REASON TO BELIEVE that Dave Evans for Congress violated 2 U.S.C. § 441a(f) in connection with contributions received from the Central Indiana Building and Construction Trades Council PAC, the Political Education Fund of the Building and construction Trades Department, and the AFL-CIO COPE Political Contributions Committee, and CLOSE THE FILE in that regard.

(Continued)

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9. Find REASON TO BELIEVE that Dave Evans for Congress violated 2 U.S.C. §441a(f) in connection with contributions received from the Johnson County Democratic Central Committee.

10. Send letters and notifications to the Johnson County Democratic Central Committee, the Central Indiana Building and Construction Trades Council PAC, the Political Education Fund of the Building and Construction Trades Department, the AFL-CIO COPE Political Contributions Committee, and Dave Evans for Congress.

Commissioners Aikens, Friedersdorf, Harris, McGarry, and Tiernan voted affirmatively for these actions; Commissioner Reiche was not present at the time of the vote.

Attest:

5/21/80
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE MWE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY

DATE: MAY 15, 1980

SUBJECT: ADDITIONAL OBJECTION TO MUR 1069

This office is in receipt of the fourth objection to MUR 1069.

Commissioner Aikens submitted an objection at 1:04, May 15, 1980.

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY

DATE: MAY 15, 1980

SUBJECT: ADDITIONAL OBJECTION TO MUR 1069

You were notified earlier this date of objections by Commissioners Reiche and McGarry to MUR 1069.

An additional objection was submitted by Commissioner Friedersdorf at 11:49, May 15, 1980.

8004025327

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY mc

DATE: MAY 15, 1980

SUBJECT: OBJECTIONS- MUR 1069 - First General Counsel's Report dated 5-12-80; Received in OCS 5-12-80, 3:19

The above-named document was circulated on a 48 hour vote basis at 11:00, May 13, 1980.

Commissioner Reiche submitted an objection at 10:16, May 15, 1980, thereby placing MUR 1069 on the Executive Session Agenda for Tuesday, May 20, 1980.

An additional objection was received from Commissioner McGarry at 10:39, this date.

00402532 9

May 12, 1980

MEMORANDUM TO: Marjorie M. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1069

Please have the attached First GC Report distributed to the Commission on a 48 hour tally basis. Thank you.

8004022532 9

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C 20463

FIRST GENERAL COUNSEL'S REPORT

80 MAY 12 P3:19

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION MAY 12 1980

MUR # 1069
STAFF MEMBER(S) Kevin H. Smith

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENTS NAME: Johnson County Democratic Central Committee, Jim Staples, Chairman; Dave Evans for Congress Committee, Ray Clements, Treasurer; Central Indiana Building and Construction Trades PAC; Political Education Fund of the Building and Construction Trades Department; AFL-CIO COPE Political Contributions Committee

RELEVANT STATUTE: 2 U.S.C. §§ 431(d), 433, 434, 441a

INTERNAL REPORTS CHECKED: RAD Referral, "G" Index (1977-78), "E" Index for David Walter Evans, PEF-BCTD, AFL-CIO COPE PCC

FEDERAL AGENCIES CHECKED: U.S. Department of Labor

SUMMARY OF ALLEGATIONS

The Reports Analysis Division ("RAD"), in reviewing reports filed by the Dave Evans for Congress Committee ("Evans Committee"), discovered that the Johnson County Democratic Central Committee ("JCC") and the Central Indiana Building and Construction Trades PAC ("CIBPAC") each made contributions to the Evans Committee in excess of $1,000. Both JCC and CIBPAC were and are unregistered committees.

Additional information gathered by this Office from reports on file indicates that CIBPAC and two political committees with which it is affiliated together contributed $5,700 to the Evans Committee.

FACTUAL AND LEGAL ANALYSIS

I. JOHNSON COUNTY COMMITTEE

A. Failure to Register and Report (2 U.S.C. §§ 433, 434)

On December 7, 1977, and again on June 16, 1978, JCC contributed $1,150 to the Evans Committee. Committees who expend more than $1,000 in a calendar year are "political committees" within the definition of 2 U.S.C. § 431(d) and are required to register and report pursuant to 2 U.S.C. §§ 433 and 434. JCC has therefore violated 2 U.S.C. §§ 433 and 434.

We do not, however, recommend that this violation be pursued further because JCC, when advised by RAD of their obligation to register and report, was given the alternative of "requesting" a refund of the excess amounts in order to obviate the obligation to register and report. JCC requested the refunds from the Evans Committee but the Evans Committee refused to refund the money on the belief that JCC was entitled to contribute over $1,000. It would therefore be unfair to pursue JCC for failure to register when, based upon a representation from RAD, it requested refunds so it would not have to register.

B. Contributing in Excess of $1,000 to a Candidate Committee (2 U.S.C. § 441a(a)(1)(A))

In general, any entity which is not a "multicandidate political committee" as defined by § 441a(a)(4) is subject to a $1,000 limit on contributions to any one candidate committee for any one election. Since only a registered committee qualifies as a "multicandidate political committee", the general rule is that any unregistered committee is subject to the $1,000 limit.

There are, however, two possible exceptions to this general rule. The first is that "all contributions made by political committees established or financed or maintained or controlled by any ... person ... or by any group of persons, shall be considered to have been made by a single political committee...." 2 U.S.C. § 441a(a)(5). Therefore, if an unregistered committee were established, financed, maintained, or controlled by the same person or persons which control a "multicandidate political committee," the contributions made by both would be considered for limitations purposes as having been made by a single committee, namely the "multicandidate political committee," and would therefore be together subject to the $5,000 limit applicable to "multicandidate political committees." 1/ This theory does not aid JCC, however, since the Democratic state committee with which it may have been affiliated was not registered at the time the JCC excess contributions were made 2/ and did not therefore constitute a "multicandidate political committee" entitled to a $5,000 limit.

1/ It should be noted that this "umbrella" theory would not affect the obligation of the unregistered committee to register and report if its own contributions exceed $1,000, since the "umbrella" language is solely "for purposes of the limitations."

2/ The State Committee registered on March 6, 1979, approximately nine months after the last JCC contribution.

The second possible exception would be § 441a(d) which provides that a State committee of a political party together with its subordinate committees "may make expenditures in connection with the general election campaign" of a Congressional candidate up to $10,000. This is the theory apparently advanced by both JCC and the Evans Committee to justify JCC's contributions in excess of $1,000. This exception is of no avail to JCC in the facts of this case, however, since the Commission has previously ruled in AO 1979-9 and AO 1975-120 that this exception only applies to "expenditures" which are in the form of in-kind contributions and does not apply to direct contributions of money to a candidate. These advisory opinions were based upon the Commission's reading of the legislative history of this exception. 3/

Therefore, since JCC was not entitled to the $5,000 or $10,000 limits, it was prohibited from contributing more than $1,000 to a candidate committee, and therefore violated § 441a(a)(1)(A) by making two $1,150 contributions to the Evans Committee.

We do not, however, recommend that the Commission pursue this violation any further. The exccess amounts were $150 for each election, for a total of $300. As explained previously, JCC did attempt to obtain a refund of the excess amount and was unsuccessful. Also, the non-applicability of the $10,000 state party limit is not obvious from a reading of the statute and regulations and instead requires the legislative history analysis which the Commission undertook in the previously cited advisory opinions. The Clerk of the House had already looked into JCC contributions and had not rejected the state party exception argument. Therefore, we feel that a letter notifying JCC that they did violate the Act in this regard and explaining why should vindicate the Commission's interest in JCC's past contributions.

II. CENTRAL INDIANA BUILDING AND CONSTRUCTION TRADES COUNCIL PAC

A. Failure to Register and Report (2 U.S.C. §§ 433, 434))

By contributing over $1,000 to the Evans Committee, CIBPAC became a "political committee" and was therefore required to register and report pursuant to 2 U.S.C. §§ 433 and 434. CIBPAC's failure to so register and report therefore violated the Act.

3/ It should also be noted that the State Committee never undertook the filings required by 11 C.F.R. § 110.7(c) in order for a state committee to avail itself of the exception. Further, the exception applies only to the general election and it appears that the first JCC contribution of $1,150 was for the primary.

We do not, however, recommend pursuing the violation further because the excess amount was refunded to CIBPAC. Although CIBPAC did not request the refund, it was never given the chance to do so because RAD told the Evans Committee to refund the money and did not contact CIBPAC about its failure to register and report.

B. Contributing in Excess of $5,000 to a Candidate Committee (2 U.S.C. § 441a(a)(2)(A))

Since CIBPAC was and is an unregistered committee, it would appear at first glance that its contributions to any one candidate committee in any one election would be limited to the $1,000 limit applicable to any "person" not a "multicandidate political committee." From information on file at the Department of Labor, however, it appears that the Central Indiana Building and Construction Trades Council is affiliated, for Labor Department purposes at least, with the Building and Construction Trades Department, AFL-CIO. [See Attachment I.] The anti-proliferation language in 2 U.S.C. § 441a(a)(5) provides, inter alia, as follows:

> In any case in which ... a labor organization and any of its subsidiaries, branches, divisions, departments, or local units establish or finance or maintain or control more than one separate segregated fund, all such separate segregated funds shall be treated as a single separate segregated fund for purposes of the limitations....

It should first be noted that the Act nowhere requires a separate segregated fund to be registered in order to enjoy the advantages or to suffer the disadvantages of affiliation with another separate segregated fund which is registered. 4/ Judge Richey of this district has stated, although by way of dicta, that the above quoted statutory language "clearly establishes a per se rule for unions and their locals as well as for the AFL-CIO and its local committees." Walther v. FEC, CCH Federal Election Campaign Financing Guide ¶9076, at 50,639 (D.D.C. 1979) (emphasis added). The effect of this per se rule, according to Judge Richey, is that these organizations are "automatically treated as one PAC and proof of control is unnecessary. Id at 50,638. Since the Central Indiana Building and Construction Trades Council is a local committee of the Building and Construction Trades Department of the AFL-CIO, CIBPAC is automatically affiliated with the Political Education Fund of the Building and Construction Trades Department ("PEF-BCTD"), a registered multicandidate political committee which

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4/ By the same token, affiliation-in-fact with a registered committee does not excuse the obligation of "political committes" to register and report. See footnote 1, supra.

itself is registered as being affiliated with the AFL-CIO COPE Political Contributions Committee, ("AFL-CIO COPE PCC"), also a registered multicandidate political committee. These three affiliated committees made the following contributions to the Evans Committee for the 1978 general election:

7/7/78	CIBPAC	$ 500.00
8/17/78	AFL-CIO COPE PCC	1,500.00
9/19/78	AFL-CIO COPE PCC	1,500.00
10/5/78	PEF-BCTD	400.00
10/20/78	CIBPAC	800.00
10/24/78	AFL-CIO COPE PCC	1,000.00
	TOTAL CONTRIBUTIONS	$5,700.00

Thus, even after deducting the $300 which the Evans Committee, at RAD's direction, refunded to CIBPAC on June 7, 1979, there still remained $400 in excess contributions from the AFL-CIO's group of affiliated PACs. While the contribution that, in chronological terms, put the group over the limit was that of AFL-CIO COPE PCC on October 24, 1978, the Act mandates that "all such [affiliated] separate segregated funds shall be treated as a single separate segregated fund for purposes of the limitations provided by paragraph (1) and paragraph (2)." 2 U.S.C. § 441a(a)(5). The Act does not therefore provide for individual treatment of each of the affiliated entities with respect to liability for violations of the limitations; the liability is joint. We therefore conclude that CIBPAC has violated 2 U.S.C. § 441a(a)(2)(A) by being part of a "multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans Committee. Such violation is not excused by the fact that CIBPAC received back the amount by which its purportedly individual contribution exceeded $1,000, since the total contributions of the affiliated group, even after deducting the CIBPAC refund, still exceeds the $5,000 limitation applicable to that group.

III. THE POLITICAL EDUCATION FUND OF THE BUILDING AND CONSTRUCTION TRADES DEPARTMENT, AFL-CIO

Based upon the facts and analysis set forth in the preceding section, we conclude that PEF-BCTD has violated 2 U.S.C. § 441a(a)(2) by being part of a "multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans Committee.

IV. THE AFL-CIO COPE POLITICAL CONTRIBUTIONS COMMITTEE

A. Contributing In Excess of $5,000 to A Candidate Committee

Based upon the facts and analysis set forth in Section II.B of this report, we conclude that AFL-CIO COPE PCC has violated 2 U.S.C. § 441a(a)(2)(A) by being part of a "multicandidate political committee" which contributed more than $5,000 to the general election campaign of the Evans Committee.

B. Failing to Include CIBPAC in the Statement of Organization as an Affiliated Committee (2 U.S.C. § 433(b)(2))

A political committee is required to list in its statement of organization the names, addresses, and relationship of all affiliated organizations. 2 U.S.C. § 433(b)(2). The term "affiliated organization" means an affiliated committee as defined in 11 C.F.R. § 100.14(c). See 11 C.F.R. § 102.1(b)(1). That section defines "affiliated committee" to include all "committees (including a separate segregated fund ...) established ... by the same labor organization ... including any ... local unit thereof." Our regulations provide that the obligation to list all of the affiliated committees in an affiliated group rests with the political committee established by the top organization or federation in the chain of sponsoring organizations. See 11 C.F.R. § 102.1(b)(1)(ii)(A). In this case, that obligation falls upon AFL-CIO COPE PCC whose connected organization, the AFL-CIO, is the parent organization of both the Building and Construction Trades Department and the Central Indiana Building and Construction Trades Council. Neither the Act nor the regulations provide that only registered affiliated committees need be listed. 5/ We therefore conclude that the AFL-CIO COPE PCC has violated 2 U.S.C. § 433(b)(2) by failing to list CIBPAC as an affiliated committee on its Statement of Organization or in a subsequent amendment.

V. THE DAVE EVANS FOR CONGRESS COMMITTEE

A. Knowingly Accepting in Excess of $1,000 From a "Person" (2 U.S.C. § 441a(f)) - the JCC Contributions.

Unlike the standard applied to the maker of an excess contribution, the recipient political committee does not violate the Act unless it "knowingly" accepts a prohibited contribution. While it is clear that the "knowingly" requirement does not make ignorance of the law a defense, it does require the Commission to prove at least constructive knowledge of the facts which make the contribution excessive. In this case, only two facts were needed to make the $5,000 multicandidate limit inapplicable to the JCC contributions: (1) that JCC was not registered; and (2) that the Democratic state committee, of which the Evans Committee believed JCC was a part, was also not registered. These facts could both have been readily ascertained from public records available at the Commission and therefore the Evans Committee did have at least constructive knowledge of them. The inapplicability of the $10,000 state party exemption was, of course, a matter of law and therefore ignorance thereof is not a defense.

The Commission should however consider that the incorrectness of the Evans Committee's legal position (i.e., that the $10,000 party limit applied) is not apparent from a reading of the statute and regulations and instead required the legislative history analysis undertaken in AO 1979-9 and AO 1975-120. Also, the amount involved

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5/ Indeed, the listing of non-registered committees is the only practical way the Commission can tell if the contribution limits are being exceeded by an affiliated group some of whose members engage in less than $1,000 of contributions activity.

was only $300, and although constructive knowledge of non-registration existed, there is no indication that the Evans Committee had actual knowledge that neither JCC nor the state committee had registered, which failures rendered the $5,000 limits inapplicable. 6/

The Commission should also consider that the Evans Committee had been questioned about the JCC contribution by the Clerk of the House and its response appears to have been accepted by the Clerk's office. The Evans Committee also made repeated attempts to obtain a written explanation from RAD as to why the party limit was inapplicable.

We therefore recommend that the Commission find reason to believe that the Evans Committee violated 2 U.S.C. §441a(f) by knowingly accepting two contributions of $1,150 each in two elections from JCC. We further recommend, however, that the Commission take no further action on this violation and close the file in that respect. The notification recommended will explain why the JCC contributions were excessive and will urge the Evans Committee to refund the $300 excess to JCC as JCC has repeated requested at RAD's insistence.

B. Knowingly Accepting in Excess of $5,000 From an Affiliated Group Constituting a Multicandidate Political Committee (2 U.S.C. § 441a(f)) - the AFL-CIO COPE PAC, PEF-BCTD, and CIBPAC Contributions.

As discussed in section II.B of this report, the three committees mentioned above are required to be treated as one for purposes of the § 441a limitations. RAD's treatment of the $1,300 CIBPAC contribution was that since it came from an unregistered committee (which therefore could not by itself have been entitled to a $5,000 limit), it violated the normal $1,000 limit applicable to "persons" and therefore should be refunded. The Evans Committee immediately complied with RAD's wishes by refunding $300, explaining that they were not aware that CIBPAC was not a registered multi-candidate PAC.

As our review of the relevant reports has revealed, however, an additional $400 should have been refunded to or among CIBPAC, PEF-BCTD, and/or AFL-CIO COPE PCC, because their affiliated contributions exceeded the $5,000 limit by $700.

In order for the Commission to successfully obtain an order against the Evans Committee requiring the further refund of $400, however, the Commission would have to prove that the Evans Committee violated the Act by accepting the excess money. The relevant section applying to recipient committees, § 441a(f), requires that the committee "knowingly" accept excess monies.

6/ It should again be stressed that the Act does not automatically prohibit the making of contributions in excess of $1,000 by non-registered committees; even a non-registered committee can be treated as one with a multicandidate political committee and thereby be entitled to share a $5,000 limit. But see footnote 4, supra.

In order to "know" that the contributions from the three committees were together excessive, the Evans Committee would have to have known the facts which give rise to an affiliation among the three committees. Specifically, they would have to have known that the Central Indiana Building and Construction Trades Council was a local unit of the Building and Construction Trades Department, and of the AFL-CIO itself. Since CIBPAC was not registered and since AFL-CIO COPE PCC had not listed CIBPAC as an affiliated committee, even a diligent search of Commission records would not have apprised the Evans Committee of this relationship. Indeed, this office did not even know that a relationship existed between the Council and the AFL-CIO until examining a Labor Department filing made by the Council.

We therefore conclude that there is no reason to believe that the Evans Committee violated the Act by accepting the contributions of CIBPAC, PEF-BCTD, and AFL-CIO COPE PCC. As with respect to the excessive JCC contributions, however, the notification to the Evans Committee should explain why the contributions were excessive and urge the Committee to refund $400 to or among the three committees.

RECOMMENDATIONS

1. Find reason to believe that the Johnson County Democratic Central Committee violated 2 U.S.C. §§ 433 and 434 by failing to register and report as a political committee, but take no further action and close the file in that regard.

2. Find reason to believe that the Johnson County Democratic Central Committee violated 2 U.S.C. § 441a(a)(1)(A) by contributing in excess of $1,000 to Dave Evans for Congress, but take no further action and close the file in that regard.

3. Find reason to believe that the Central Indiana Building and Construction Trades Council violated 2 U.S.C. §§ 433 and 434 by failing to register and report as a political committee, but take no further action and close the file in that regard.

4. Find reason to believe that the Central Indiana Building and Construction Trades Council PAC violated 2 U.S.C. § 441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

5. Find reason to believe that the Political Education Fund of the Building and Construction Trades Department, AFL-CIO, violated 2 U.S.C. § 441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

6. Find reason to believe that the AFL-CIO COPE Political Contributions Committee violated 2 U.S.C. § 441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

7. Find reason to believe that the AFL-CIO COPE Political Contributions Committee violated 2 U.S.C. § 433(b)(2) by failing to identify the Central Indiana Building and Construction Trades Council PAC as an affiliated committee.

8. Find no reason to believe that Dave Evans for Congress violated 2 U.S.C. § 441a(f) in connection with contributions received from the Central Indiana Building and Construction Trades Council PAC, the Political Education Fund of the Building and Construction Trades Department, and the AFL-CIO COPE Political Contributions Committee, and close the file in that regard.

9. Find reason to believe that Dave Evans for Congress violated 2 U.S.C. §441a(f) in connection with contributions received from the Johnson County Democratic Central Committee, but take no further action and close the file in that regard.

10. Send the attached letters and notifications to the Johnson County Democratic Central Committee, the Central Indiana Building and Construction Trades Council PAC, the Political Education Fund of the Building and Construction Trades Department, the AFL-CIO COPE Political Contributions Committee, and Dave Evans for Congress.

Attachments

Proposed letters (5)
Proposed notifications of reason to believe finding (5)
RAD referral materials
I - U.S. Department of Labor Form LM-2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ray Clements, Treasurer
Dave Evans for Congress Committee
Post Office Box 41709-B
Indianapolis, Indiana 46241

Re: MUR 1069

Dear Mr. Clements:

The Commission has reviewed your committee's receipt of two contributions of $1,150 each from the Johnson County Democratic Central Committee ["JCC"] with respect to the 1978 primary and general elections and has determined that there is reason to believe that your committee violated 2 U.S.C. §441a(f) by knowingly accepting these contributions.

Considering the circumstances of this matter, however, the Commission has determined to take no further action and to close the file in connection with the above violations. The Commission did, however, vote to urge you to immediately refund $300 to JCC and to take steps to insure that similar excessive contributions are not accepted in the future. A report explaining the Commission's finding is attached for your information.

The Commission has also reviewed your committee's receipts of six contributions totalling $5,700.00 in connection with the 1978 general election from the following committees:

- Central Indiana Building and Construction Trades Council ($1,300.00) ["CIBPAC"]

- Political Education Fund of the Building and Construction Trades Department, AFL-CIO ($400.00) ["PEF-BCTD"]

- AFL-CIO COPE Political Contributions Committee ($4,000.00) ["AFL-CIO COPE PCC"]

The Commission has found reason to believe that these committees are all separate segregated funds of the AFL-CIO and its departments and local units and that they are therefore subject to one shared limit pursuant to 2 U.S.C. §441a(a)(5). Since PEF-BCTD and AFL-CIO COPE PCC are each registered multicandidate political committees, that limit shared among the three committees listed above was $5,000.00. See 2 U.S.C. §441a(a)(2). Your committee therefore received a total of $700.00 in excess contributions from the three committees. The Commission took note of the fact that you refunded $300.00 to CIBPAC when our Reports Analysis Division advised you that CIBPAC was not a registered committee. The Commission further considered that you may not have known the relationship among the three committees. Since 2 U.S.C. §441a(f) covers only recipient committees which "knowingly" accept contributions in excess of the applicable limits, the Commission found no reason to believe that your committee violated 2 U.S.C. §441a(f) by accepting the subject contributions. The Commission also voted, however, to urge you to immediately refund the $400.00 excess which you still hold above the $5,000 limit applicable to the three committees, and to take steps to insure that similar excessive contributions are not accepted in the future. You may refund the $400.00 among the three committees as you and the committees deem appropriate.

Should you have any questions, please direct them to Kevin H. Smith, the attorney assigned to this matter, at 202-523-4529.

Sincerely,

Enclosures

FEDERAL ELECTION COMMISSION

NOTIFICATION OF POSSIBLE VIOLATION

DATE: _____

MUR. NO. 1069

STAFF MEMBER(S) & TEL. NO.

RESPONDENT: Dave Evans for Congress Committee

Kevin H. Smith
(202) 523-4529

SOURCE OF MUR: INTERNALLY GENERATED

BACKGROUND

On December 7, 1977, and again on June 16, 1978, the Johnson County Democratic Central Committee ("JCC") contributed $1,150.00 to Dave Evans for Congress. JCC was not registered as a political committee. The Reports Analysis Division ("RAD") asked JCC to requst a refund of $300 from the Evans Commitee in order to avoid the registration and reporting obligations of 2 U.S.C. §§433 and 434. JCC made the requests but the Evans Committee refused to refund the money claiming that JCC was entitled to give that amount because of JCC's affiliation with the state party committee in Indiana.

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. §441a(a) provides that no organization, registered or unregistered, which is not considered a "multicandidate politcal committee" under §441a may make contributions in excess of $1,000 to any candidate for any election. The special $10,000 limit applicable to expenditures made by state party committees and their subordinate committees does not apply to contributions of money directly to a candidate or committee. See 2 U.S.C. §441a(d); AO 1979-9; AO 1975-120 (copy of AOs enclosed). The only possible way for an unregistered committee to be considered a "multicandidate political committee" is if it is affiliated with such a committee and therefore treated as one with such a committee pursuant to 2 U.S.C. §441a(a)(5). While JCC may have been affiliated with the state party committee in Indiana at the time, the state party committee was not itself a "multicandidate political committee" since it was also unregistered; therefore, the two committees, even if affiliated, were not entitled to the $5,000 multicandidate limit. See 2 U.S.C. §§441a(a)(4), 441a(a)(2)(A).

2 U.S.C. §441a(f) prohibits a political committee from knowingly accepting a contribution which violates §441a. A committee's knowledge, actual or constructive, of the facts which make a contribution excessive is sufficient for liability under this section. In this case, the fact that JCC and the state party committee were both unregistered, readily ascertainable from public records available at the Commission even by telephone,

was all the Evans Committee needed to know to ascertain that the contributions were excessive.

The Commission took into consideration, however, that the inapplicability of the $10,000 special limit to money conributions was not obvious from the face of the Act and regulations and that the Clerk of the House had earlier appeared to accept the Evans Committee's argument that the $10,000 limit applied. The Commission also took note of the small excess amount involved and that the Evans Committee had attempted to obtain a written explanation from RAD as to why the contributions were not covered by the $10,000 limit. Accordingly, the Commission voted to take no further action with respect to this violation, but to urge the Evans Committee to immediately refund the $300 excess to JCC.

Based upon the foregoing analysis, the Federal Election Commission has found that there is reason to believe that the Evans Committee violated 2 U.S.C. §441a(f) by knowingly accepting in excess of $1,000 from JCC, but that no further action should be taken.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jim Staples
Chairman
Johnson County Democratic
Central Committee
50 West Main Street
Greenwood, Indiana 46162

Re: MUR 1069

Dear Mr. Staples:

The Commission has reviewed your organization's two contributions of $1,150 each to the Evans Committee in 1977 and again in 1978 and has reason to believe that your Committee violated 2 U.S.C. §§ 433 and 434 by failing to file a registration statement and periodic reports with the Commission.

Additionally, the Commission has concluded that there is reason to believe that your Committee violated 2 U.S.C. § 441a(a)(1)(A) by making contributions with respect to a federal election in excess of $1,000. The exception in 2 U.S.C §441a(d), permitting a state party committee, including subordinate committees, to make expenditures of up to $10,000 in connection with the general election campaign of its party's candidate for the House of Representatives, is not applicable to direct money contributions. See Advisory Opinions 1975-120 and 1979-9, copies of which are enclosed. You were also not entitled to share a $5,000 multicandidate limit with the state committee since it was not registered at the time of the subject contributions.

Considering the circumstances of this matter, however, the Commission has determined to take no further action and to close the file in connection with the above violations. You are reminded, however, that if your Committee should again make contributions in excess of $1,000 during a calendar year, you will be required to file a registration statement and periodic reports with the Commission. You are further reminded that unless you become a properly qualified multicandidate committee in accordance with the Act and regulations or become affiliated with such a committee pursuant to the Act and regulations, you are prohibited from contributing over $1,000 to any one candidate in any one election. You should take immediate steps to insure that violations do not occur in the future.

A report on the Commission's finding is attached for your information. Should you have any questions, please direct them to Kevin H. Smith, the attorney assigned to this matter, at (202) 523-4529.

Sincerely

Enclosures (3)

8004102534

FEDERAL ELECTION COMMISSION

NOTIFICATION OF POSSIBLE VIOLATION

DATE _____ MUR NO. 1069

STAFF MEMBER(S) & TEL. NO.

RESPONDENT: Johnson County Democratic Central Committee

Kevin H. Smith
(202) 523-4529

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND

On December 7, 1977, and again on June 16, 1978, the Johnson County Democratic Central Committee ("JCC") conributed $1,150.00 to Dave Evans for Congress ("Evans Committee"). JCC was not registered as a political committee. The Reports Analysis Division ("RAD") asked JCC to request a refund of $300.00 from the Evans Committee in order to avoid the registration and reporting obligations of 2 U.S.C. §§433 and 434. JCC made the requests but the Evans Committee refused to refund the money claiming that JCC was entitled to give that amount because of JCC's affiliation with the state party committee in Indiana.

PRELIMINARY
FACTUAL BASIS AND LEGAL ANALYSIS

Any organization which makes "expenditures" of more than $1,000 in a calendar year is a "political committee" within the definition of 2 U.S.C. §431(a) and is required to register and report as such pursuant to 2 U.S.C. §§433 and 434. JCC was therefore required to register and report. The Commission, however, took note of JCC's compliance with RAD's advice that requesting a refund of the excess amount would obviate the need to register and report and therefore voted to take no further action on the violation.

2 U.S.C. §441a(a) provides that no organization, registered or unregistered, which is not considered a "multicandidate political committee" under §441a may make contributions in excess of $1,000 to any candidate for any election. The special $10,000 limit applicable to expenditures made by state party committees and their subordinate committees does not apply to conributions of money directly to a candidate or committee. See 2 U.S.C. §441a(d); AO 1979-9; AO 1975-120. The only possible way for an unregistered

committee to be considered a "multicandidate political committee" is if it is affiliated with such a committee and therefore treated as one with such a committee pursuant to 2 U.S.C. §441a(a)(5). While JCC may have been affiliated with the state party committee in Indiana at the time, the state party committee was not itself a "multicandidate political committee" since it was also unregistered and therefore the two committees, even if affiliated, were not entitled to the $5,000 multicandidate limit. See 2 U.S.C. §§441a(a)(4), 441a(a)(2)(A). JCC therefore violated the contribution limits of §441a(a)(1)(A). The Commission took note, however, that the inapplicability of the $10,000 special limit to money contributions was not obvious from the face of the Act and regulations and that the Clerk of the House had earlier appeared to accept the Evans Committee's argument that the $10,000 limit applied. The Commission also took note of the small excess amount involved. Accordingly, the Commission voted to take no further action with respect to this violation.

Based on the foregoing analysis, the Federal Election Commission has found:

1. That there is reason to believe that JCC violated §§433 and 434 by failing to register and report as a political committee, but that no further action should be taken.

2. That there is reason to believe that JCC violated §441a (a)(1)(A) by contributing in excess of $1,000 to the Evans Committee, but that no further action should be taken.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Treasurer
Central Indiana Building
and Construction Trades PAC
2635 South Madison Avenue
Indianapolis, IN 46225

Re: MUR 1069

Dear Treasurer:

The Federal Election Commission on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, has found reason to believe that your committee violated 2 U.S.C. §441a(a) by making contributions, together with other committees with which you are considered as one, in excess of $5,000.00 to the 1978 general election campaign of the Dave Evans for Congress Committee. A report on the Commission's finding is attached for your information. You are encouraged to submit any factual or legal materials which you believe are relevant to the Commission's investigation and analysis of this matter. A description of Commission procedures is enclosed for your information.

The Commission also found reason to believe that your committee violated 2 U.S.C. §§433 and 434 by failing to register and report as a "political committee" after it contributed $1,300.00 to the Dave Evans for Congress Committee during 1978. The Commission took note, however, that $300.00 was refunded by the Evans Committee to your committee at the suggestion of our Reports Analysis Division, and decided to take no further action with respect to that violation. The Commission did vote, however, to remind you that if your committee should again make contributions in excess of $1,000 during a calendar year, you will be required to register and report as a "political committee."

This matter will remain confidential in accordance with 2 U.S.C. §§437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please direct them to Kevin H. Smith, the attorney assigned to this matter at 202-523-4529.

Sincerely,

Enclosures

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FEDERAL ELECTION COMMISSION

NOTIFICATION OF POSSIBLE VIOLATIONS

DATE _____

MUR NO. 1069

STAFF MEMBER(S) & TEL. NO.

Kevin H. Smith
(202) 523-4529

RESPONDENT: Central Indiana Building and Construction Trades PAC; Political Education Fund of the Building and Construction Trades Department; AFL-CIO COPE Political Contributions Committee

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND

The reports of the Dave Evans for Congress Committee reveal the receipt of six contributions totalling $5,700 in connection with the 1978 general election from the Central Indiana Building and Construction Trades PAC ["CIBPAC"], the Political Education Fund of the Building and Construction Trades Department ["PEF-BCTD"], and the AFL-CIO COPE Political Contributions Committee ["AFL-CIO COPE PCC"] as follows:

7/7/78	CIBPAC	$ 500.00
8/17/78	AFL-CIO COPE PCC	$1,500.00
9/19/78	AFL-CIO COPE PCC	$1,500.00
10/5/78	PEF-BCTD	$ 400.00
10/20/78	CIBPAC	$ 800.00
10/24/78	AFL-CIO COPE PCC	$1,000.00
	TOTAL CONTRIBUTIONS	$5,700.00

Initially, the Commission's Reports Analysis Division ["RAD"] noticed the $1,300.00 from CIBPAC, an unregistered committee, and advised the Evans Committee of the unregistered status of CIBPAC. RAD's initial assumption was that since CIBPAC was unregistered, it could not qualify as a "multicandidate political committee" and was therefore limited to contributing $1,000 to any candidate's general election campaign. In accordance with RAD's direction, the Evans Committee refunded $300.00 to CIBPAC on June 7, 1979.

At a later point in Commission proceedings, concern was expressed that RAD may have taken the wrong approach since CIBPAC appeared to be the separate segregated fund of the Central Indiana Building and Construction Trades Council which appeared to be a local unit of the AFL-CIO and its Building and Construction Trades Department. The concern was that CIBPAC would therefore have been entitled to share a $5,000.00 limit with the segregated funds of the AFL-CIO and its Building and Construction Trades Department, which were both qualified multicandidate committees. As such, the concern was that CIBPAC might have been entitled to give $1,300.00 to the Evans Committee and the refund might therefore have been unfair to both CIBPAC and the Evans Committee. Accordingly, the Office of General Counsel checked filings with the Department of Labor and confirmed that the Council was registered as part of the Building and Construction Trades Department, AFL-CIO. The Office of General Counsel then checked the reports of the Evans Committee to see if it had received more than $3,700.00, ($5,000 minus $1,300) from PEF-BCTD and AFL-CIO COPE PCC; this check revealed the contributions listed above.

FACTUAL BASIS AND LEGAL ANALYSIS

The factual basis of the Commission's findings is as indicated above.

The anti-proliferation provisions of 2 U.S.C. §441a(a)(5) provide that all separate segregated funds established by a labor organization and its departments and local units "shall be treated as a single separate segregated fund" for purposes of the contribution limitations of 2 U.S.C. §441a(a). This per se rule applies to the AFL-CIO and its local committees. See Walther v. FEC, CCH Federal Election Campaign Financing Guide ¶9076, at 50,638-39 (D.D.C. 1979).

The three respondent committees, treated as one committee, could not therefore have legally contributed more than $5,000.00 to the Committee. Even after deducting the $300.00 refund to CIBPAC, which obviated its obligation to register and report, there remains a total of $5,400 from the three committees in apparent violation of 2 U.S.C. §441a(a).

Based upon the same facts, CIBPAC apparently violated 2 U.S.C. §§433 and 434 by failing to register and report as a "political committee" after it contributed $1,300.00 to the Evans Committee during 1978. Since $300.00 was refundable to CBPAC, however, the Commission decided to take no further action with respect to this registration and reporting violation.

Based upon the foregoing analysis, the Federal Election Commission has found:

1. That there is reason to believe that CIBPAC violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

2. That there is reason to believe that PEF-BCTD violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

3. That there is reason to believe that AFL-CIO COPE PCC violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

4. That there is reason to believe that CIBPAC violated 2 U.S.C. §§433 and 434 by failing to register and report as a political committee, but that no further action should be taken with respect to that failure.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph F. Maloney, Treasurer
Political Education Fund of
the Building and Construction
Trades Department
815 16th Street, N.W., Suite 603
Washington, D.C. 20005

Re: MUR 1069

Dear Mr. Maloney:

The Federal Election Commission, on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, has found reason to believe that your committee violated 2 U.S.C. §441a(a) by making contributions, together with other committees with which you are considered as one, in excess of $5,000.00 to the 1978 general election campaign of the Dave Evans for Congress Committee. A report on the Commission's finding is attached for your information. You are encouraged to submit any factual or legal materials which you believe are relevant to the Commission's investigation and analysis of this matter. A description of Commission procedures is enclosed for your information.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please direct them to Kevin H. Smith, the attorney assigned to this matter at 202-523-4529.

Sincerely,

Enclosures

FEDERAL ELECTION COMMISSION

NOTIFICATION OF POSSIBLE VIOLATIONS

DATE _____

MUR NO. 1069

STAFF MEMBER(S) & TEL. NO.

Kevin H. Smith
(202) 523-4529

RESPONDENT: Central Indiana Building and Construction Trades PAC; Political Education Fund of the Building and Construction Trades Department; AFL-CIO COPE Political Contributions Committee

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND

The reports of the Dave Evans for Congress Committee reveal the receipt of six contributions totalling $5,700 in connection with the 1978 general election from the Central Indiana Building and Construction Trades PAC ["CIBPAC"], the Political Education Fund of the Building and Construction Trades Department ["PEF-BCTD"], and the AFL-CIO COPE Political Contributions Committee ["AFL-CIO COPE PCC"] as follows:

7/7/78	CIBPAC	$ 500.00
8/17/78	AFL-CIO COPE PCC	$1,500.00
9/19/78	AFL-CIO COPE PCC	$1,500.00
10/5/78	PEF-BCTD	$ 400.00
10/20/78	CIBPAC	$ 800.00
10/24/78	AFL-CIO COPE PCC	$1,000.00
	TOTAL CONTRIBUTIONS	$5,700.00

Initially, the Commission's Reports Analysis Division ["RAD"] noticed the $1,300.00 from CIBPAC, an unregistered committee, and advised the Evans Committee of the unregistered status of CIBPAC. RAD's initial assumption was that since CIBPAC was unregistered, it could not qualify as a "multicandidate political committee" and was therefore limited to contributing $1,000 to any candidate's general election campaign. In accordance with RAD's direction, the Evans Committee refunded $300.00 to CIBPAC on June 7, 1979.

At a later point in Commission proceedings, concern was expressed that RAD may have taken the wrong approach since CIBPAC appeared to be the separate segregated fund of the Central Indiana Building and Construction Trades Council which appeared to be a local unit of the AFL-CIO and its Building and Construction Trades Department. The concern was that CIBPAC would therefore have been entitled to share a $5,000.00 limit with the segregated funds of the AFL-CIO and its Building and Construction Trades Department, which were both qualified multicandidate committees. As such, the concern was that CIBPAC might have been entitled to give $1,300.00 to the Evans Committee and the refund might therefore have been unfair to both CIBPAC and the Evans Committee. Accordingly, the Office of General Counsel checked filings with the Department of Labor and confirmed that the Council was registered as part of the Building and Construction Trades Department, AFL-CIO. The Office of General Counsel then checked the reports of the Evans Committee to see if it had received more than $3,700.00, ($5,000 minus $1,300) from PEF-BCTD and AFL-CIO COPE PCC; this check revealed the contributions listed above.

FACTUAL BASIS AND LEGAL ANALYSIS

The factual basis of the Commission's findings is as indicated above.

The anti-proliferation provisions of 2 U.S.C. §441a(a)(5) provide that all separate segregated funds established by a labor organization and its departments and local units "shall be treated as a single separate segregated fund" for purposes of the contribution limitations of 2 U.S.C. §441a(a). This per se rule applies to the AFL-CIO and its local committees. See Walther v. FEC, CCH Federal Election Campaign Financing Guide ¶9076, at 50,638-39 (D.D.C. 1979).

The three respondent committees, treated as one committee, could not therefore have legally contributed more than $5,000.00 to the Committee. Even after deducting the $300.00 refund to CIBPAC, which obviated its obligation to register and report, there remains a total of $5,400 from the three committees in apparent violation of 2 U.S.C. §441a(a).

Based upon the foregoing analysis, the Federal Election Commission has found:

1. That there is reason to believe that CIBPAC violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

2. That there is reason to believe that PEF-BCTD violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

3. That there is reason to believe that AFL-CIO COPE PCC violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas R. Donahue, Treasurer
AFL-CIO COPE Political
Contributions Committee
815 16th Street, N.W.
Washington, D.C. 20006

Re: MUR 1069

Dear Mr. Donahue:

The Federal Election Commission, on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, has found reason to believe that your committee violated 2 U.S.C. §441a(a) by making contributions, together with other committees with which you are considered as one, in excess of $5,000.00 to the 1978 general election campaign of the Dave Evans for Congress Committee. A report on the Commission's finding is attached for your information. You are encouraged to submit any factual or legal materials which you believe are relevant to the Commission's investigation and analysis of this matter. A description of Commission procedures is enclosed for your information.

The Commission also found reason to believe that your committee violated 2 U.S.C. §433(b)(2) by failing to list the Central Indiana Building and Construction Trades PAC in your Statement of Organization or in a subsequent amendment as an affiliated committee. The attached report and description of procedures also covers this finding.

This matter will remain confidential in accordance with 2 U.S.C. §§437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please direct them to Kevin H. Smith, the attorney assigned to this matter, at 202-523-4529.

Sincerely,

Enclosures

FEDERAL ELECTION COMMISSION

NOTIFICATION OF POSSIBLE VIOLATIONS

DATE _____

MUR NO. 1069

STAFF MEMBER(S) & TEL. NO.

Kevin H. Smith
(202) 523-4529

RESPONDENT: Central Indiana Building and Construction Trades PAC; Political Education Fund of the Building and Construction Trades Department; AFL-CIO COPE Political Contributions Committee

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND

The reports of the Dave Evans for Congress Committee reveal the receipt of six contributions totalling $5,700 in connection with the 1978 general election from the Central Indiana Building and Construction Trades PAC ["CIBPAC"], the Political Education Fund of the Building and Construction Trades Department ["PEF-BCTD"], and the AFL-CIO COPE Political Contributions Committee ["AFL-CIO COPE PCC"] as follows:

7/7/78	CIBPAC	$ 500.00
8/17/78	AFL-CIO COPE PCC	$1,500.00
9/19/78	AFL-CIO COPE PCC	$1,500.00
10/5/78	PEF-BCTD	$ 400.00
10/20/78	CIBPAC	$ 800.00
10/24/78	AFL-CIO COPE PCC	$1,000.00
	TOTAL CONTRIBUTIONS	$5,700.00

Initially, the Commission's Reports Analysis Division ["RAD"] noticed the $1,300.00 from CIBPAC, an unregistered committee, and advised the Evans Committee of the unregistered status of CIBPAC. RAD's initial assumption was that since CIBPAC was unregistered, it could not qualify as a "multicandidate political committee" and was therefore limited to contributing $1,000 to any candidate's general election campaign. In accordance with RAD's direction, the Evans Committee refunded $300.00 to CIBPAC on June 7, 1979.

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At a later point in Commission proceedings, concern was expressed that RAD may have taken the wrong approach since CIBPAC appeared to be the separate segregated fund of the Central Indiana Building and Construction Trades Council which appeared to be a local unit of the AFL-CIO and its Building and Construction Trades Department. The concern was that CIBPAC would therefore have been entitled to share a $5,000.00 limit with the segregated funds of the AFL-CIO and its Building and Construction Trades Department, which were both qualified multicandidate committees. As such, the concern was that CIBPAC might have been entitled to give $1,300.00 to the Evans Committee and the refund might therefore have been unfair to both CIBPAC and the Evans Committee. Accordingly, the Office of General Counsel checked filings with the Department of Labor and confirmed that the Council was registered as part of the Building and Construction Trades Department, AFL-CIO. The Office of General Counsel then checked the reports of the Evans Committee to see if it had received more than $3,700.00, ($5,000 minus $1,300) from PEF-BCTD and AFL-CIO COPE PCC; this check revealed the contributions listed above.

FACTUAL BASIS AND LEGAL ANALYSIS

The factual basis of the Commission's findings is as indicated above.

The anti-proliferation provisions of 2 U.S.C. §441a(a)(5) provide that all separate segregated funds established by a labor organization and its departments and local units "shall be treated as a single separate segregated fund" for purposes of the contribution limitations of 2 U.S.C. §441a(a). This per se rule applies to the AFL-CIO and its local committees. See Walther v. FEC, CCH Federal Election Campaign Financing Guide ¶9076, at 50,638-39 (D.D.C. 1979).

The three respondent committees, treated as one committee, could not therefore have legally contributed more than $5,000.00 to the Committee. Even after deducting the $300.00 refund to CIBPAC, which obviated its obligation to register and report, there remains a total of $5,400 from the three committees in apparent violation of 2 U.S.C. §441a(a).

Based upon the same facts, the AFL-CIO COPE PCC itself has also apparently violated 2 U.S.C. §433(b)(2) which requires political committees to list in their statements of organization the names, addresses, and relationship of all affiliated committees. Commission regulations provide that the obligation to list all of the committees in an affiliated group rests with the political committee established by the top organization or federation in the chair of sponsoring organizations. See 11 C.F.R. §102.1(b)(1)(ii)(A). In this case, that committee is AFL-CIO COPE PCC.

Based upon the foregoing analysis, the Federal Election Commission has found:

1. That there is reason to believe that CIBPAC violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

2. That there is reason to believe that PEF-BCTD violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

3. That there is reason to believe that AFL-CIO COPE PCC violated 2 U.S.C. §441a(a) by being part of an affiliated group which contributed in excess of $5,000 to Dave Evans for Congress.

4. That there is reason to believe that AFL-CIO COPE PCC violated 2 U.S.C. §433(b)(2) by failing to identify CIBPAC as an affiliated committee.

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REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

MUR 1070

REPORTS ANALYSIS REFERRAL SHEET

DATE 10/24/79 ANALYST Doug Greevy

TO: Office of General Counsel TEAM CHIEF Bobby Werfel

THROUGH: STAFF DIRECTOR COMPLIANCE REVIEW

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE/COMMITTEE: Johnson County Democratic Central Committee

TREASURER: Jim Staples, Chairman
Diane Moore, Treasurer

ADDRESS: 50 West Main Street
Greenwood, IN 46142

AFFILIATE(S):

ALLEGATION(S):	CITE:	ATTACHMENT(S)
unregistered political committee	2 U.S.C. 433, 434, & 441a	1

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE. 4/17/78

ATTACHMENT

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see ~~Attachment X~~.

PERIOD COVERED FROM _____ TO _____

TOTAL RECEIPTS $ _____ TOTAL EXPENDITURES $ _____

CASH ON HAND $ _____ DEBTS $ _____

HISTORY:

RESULTS OF REVIEW	ATTACHMENT
SSV1/78-44, dated 10/17/78	2
SSV1/78-44, dated 5/31/79	3
Certified Receipt Cards	4

The committee has not been notified of possible 441a violation

COMMUNICATIONS WITH CANDIDATE/COMMITTEE:	ATTACHMENT
Telecon: Greevy with Staples, 3/27/79	5
Telecon: Greevy with Kern, 3/27/79	5
Telecon: Greevy with Staples, 3/28/79	6

REASON(S) FOR REFERRAL:	ATTACHMENT
Response from Staples, dated 11/10/78	7
Response from Staples, dated 4/9/79	8
Memo to the File: Greevy, dated 6/22/79	9
Response from Staples, dated 6/28/79	12

OTHER PENDING ACTIONS INITIATED BY RAD:	ATTACHMENT
NONE	

OTHER RELEVANT INFORMATION:

Memo to the File: Greevy, dated 3/28/79	10
Response from Kern, dated 6/7/79(See House referral for other responses)	11

The Indiana Democratic Congressional Victory Committee is not qualified as of 9/28/79. (State Central Committee registered 3/26/79)

See referral for Dave Evans for Congress Committee

RAD Form 1
August 19 2

8001002536 2

FEC 3

Contributions, Loans, and Transfers for Line Numbers 15, 16, 17 and/or 18 of FEC Form 3

(See instructions on back)

(Use separate schedule(s) for each numbered line)

Name of Candidate or Committee in full

DAVE EVANS FOR CONGRESS COMMITTEE

Full name, mailing address and ZIP code	Date (month, day, year)	Amount of each receipt this period
Morgan Co. Democratic Central Committee R.R. #7, Box 610 Martinsville, IN 46151 Attn: Reba Phillips Chairman (E U)	10/7/77	750.00
Principal place of business: Morgan County Indiana Occupation: ☐ Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 750.00		
Full name, mailing address and ZIP code	Date (month, day, year)	Amount of each receipt this period
Johnson Co. Democratic Central Committee 50 W. Main St. Greenwood, IN 46142 Attn: Jim Staples, Chairman (E U)	12/2/77	1,150.00
Principal place of business: Johnson County Indiana Occupation: ☐ Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 1,150.00		
Full Name, mailing address and ZIP code	Date (month, day, year)	Amount of each receipt this period
Hendricks Co. Democratic Central Comm. R.R. #3, Box 585 Plainfield, IN 46168 (E U)	12/9/77	450.00
Principal place of business: Hendricks County Indiana Occupation: ☐ Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 450.00		
Full name, mailing address and ZIP code	Date (month, day, year)	Amount of each receipt this period
Principal place of business Occupation ☐ Check if Contributor is self-employed Aggregate Year-to-date ▷ $		
Full Name, mailing address and ZIP code	Date (month, day, year)	Amount of each receipt this period
Principal place of business Occupation ☐ Check if Contributor is self-employed Aggregate Year-to-date ▷ $		
Full Name, mailing address and ZIP code	Date (month, day, year)	Amount of each receipt this period
Principal place of business Occupation ☐ Check if Contributor is self-employed Aggregate Year-to-date ▷ $		

Subtotal of receipts this page (last page) ▷ $

Total this period (last page this line number only) ▷ $ 2,350.00

Checkoff Information for reports filed August, 1977 and later

Rebates, and Transfers for Line Number [illegible]6, 17 and/or 18 of FEC F[illegible]

(See instructions on back)

(Use separate schedule(s) for each numbered line)

Name of Candidate or Committee in full

DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, mailing address and ZIP code	Occupation	Date (month, day, year)	Amount of each receipt this period
Morgan Co. Democratic Central Committee R.R. #7, Box 610 Martinsville, IN 46151 Attn: Reba Phillips Chairman (18)			
Principal place of business: Morgan County Indiana	☐ Check if Contributor is self-employed Aggregate Year-to-date ▶ $ 750.00	10/7/77	750.00
Johnson Co. Democratic Central Committee 50 W. Main St. Greenwood, IN 46142 Attn: Jim Staples, Chairman (18)			
Principal place of business: Johnson County Indiana	☐ Check if Contributor is self-employed Aggregate Year-to-date ▶ $ 1,150.00	12/2/77	1,150.00
Hendricks Co. Democratic Central Comm. R.R. #3, Box 585 Plainfield, IN 46168 (18)			
Principal place of business: Hendricks County Indiana	☐ Check if Contributor is self-employed Aggregate Year-to-date ▶ $ 450.00	12/9/77	450.00
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation ☐ Check if Contributor is self-employed Aggregate Year-to-date ▶ $		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation ☐ Check if Contributor is self-employed Aggregate Year-to-date ▶ $		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation ☐ Check if Contributor is self-employed Aggregate Year-to-date ▶ $		

Subtotal of receipts this page (last page) ▶ $

Total this period (last page this line number only) ▶ $ 2,350.00

Washington, D.C. 20463

Supporting Lines 14a, 14b, 14c, 15a, 16a, 17a, and/or 18a of FEC FORM 3

(Use separate schedules for each numbered line)

Name of Committee or Committee to Fed

DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each receipt this Period
Friends of Indiana Hospitals (Indiana Hospital Assn.) P.O. Box 55224 Indianapolis, IN 46220	Check if Contributor is self-employed; Aggregate Year-To-Date $ 300.00	5/26/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other			
Merchants Committee for Campaign Contributions One Merchants Plaza Indianapolis, IN 46204	Check if Contributor is self-employed; Aggregate Year-To-Date $ 250.00	6/9/78	250.00
Receipt for: ☐ Primary ☐ General ☐ Other			
Johnson County Democratic Central Committee 50 N. Main St. Greenwood, IN 46142	Check if Contributor is self-employed; Aggregate Year-To-Date $ 1,150.00	6/16/78	1,150.00
Receipt for: ☐ Primary ☐ General ☐ Other			
Home PAC 1000 Connecticut Ave. Suite 704 Washington, D.C. 20036	Check if Contributor is self-employed; Aggregate Year-To-Date $ 300.00	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other			
Credit Union Legislative Action Council 1730 Rhode Island Ave., N.W. #810 Washington, D.C. 20036	Check if Contributor is self-employed; Aggregate Year-To-Date $ 300.00	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other			
I.B.E.W. - C.O.P.E. 1125 - 15th Street, N.W. Washington, D.C. 20005	Check if Contributor is self-employed; Aggregate Year-To-Date $ 500.00	6/30/78	500.00
Receipt for: ☐ Primary ☐ General ☐ Other			
General Aviation Political Action Committee P.O. Box 19121 Washington, D.C. 20036	Check if Contributor is self-employed; Aggregate Year-To-Date $ 300.00	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other			

Total this page (Use a separate schedule for each numbered line) ..... $ 2,800.00

Total to date (Use a separate schedule for each numbered line only) ..... $

7801114435

In reply please refer to: 35V1/78-44

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 17, 1978

Mr. Jim Staples, Chairman
Johnson County Democratic Central Committee
50 West Main Street
Greenwood, IN 46142

Dear Mr. Staples:

This letter is prompted by the Commission's interest in assisting committees who wish to comply with the Federal Election Campaign Act. Our review of the receipts reported by Dave Evans for Congress Committee indicates that your organization may have made contributions which total in excess of $1,000 during the calendar year. Enclosed is a copy(s) of the report(s) in which your contribution(s) is listed.

The act defines "political committee" to mean any organization, or other group of persons which receives contributions or makes expenditures (which includes contributions to Federal candidates and committees supporting Federal candidates), aggregating in excess of $1,000 during a calendar year. It would appear that your organization may qualify as a "political committee" subject to registration, reporting, and contribution limitation requirements of the Act.

If you agree that your organization is a political committee, please submit a Statement of Organization on FEC Form 1, in accordance with 2 U.S.C. 433. In addition, your committee will be required to file disclosure reports in accordance with 2 U.S.C. 434 on FEC Form 3.

If you agree that your organization has made contributions or expenditures which qualify you as a "political committee", but you do not wish to be considered as a "political committee", you must request refund(s) from the candidate(s) and/or political committee(s) to which you have contributed. As an alternative, political committees to which you made contributions may transfer all or part of the contributions to accounts which are not used to influence Federal elections. Refunds or transfers must be made in such amounts that the total remaining contributions made by you do not exceed $1,000 during a calendar year.

If you believe that your organization is not a political committee, or that the Commission is otherwise in error, please submit a statement which would clarify this matter for the public record. We have also enclosed relevant informational materials and forms for the registration of and reporting by the political committee. Please examine the enclosed materials.

Please notify the Commission within thirty (30) days from the date on this letter of your decision on this matter. If you have any questions, please contact Pamela Brown in our Reports Analysis Division at (800)424-9530. Our local number is (202)523-1474.

Sincerely,

Orlando B. Potter
Staff Director

Certified Mail
Return Receipts Requested

Enclosures

10042957367

JOHNSON COUNTY DEMOCRATIC CENTRAL COMMITTEE

CHAIRMAN:
JIM STAPLES
50 W. MAIN STREET
GREENWOOD, IN 46142
PHONE 888-0684

SECRETARY:
DIANE McNEELY
R.R. 1, BOX 123C
TRAFALGAR, IN
PHONE 878-4835

VICE-CHAIRLADY
CALLIE MORRIS
R.R. 1, BOX 164
FRANKLIN, IN 46131
PHONE 422-5385

TREASURER
DIANE MOORE
193 TERRACE COURT
FRANKLIN, IN 46131
PHONE 736-9371

November 10, 1978

867772

Mr. Orlando B. Potter, Staff Director
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: 3SV1/78-44

Dear Mr. Potter:

This is in response to your certified letter of October 17, 1978, concerning the contribution of $1,150.00 from the Johnson County Democratic Central Committee to the Dave Evans for Congress Committee, reported in the fourth quarter period ended December 31, 1977.

The Johnson County Democratic Central Committee is a part of the formal state committee structure of the Indiana Democratic State Central Committee; therefore, the contribution received by the Dave Evans for Congress Committee from the Johnson County Democratic Central Committee has been accepted under the provision of Section 1.10.3 of the law.

Respectfully submitted,

Jim Staples

Jim Staples
Chairman, Democratic Central
Committee, Johnson County,
Indiana

JS/mam

7803096736

Telecon:

Dug Greevy with Jim Staples
Johnson County Democratic Central Committee
3SV1/78-44
3/27/79

Talked with JS today. Phone: 317-888-0684.

I told him why his response of 11/10/78 was inadequate. I further stated that his committee, if made for the primary election, may be excessive because the contribution

committee may not be affiliated with the SCC.

He asked what he should do, and I suggested that he request a refund in the amount of $150 from Evans, as that was the only Fed. activity the committee had. He said that he would do that, and that we would be notified very shortly.

Telecon:

Dug Greevy with Tom Kern
Dave Evans for Congress Committee (legal advisor to)
317-882-2953
Companion SV--4SV1/78-16JE
3/27/79

TK called today stating:

1. Jim Staples called him regarding my conversation with him of this morning.
2. He responded to the same question to the Clerk of the House on 1/31/78.
3. Clerk of the House requested no additional information.
4. FEC therefore should be satisfied with the response.

5. He refused to provide a refund in the amount of $150 until he is formally notified why such a refund should be made.

I told him why the letter was sent out to the Johnson County Committee. I stated that the contribution to his committee may or may not be within the limitations, based upon any affiliation which the Johnson Committee has with a qualified committee, but that the Johnson County committee would have to register and report unless a refund was received.

He said that he did not understand why such a small and inactive committee needed to be registered with the Commission. I once again gave him the definition of political committee.

I told him that I would check with the House Team to ascertain what disposition had been taken of the letter received by him regarding the SV above.

Memo: 3/28/79 Dug

Re: Johnson County Democratic Central Committee
Dave Evans for Congress Committee

I spoke with Eleanor of the house team. The response has been received, and no further action has at this time been taken.

I checked to see whether the Democratic SCC Committee in Indiana is qualified, and discovered that there was no committee (SCC) registered until today.

Thus, at this point in time, the contribution to Evans is excessive, and the Johnson County Committee remains under the responsibility to register and report unless a refund is received.

80040025360

Telecon:

Greevy with Jim Staples
Johnson County Democratic Central Committee
3/28/79

Called JS today to inform him that:

1. Kern talked with me yesterday.

2. Kern seemed very adamant in his refusal to make the $150 refund.

3. Johnson County committee is still at this point under an obligation to register and report.

4. Johnson County committee may have made an excessive contribution to Evans--even if the committee did register and claim affiliation with the SCC, that would not help as the SCC was not registered at the time of the contribution.

5. Evans' committee may be in violation of the Act, because they may have received an excessive contribution.

6. A refund of $150 from Evans' committee would:

   Bring both committees into compliance with the Act, assuming the Evans' committee is in violation at this time, and;

   Relieve the Johnson County committee of the obligation to register and report.

7. I would like to have some response from JS in the near future. I stated that if nothing else, he should inform us that he requested the refund.

JOHNSON COUNTY DEMOCRATIC CENTRAL COMMITTEE

CHAIRMAN:
JIM STAPLES
50 W. MAIN STREET
GREENWOOD, IN 46142
PHONE 888-0684

SECRETARY:
DIANE McNEELY
R.R. 1, BOX 123C
TRAFALGAR, IN
PHONE 878-4835

VICE CHAIRLA
CELLIE MO
RR 1, BOX
FRANKLIN IN
PHONE 42

TREASURER
DIANE MOO
193 TERRACE
FRANKLIN IN
PHONE 736

April 9, 1979

Dear Mr. Kern,

This letter is a response to you, following our two conversations on March 27 and March 28, 1979. The thesis of our conversations was that the Johnson County Democratic Central Committee and the Dave Evans for Congress Committee are, together, in violation of FEC rules if the Evans Committee does not send the Johnson County Committee a check for $150.00.

After each conversation with you I immediately called Tom Kern, the treasurer of the Evans Committee, explained my discussion with you, and requested a check for $150.00 be returned to the county committee. Each time, Mr. Kern said he would "consider" the request. As of today, I have not received a check. I am therefore notifying you — as we agreed — that I, as Chairman of the Johnson County Democratic Central Committee, have done everything I can to avoid any Commission or legal action by the Federal Election Commission.

Sincerely yours,

James A. Staples

Chairman

JOHNSON COUNTY DEMOCRATIC CENTRAL COMMITTEE

CHAIRMAN:
JIM STAPLES
50 W. MAIN STREET
GREENWOOD, IN 46142
PHONE 888-0684

SECRETARY:
DIANE McNEELY
R.R. 1, BOX 123C
TRAFALGAR, IN
PHONE 878-4835

VICE CHAIRLADY
CALLIE MORRIS
R.R. 1, BOX 164
FRANKLIN, IN 46131
PHONE 422-5385

TREASURER:
DIANE MOORE
193 TERRACE COURT
FRANKLIN, IN 46131
PHONE 736-9371

April 9, 1979

Dear Mr. Greny,

This letter is a response to you, following our two conversations on March 27 and March 28, 1979. The thesis of our conversations was that the Johnson County Democratic Central Committee and the Dave Evans for Congress Committee are, together, in violation of FEC rules if the Evans Committee does not send the Johnson County Committee a check for $150.00.

After each conversation with you I immediately called Tom Kern, the treasurer of the Evans Committee, explained my discussion with you, and requested a check for $150.00 be returned to the county committee. Each time, Mr. Kern said he would "consider" the request. As of today, I have not received a check. I am therefore notifying you — as we agreed — that I, as Chairman of the Johnson County Democratic Central Committee, have done everything I can to avoid any Commission or legal action by the Federal Election Commission.

Sincerely yours,

James A. Staples
Chairman

00040025371

Telecon:

Greevy with Jim Staples
Johnson County Democratic Central Committee
3/28/79

Called JS today to inform him that:

1. Kern talked with me yesterday.

2. Kern seemed very adamant in his refusal to make the $150 refund.

3. Johnson County committee is still at this point under an obligation to register and report.

4. Johnson County committee may have made an excessive contribution to Evans--even if the committee did register and claim affiliation with the SCC, that would not help as the SCC was not registered at the time of the contribution.

5. Evans' committee may be in violation of the Act, because they may have received an excessive contribution.

6. A refund of $150 from Evans' committee would:

   Bring both committees into compliance with the Act, assuming the Evans' committee is in violation at this time, and;

   Relieve the Johnson County committee of the obligation to register and report.

7. I would like to have some response from JS in the near future. I stated that if nothing else, he should inform us that he requested the refund.

In reply please refer to 3SV1/78-44

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

May 31, 1979

Jim Staples, Chairman
Johnson County Democratic Central Committee
50 West Main Street
Greenwood, IN 46142

Dear Mr. Staples:

This letter is prompted by the Commission's interest in assisting committees who wish to comply with the Federal Election Campaign Act. Our review of the receipts reported by Dave Evans for Congress Committee indicates that your organization may have made contributions which total in excess of $1,000 during the calendar year. Enclosed is a copy(s) of the report(s) in which your contribution(s) is listed.

The Act defines "political committee" to mean any organization, or other group of persons which receives contributions or makes expenditures (which includes contributions to Federal candidates and committees supporting Federal candidates), aggregating in excess of $1,000 during a calendar year. It would appear that your organization may qualify as a "political committee" subject to registration, reporting, and contribution limitation requirements of the Act.

If you agree that your organization is a political committee, please submit a Statement of Organization on FEC Form 1, in accordance with 2 U.S.C. 433. In addition, your committee will be required to file disclosure reports in accordance with 2 U.S.C. 434 on FEC Form 3.

If you agree that your organization has made contributions or expenditures which qualify you as a "political committee", but you do not wish to be considered as a "political committee", you must request refund(s) from the candidate(s) and/or political committee(s) to which you have contributed. The contribution of 6/16/78 to Dave Evans for Congress Committee is in addition to a previous contribution of $1,150 (see attached) made by you to that committee on 2/2/77. (Please refer to our letter dated 10/17/78). Thus, the total amount to be refunded is $300. As an alternative, political committees to which you made contributions may transfer all or part of the contributions to accounts which are not used to influence Federal elections. Refunds or transfers must be made in such amounts that the total remaining contributions made by you do not exceed $1,000 during a calendar year.

If you believe that your organization is not a political committee, or that the Commission is otherwise in error, please submit a statement which would clarify this matter for the public record. We have also enclosed relevant informational materials and forms for the registration of and reporting by the political committee. Please examine the enclosed materials.

Please notify the Commission within thirty (30) days from the date on this letter of your decision on this matter. If you have any questions, please contact Pamela Brown, in our Reports Analysis Division at (800)424-9530. Our local number is (202)357-0023.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Certified Mail
Return Receipts Requested

Enclosures

8004122371

Washington, D.C. 20463

Supporting Lines 14a, 14b, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

(Use separate schedules for each numbered line)

Name of Candidate or Committee in Full

DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each receipt this Period
Friends of Indiana Hospitals (Indiana Hospital Assn.) P.O. Box 55224 Indianapolis, IN 46220	Occupation	5/26/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 300.00		
Merchants Committee for Campaign Contributions One Merchants Plaza Indianapolis, IN 46204	Occupation	6/9/78	250.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 250.00		
Johnson County Democratic Central Committee 50 W. Main St. Greenwood, IN 46142	Occupation	6/16/78	1,150.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 1,150.00		
Home PAC 1000 Connecticut Ave. Suite 704 Washington, D.C. 20036	Occupation	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 300.00		
Credit Union Legislative Action Council 1730 Rhode Island Ave., N.W. #810 Washington, D.C. 20036	Occupation	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 300.00		
I.B.E.W. - C.O.P.E. 1125 - 15th Street, N.W. Washington, D.C. 20005	Occupation	6/30/78	500.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 500.00		
General Aviation Political Action Committee P.O. Box 19121 Washington, D.C. 20036	Occupation	6/30/78	100.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ...		

Total This Page (Subtotals only) ..... $ 2,900.00

Total to Date (Cumulative this line number only) ..... $

7801114135

3501/78-44

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one)
- Show to whom and date delivered
- Show to whom, date, and address of delivery
- RESTRICTED DELIVERY
  Show to whom and date delivered
- RESTRICTED DELIVERY
  Show to whom, date, and address of delivery $____
  (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Sparks
Lincoln City Bank CC
IN

3. ARTICLE DESCRIPTION
REGISTERED NO. | CERTIFIED NO. 91364 2 | INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above
SIGNATURE ☐ Addressee ☑ Authorized agent
X Janice A. Hopkins

4. DATE OF DELIVERY
POSTMARK JUN 20 1978 USED

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE
CLERK'S INITIALS

☆GPO 1977-0-249-995

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one)
- Show to whom and date delivered
- Show to whom, date, and address of delivery
- RESTRICTED DELIVERY
  Show to whom and date delivered
- RESTRICTED DELIVERY
  Show to whom, date, and address of delivery $____
  (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Lincoln City Bank

3. ARTICLE DESCRIPTION
REGISTERED NO. | CERTIFIED NO. 70 377 | INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above
SIGNATURE ☐ Addressee ☐ Authorized agent
Anna Hopkins

4. DATE OF DELIVERY
6-2-79
POSTMARK JUN 2 1979

5. ADDRESS (Complete only if requested)

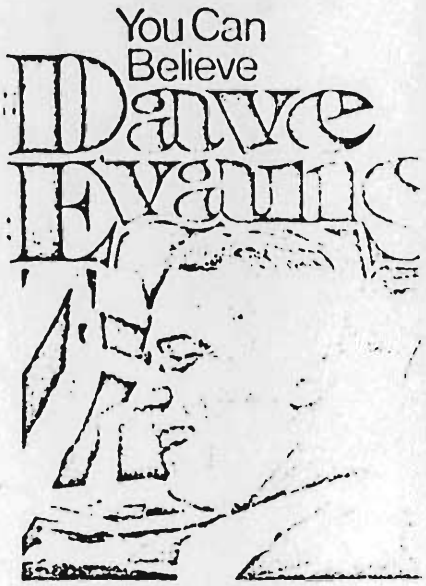
6. UNABLE TO DELIVER BECAUSE
CLERK'S INITIALS

☆GPO 1977-0-249-995

Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, Indiana 46241

RECEIVED
FEDERAL ELECTION
COMMISSION

'79 JUN 11 AM 11:



June 7, 1979

Federal Election Commission
1325 "K" Street, N.W.
Washington, D.C. 20463

RE: 4SV1/79-51,53PH

Dear Sirs:

This is in response to your letter of May 30, 1979.

With respect to the proported excess contributions by the Johnson County Democratic Central Committee on June 6, 1978, and again on February 2, 1979:

The issue is, since the Johnson County Democratic Central Committee is not a "registered committee" within the meaning of the Federal Election laws, is it in violation of those laws for the Dave Evans for Congress Committee to accept a contribution from the Committee in excess of One Thousand Dollars ($1,000.00) per election? (Actual contribution was One Thousand One Hundred Fifty Dollars ($1,150.00).)

In response to this question being raised with respect to the Committee's contribution to our committee in 1977, we, by letter of January 31, 1978, asserted that our position is as follows:

> "The Johnson County Democratic Central Committee is a part of the formal State Committee structure under the Indiana Democratic Central Committee and; therefore, the contribution received from the Johnson County Democratic Central Committee has been accepted under the provision of Section 1.10.3 of the law." (The right of State Party Committee to give Ten Thousand Dollars ($10,000.00).)

Again, in response to the same question raised by your letter dated January 29, 1979, with respect to the Johnson County Committee's contribution to the Dave Evans for Congress Committee's general election fund in 1978, we responded by letter of February 2, 1979, that our response is the same as set out above.

We have not received responses to our January 31, 1978, or our February 2, 1979, letters.

Around March 27, 1979, both the Chairman of the Johnson County Democratic Central Committee and myself were contacted by phone by a Mr. Dave Greevy of your office with respect to this matter. He insisted we were in violation of the law and that the Evans Committee must refund monies to the Johnson County Committee. We ask that he at least give us some type of response to our position as set out in our previous two (2) letters. He indicated that such a response would have to go through a chain of bosses and super bosses and that it would be very difficult. He suggested it would be simpler if we would just "refund the money"!

I feel this type of interpretation and attempted enforcement of regulations by staff persons is wrong. As I left it with Mr. Greevy, all we ask and have been asking for two (2) years is that someone respond to the position WE have taken.

With respect to the questioned One Thousand Three Hundred Dollar ($1,300) contribution by the Central Indiana Building and Construction Trades PAC to the General Election campaign for Congressman Evans in 1978:

We were not aware that this PAC committee is not a "registered PAC" within the meaning of the Federal Election laws, and accordingly limited to making contributions of One Thousand Dollars ($1,000) per election to any federal candidate. Accordingly, per your recommendation, and as evidence by the enclosed copy of our letter to that committee, we have returned as of this date Three Hundred Dollars ($300).

Sincerely,

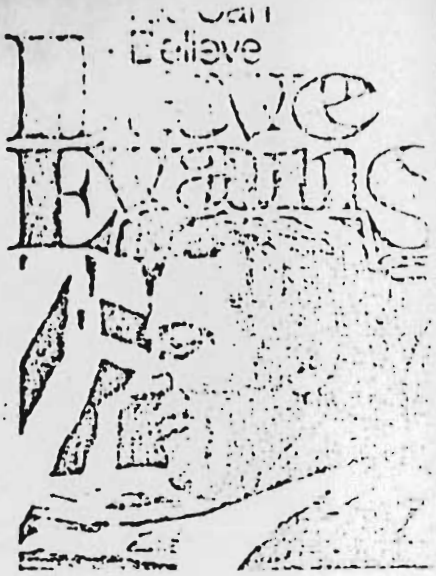
Thomas J. Kern

Thomas J. Kern
Legal Advisor

TJK/sb

encl.

Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, Indiana 46241



June 7, 1979

Central Indiana Building
and Construction Trades PAC
2635 South Madison Avenue
Indianapolis, IN 46225

Gentlemen:

It has been called to our attention by the Federal Election Commission that you are not a "registered PAC" within the meaning of the Federal Election laws. Accordingly, we are unable to accept contributions from your PAC in access of One Thousand Dollars ($1,000.00) per election. According to our records, you contributed to the Dave Evans for Congress Committee Five Hundred Dollars ($500) on July 7, 1978, and an additional Eight Hundred Dollars ($800.00) on October 20, 1978, both of which contributions were assumed to be for the benefit of Dave's General Election campaign for November, 1978.

In keeping with the direction of the Commission, we are herewith refunding to your PAC the sum of Three Hundred Dollars ($300.00).

Your continued support of Congressman Evans and his reelection campaigns is appreciated.

Sincerely,

Thomas J. Kern
Legal Advisor

TJK/sb

encl.

Memo to the File:

Greevy
6/22/79
Meeting: Scall, Bowen, Sims, Greevy

Met this day with Lester Scall on two matters:

1. Possible non-compliance of subordinate party committees(unregistered) with respect to 11 CFR 110.7(c)(2)(iii). Alva Smith prepared a draft SV to be sent to these committees, numbering perhaps 250. Scall stated that he would review the letter and get back to us.

2. Johnson County Democratic Central Committee/Dave Evans for Congress. After reviewing the situation with Scall, I stated that I did not think that it would be worthwhile, in terms of gaining compliance, for this Division to pursue RTB with respect to these possible violations. This suggestion was based upon the fact that the Evans committee had requested specific information from the Clerk and the Commission, as outlined in his letter of 6/7/79.

Scall indicated that he was in agreement with this. He stated that we should prepare a referral for OGC at this time, as this would permit his Office to answer these questions, and perhaps gain compliance, prior to advancing to the next stage of compliance.

It appeared that the fact that we had been in phone contact with both parties also bore upon his decision.

JOHNSON COUNTY DEMOCRATIC CENTRAL COMMITTEE

CHAIRMAN:
JIM STAPLES
50 W. MAIN STREET
GREENWOOD, IN 46142
PHONE 888-0684

SECRETARY:
DIANE McNEELY
R.R. 1, BOX 123C
TRAFALGAR, IN
PHONE 878-4835

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CALLIE MORRIS
R.R. 1, BOX 164
FRANKLIN, IN 46131
PHONE 422-5385

TREASURER:
DIANE MOORE
193 TERRACE COURT
FRANKLIN, IN 46131
PHONE 736-9371

COMMISSION
'79 JUL 5 PM 12:00

June 28, 1979

Mr. Orlando B. Potter
Staff Director
Federal Election Commission
1325 D Street N.W.
Washington, D.C. 20463

RE: 35V1/78-44

Dear Sir:

In response to your letter of May 31, 1979, I have, as you suggested, requested Tom Kern, Legal Advisor for the Dave Evans for Congress Committee, to refund the necessary money in order for us to have given less than $1,000 to Congressman Evans in each of two years. For various reasons, he has not.

I have also discussed this matter with members of the Indiana Democratic State Central Committee. They tell me that the necessary papers have been filed so that we, the Johnson County Democratic Central Committee, is a part of the formal state committee structure under the Indiana Democratic State Central Committee; and therefore, the contribution received from our committee to the Evans Committee was accepted under the provision of Section 1.10.3 of the law.

I hope this finally concludes this matter.

Sincerely,
Jim Staples
Johnson County Democratic Chairman

D 512
RAD 91-190 mue 1069

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

DATE 10/24/79 ANALYST Susan Kaltenbaugh SK

TO: OGC TEAM CHIEF Peter Kell, Jr. SK GW PA 31

THROUGH: STAFF DIRECTOR GBD COMPLIANCE REVIEW Carroll Bowen CB

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE/COMMITTEE: DAVE EVANS FOR CONGRESS COMMITTEE IN/06

TREASURER: Ray Clements

ADDRESS: P.O. Box 41709-B
Indianapolis, Indiana 46241

AFFILIATE(S): Not pertinent to the allegations

ALLEGATION(S):	CITE:	ATTACHMENT(S)
The Committee has accepted four contributions from two unregistered committees in excess of FECA limitations.	2 U.S.C.441(a)(1)(a)	2 3 4 5

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE:

10/24/78 ATTACHMENT 1

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM 10/1/77 TO 3/31/79

TOTAL RECEIPTS $ 199,934.45 TOTAL EXPENDITURES $ 177,937.41

CASH ON HAND $ 26,597.03 DEBTS $ 0

HISTORY:

RESULTS OF REVIEW: ATTACHMENT

Please see Page Two.

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: ATTACHMENT

Telecon: 3/27/79 David Greevy to Jim Staples 11
Telecon: 3/27/79 David Greevy to Tom Kern 12
Telecon: 3/28/79 David Greevy to Jim Staples 13

REASON(S) FOR REFERRAL: ATTACHMENT

An adequate response was received on 6/12/79, in which $300 was refunded to Central Indiana Bldg. & Const. Trades Pac. This exceeds the Division threshold for review by OGC. 10

The contribution from Johnson County Democratic Central Committee has not been refunded to date.

OTHER PENDING ACTIONS INITIATED BY RAD: ATTACHMENT

OTHER RELEVANT INFORMATION:

See referral for Johnson County Democratic Central Committee.

166 (closed 1/4/78) generated by Audit

RAD Form 1

RESULTS OF REVIEW	ATTACHMENT
SV1 on Year End 1977 report dated 1/29/79	6
SV1 on July 10, October 10 & 10 day Pre-Primary reports dated 5/30/79	7
Response to Clerk of the House dated 1/31/78 for Year End 1977 report	8
Response to SV1 dated 2/2/79 for Year End 1977 report	9
Response to SV1 dated 6/7/79 for July 10, October 10 & 10 day Pre-Primary reports	10

The Committee has not refunded the excessive $300 transfer from the Johnson County Democratic Central Committee. They allege that Johnson County is part of the State Central Committee's structure, and therefore the transfer was legitimate. However, the Indiana Democratic Central Committee was not even registered at the time of the first excessive transfer.

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 25JUN79
PAGE 1

HOUSE

ITTEE	DOCUMENT	RECEIPTS PRIMARY	RECEIPTS GENERAL	EXPENDITURES PRIMARY	EXPENDITURES GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
EVANS FOR CONGRESS COMMITTEE								ID# C00013177
1977	STATEMENT OF ORGANIZATION- AMENDMENT					7APR77	1	77HSE/122/00[illegible]
	STATEMENT OF ORGANIZATION- AMENDMENT					21APR77	1	77HSE/122/26[illegible]
	STATEMENT OF ORGANIZATION- AMENDMENT					25APR77	1	77HSE/122/270[illegible]
	STATEMENT OF ORGANIZATION- AMENDMENT					27MAY77	3	77HSE/122/52[illegible]
	MISCELLANEOUS TRANSACTION FROM F.E.C.					31MAY77	1	77HSE/123/0020
	STATEMENT OF ORGANIZATION- AMENDMENT					7OCT77	1	77HSE/125/2766
	STATEMENT OF ORGANIZATION- AMENDMENT					17NOV77	1	77HSE/127/1077
1978	48 HOUR CONTRIBUTION NOTICE					24OCT78	1	78HSE/151/2192
	MISCELLANEOUS TRANSACTION TO F.E.C.					26OCT78	1	78HSE/151/2876
	48 HOUR CONTRIBUTION NOTICE					27OCT78	1	78HSE/152/0636
	48 HOUR CONTRIBUTION NOTICE					30OCT78	1	78HSE/154/1272
	48 HOUR CONTRIBUTION NOTICE					1NOV78	1	78HSE/154/2497
	48 HOUR CONTRIBUTION NOTICE					1NOV78	1	78HSE/154/2332
	48 HOUR CONTRIBUTION NOTICE					2NOV78	2	78HSE/154/3657
	48 HOUR CONTRIBUTION NOTICE					2NOV78	1	78HSE/154/3834
	48 HOUR CONTRIBUTION NOTICE					2NOV78	1	78HSE/154/4469
	48 HOUR CONTRIBUTION NOTICE					6NOV78	1	78HSE/155/0024
1977	APRIL 10 QUARTERLY	6,853		1,828		1JAN77 -31MAR77	7	77HSE/122/0018
	APRIL 10 QUARTERLY - AMENDMENT	0		0		1JAN77 -31MAR77	1	79FEC/121/4905
	JULY 10 QUARTERLY	12,929		3,273		31MAR77 -30JUN77	11	77HSE/123/2489
	JULY 10 QUARTERLY - AMENDMENT	0		0		30JUN77	1	79FEC/121/480[illegible]
	OCTOBER 10 QUARTERLY	5,711		4,519		1JUL77 -30SEP77	8	77HSE/125/355[illegible]
	REQUEST FOR ADDITIONAL INFORMATION					1JUL77 -30SEP77	3	78FEC/064/395[illegible]
	OCTOBER 10 QUARTERLY - AMENDMENT					1JUL77 -30SEP77	1	78HSE/130/13[illegible]
	YEAR END REPORT	4,501		1,295		1OCT77 -31DEC77	5	78HSE/128/0591
	REQUEST FOR ADDITIONAL INFORMATION					31DEC77	1	79FEC/121/2143
	YEAR END REPORT - AMENDMENT					2/8/78	1	78HSE/129/2319
	YEAR END REPORT - AMENDMENT						1	79HSE/162/1663
	COMP AMEND						1	77HSE/124/2844
	COMP AMEND					1JAN77 -30JUN77	5	77HSE/124/2859
	COMP AMEND	20,725		7,101		1JAN77 -30JUN77	3	77HSE/125/0176
1978	APRIL 10 QUARTERLY	20,859		7,544		1JAN78 -31MAR78	14	78HSE/133/2011
	10 DAY PRE-PRIMARY	5,230		150		1APR78 -16APR78	5	78HSE/134/4533
	REQUEST FOR ADDITIONAL INFORMATION					1APR78 -16APR78	2	79FEC/128/2832
	30 DAY POST-PRIMARY	6,635		8,361		17APR78 -22MAY78	7	78HSE/137/3093
	JULY 10 QUARTERLY		3,533		3,183	23MAY78 -30JUN78	7	78HSE/141/4357
	REQUEST FOR ADDITIONAL INFORMATION					23MAY78 -30JUN78	2	78FEC/096/0709
	JULY 10 QUARTERLY - AMENDMENT					23MAY78 -30JUN78	1	78HSE/159/3195
	REQUEST FOR ADDITIONAL INFORMATION					23MAY78 -30JUN78	2	79FEC/128/2830
	OCTOBER 10 QUARTERLY		66,596		27,632	1JUL78 -30SEP78	26	78HSE/146/4475
	OCTOBER 10 QUARTERLY - AMENDMENT					30SEP78	1	78HSE/154/4992

REQUEST FOR ADDITIONAL INFORMATION						30SEP78	3	79FEC/126/3222
REQUEST FOR ADDITIONAL INFORMATION					1JUL78	-30SEP78	3	79FEC/120/2167
10 DAY PRE-GENERAL		26,126		81,652	10CT78	-23OCT78	14	78HSE/153/0209
30 DAY POST-GENERAL		31,769		25,187	24OCT78	-27NOV78	18	78HSE/156/0619
30 DAY POST-GENERAL	- AMENDMENT	31,769		25,187	24OCT78	-27NOV78	2	79HSE/165/1981
30 DAY POST-GENERAL	- AMENDMENT	31,769		25,187	24OCT78	-27NOV78	2	79HSE/165/2837
YEAR END REPORT		1,581		9,145	28NOV78	-31DEC78	4	79HSE/161/0976

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 25JAN79
PAGE

HOUSE

OMMITTEE	DOCUMENT		RECEIPTS PRIMARY	RECEIPTS GENERAL	EXPENDITURES PRIMARY	EXPENDITURES GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
	REQUEST FOR ADDITIONAL INFORMATION							2	79FEC/118/1701
	REQUEST FOR ADDITIONAL INFORMATION						28NOV78 -31DEC78	3	79FEC/126/2485
	YEAR END REPORT (1977)	- AMENDMENT					31DEC78	1	79HSE/162/1664
	YEAR END REPORT	- AMENDMENT		1,581		9,145	28NOV78 -31DEC78	2	79HSE/165/1979
	YEAR END REPORT	- AMENDMENT		1,581		9,145	28NOV78 -31DEC78	2	79HSE/165/2810
		TOTAL	63,661	129,605	28,970	146,799		192	TOTAL PAGES

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 25JUN
PAGE

HOUSE

COMMITTEE	DOCUMENT	RECEIPTS PRIMARY	RECEIPTS GENERAL	EXPENDITURES PRIMARY	EXPENDITURES GENERAL	COVERAGE DATES	# OF PAGES	MICROFICHE LOCATION
DAVE EVANS FOR CONGRESS COMMITTEE								ID# C00013177
1979	APRIL 10 QUARTERLY	6,528		1,975		1JAN79 -31MAR79	7	79HSE/164/136
	APRIL 10 QUARTERLY - AMENDMENT					1JAN79 -31MAR79	1	79HSE/165/198
	REQUEST FOR ADDITIONAL INFORMATION for 10 day General					23OCT79	2	79FEC/126/322
	REQUEST FOR ADDITIONAL INFORMATION for 30 General.						2	79FEC/126/144

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...ly 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Itemized Receipts, Contributions, Ticket Purchases, Loans, Rebates, and Transfers for Line Numbers 15, 16, 17 and/or 18 of FEC Form 3

(see instructions on back)

Page 1 of 1 for
LINE NUMBER 18(b)
(Use separate schedule(s) for each numbered line)

Name of Candidate or Committee in full

DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, mailing address and ZIP code	Principal place of business	Occupation	Date (month, day, year)	Amount of each receipt this period
Morgan Co. Democratic Central Committee R.R. #7, Box 610 Martinsville, IN 46151 Attn: Reba Phillips Chairman	Morgan County Indiana	☐ Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 750.00	10/7/77	750.00
Johnson Co. Democratic Central Committee 50 W. Main St. Greenwood, IN 46142 Attn: Jim Staples, Chairman	Johnson County Indiana	☐ Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 1,150.00	12/2/77	1,150.00
Hendricks Co. Democratic Central Comm. R.R. #3, Box 585 Plainfield, IN 46168	Hendricks County Indiana	☐ Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 450.00	12/9/77	450.00
Full Name, mailing address and ZIP code	Principal place of business	Occupation ☐ Check if Contributor is self-employed Aggregate Year-to-date ▷ $	Date (month, day, year)	Amount of each receipt this period
Full Name, mailing address and ZIP code	Principal place of business	Occupation ☐ Check if Contributor is self-employed Aggregate Year-to-date ▷ $	Date (month, day, year)	Amount of each receipt this period
Full Name, mailing address and ZIP code	Principal place of business	Occupation ☐ Check if Contributor is self-employed Aggregate Year-to-date ▷ $	Date (month, day, year)	Amount of each receipt this period

Subtotal of receipts this page (optional) ▷ $

Total this period (last page this line number only) ▷ $ 2,350.00

Washington, D.C. 20463

Supporting Lines 14b, 15b, 16b, 17b, 18b, 17a, and/or 18a of FEC FORM 3

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee In Full

DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Friends of Indiana Hospitals (Indiana Hospital Assn.) P.O. Box 55214 Indianapolis, IN 46220	Occupation	5/26/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 300.00		
Merchants Committee for Campaign Contributions One Merchants Plaza Indianapolis, IN 46204	Occupation	6/9/78	250.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 250.00		
Johnson County Democratic Central Committee 50 N. Main St. Greenwood, IN 46142	Occupation	6/16/78	1,150.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 1,150.00		
House PAC 1000 Connecticut Ave. Suite 704 Washington, D.C. 20036	Occupation	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 300.00		
Credit Union Legislative Action Council 1730 Rhode Island Ave., N.W. #810 Washington, D.C. 20036	Occupation	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 300.00		
I.D.E.W. - C.O.P.E. 1125 - 15th Street, N.W. Washington, D.C. 20005	Occupation	6/30/78	500.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 500.00		
General Aviation Political Action Committee P.O. Box 19121 Washington, D.C. 20036	Occupation	6/30/78	100.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ [illegible]		

Total of receipts this page (optional) . . . . . $ 2,900.00

Total this line number only) . . . . . $

SCHEDULE A
FORM D
Rev. 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Line Number 15 (i)

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full
Dave Evans For Congress Committee

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Check if Contributor is self-employed / Aggregate Year To Date	Date (month, day, year)	Amount of each Receipt this Period
Central Indiana Bldg. Trades PAC 2635 Madison Ave. Indianapolis, IN 46225 Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year To Date $ 500.	7/7/78	500.00
AVCO Corp PAC 1275 King St. Greenwich, Conn. 06830 Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year To Date $ 100	7/7/78	100.00
Ford Civic Action Fund c/o Dearborn Bk & Tr Co. One Village Plaza Tower Dearborn, Michigan 48124 Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year To Date $ 500	7/14/78	500.00
Telephone Education Comm. Org 2626 Pennsylvania Ave NW Washington, D.C. 20037 Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year To Date $ 100	7/14/78	100.00
American Telephone PAC 195 Broadway, Rm. 1038 New York, N.Y. 10007 Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year To Date $ 100	7/14/78	100.00
Indiana Bell PAC INDBELLPAC 240 N. Meridian St. Indianapolis, IN 46204 Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year To Date $ 200	7/14/78	200.00
Panhandle Eastern System PAC P. O. Box 1642 Houston, Texas 77001 Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year To Date $ 250	7/14/78	250.00
SUBTOTAL of receipts this page (optional)			$
TOTAL			$

7 8 0 1 1 1 1 4 8 4

[illegible] A
[illegible]
[illegible], 1978
[illegible] Election Commission
[illegible] K Street, N.W.
[illegible]ington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 4 of 4 for Line Number 15b

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full
DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each receipt this Period
Food Industry Good Govt. Comm. 1750 K. St. N. W. Suite 700 Washington, D.C. 20006 Receipt for: ☐ Primary ☐ General ☐ Other	Same ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $ 200.00	10/20/78	100.00
American Federation of Teachers Comm. on POlit. Educ 11 Dupont Circle N. W. Washington, D. C. 20036 Receipt for: ☐ Primary ☐ General ☐ Other	Same ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $	10/20/78	1000.00
Maintenance of Way Polit League 12050 Woodward Ave Detroit Michigan 48203 Receipt for: ☐ Primary ☐ General ☐ Other	Same ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $	10/20/78	200.00
Action Committee For Rural Elect. 2000 Florida Ave. N. W. Washington D. C. 20009 Receipt for: ☐ Primary ☐ General ☐ Other	same ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $ 600.00	10/20/78	300.00
Eli Lilly PAC 307 E. McCarty Indianapolis, IN 46206 Receipt for: ☐ Primary ☐ General ☐ Other	Same ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $ 500.00	10/20/78	200.00
Central Indiana Bldg. & Const. Trades PAC 2635 S. Madison Indianapolis, IN Receipt for: ☐ Primary ☐ General ☐ Other	Same ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $ 1,400.00	10/20/78	800.00
Full Name, Mailing Address and ZIP Code Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business / Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $	Date (month, day, year)	Amount of each receipt this Period

(Use separate schedules for additional items) . . . . . $

In reply please refer to 4SVI/78-16JE

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

29 January 1979

IN/06 C00013177

Mr. Ray Clements, Treasurer
Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, Indiana 46241

Dear Mr. Clements:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. During review of the 1977 Year End Report of Receipts and Expenditures, we noticed an entry indicating that you may have received a contribution which exceeds the limits set forth in the Act. A copy of that portion of your report is attached so that a review of your records can be made.

The Act precludes individuals and political committees, other than multicandidate committees, from making political contributions to a candidate for Federal election in excess of $1,000 per election. The Act defines a multicandidate committee as one which has been registered for a period of not less than six months; has received contributions from more than fifty persons; and has made contributions to five or more candidates for Federal office. The committee listed as the source of the contribution in question does not presently qualify as a multicandidate committee and we have notified them accordingly. We have recommended that the source committee notify you if it is confirmed that the contribution was in excess of the limits.

The Commission recommends that if you find the contribution you received was in excess of the limits set forth in the Act you return the amount in excess of $1,000 to the donor. This return should be reported immediately by letter and should be reflected as a contribution refund on your next report of receipts and expenditures. If you find that the entry in question is incomplete or incorrect, please submit a statement which would clarify this particular matter for the public record. You may do so by amending your original report by letter.

Please notify the Commission within fifteen (15) days from the date of this letter of the determination made on this matter. If you have any questions concerning this matter, please do not hesitate to contact Penny Harris ~~Jim Eastwood~~ (800)424-9530, our Reports Analyst assigned to you. Our local telephone number is 523-4172.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Certified Mail

Return Receipt Requested

P 207 132 502

FEB 3 1979
REGULAR MAIL

Dave Evans for Congress Committee
P.O. Box 41700-B
Indianapolis, Indiana 46241

You Can
believe

February 2, 1979

031551

Mr. Orlando B. Potter
Staff Director
Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

RE: MUR 775-16-JE

Dear Sir:

In response to yours of January 29, 1979, attached is a copy of our response to that same question raised with respect to a like contribution by that same Committee to our Committee last year. The explanation remains the same.

As ever,

Thomas C. Kern
Legal Advisor

TCK:st

enclosure

1979 FEB -5 PM 12:35
FEDERAL ELECTION COMMISSION

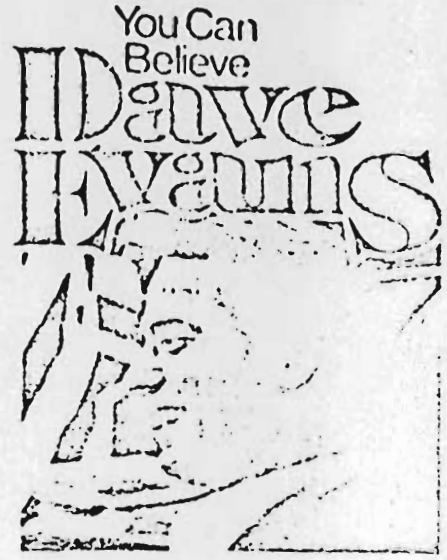
Dave Evans for Congress Committee
501 National Avenue
Indianapolis, Indiana 46227
(317) 788-4556

IN-06

3 amend YE

REGULAR MAIL

C00013177



January 31, 1978

JAN 31 1978

Office of the Clerk
U.S. House of Representatives
Washington, D.C. 20515

Attn: Mr. John Overstreet

RE: I.D. #031551

Dear John,

This is in response to your letter of January 27, 1978, relative to the contribution of $1,150.00 from the Johnson County Democratic Central Committee reported in our report for the fourth quarter period ended December 31, 1977.

The Johnson County Democratic Central Committee is a part of the formal state committee structure under the Indiana Democratic Central Committee and; therefore, the contribution received from the Johnson County Democratic Central Committee has been accepted under the provision of Section 1.10.3 of the law.

Sincerely,

Ray Clements

RAY CLEMENTS
Treasurer

RC:dr
cc: Secrttary of State, Larry Conrad

Telecon:

Dug Greevy with Jim Staples
Johnson County Democratic Central Committee
3SV1/78-44
3/27/79

Talked with JS today. Phone: 317-888-0684.

I told him why his response of 11/10/78 was inadequate. I further stated that his committee, if made for the primary election, may be excessive because the contribution

committee may not be affiliated with the SCC.

He asked what he should do, and I suggested that he request a refund in the amount of $150 from Evans, as that was the only Fed. activity the committee had. He said that he would do that, and that we would be notified very shortly.

Telecon:

Dug Greevy with Tom Kern
Dave Evans for Congress Committee (legal advisor to)
317-882-2953
Companion SV--4SV1/78-16JE
3/27/79

TK called today stating:

1. Jim Staples called him regarding my conversation with him of this morning.
2. He responded to the same question to the Clerk of the House on 1/31/78.
3. Clerk of the House requested no additional information.
4. FEC therefore should be satisfied with the response.

5. He refused to provide a refund in the amount of $150 until he is formally notified why such a refund should be made.

I told him why the letter was sent out to the Johnson County Committee. I stated that the contribution to his committee may or may not be within the limitations, based upon any affiliation which the Johnson Committee has with a qualified committee, but that the Johnson County committee would have to register and report unless a refund was received.

He said that he did not understand why such a small and inactive committee needed to be registered with the Commission. I once again gave him the definition of political committee.

I told him that I would check with the House Team to ascertain what disposition had been taken of the letter received by him regarding the SV above.

Telecon:

Greevy with Jim Staples
Johnson County Democratic Central Committee
3/28/79

Called JS today to inform him that:

1. Kern talked with me yesterday.

2. Kern seemed very adamant in his refusal to make the $150 refund.

3. Johnson County committee is still at this point under an obligation to register and report.

4. Johnson County committee may have made an excessive contribution to Evans--even if the committee did register and claim affiliation with the SCC, that would not help as the SCC was not registered at the time of the contribution.

5. Evans' committee may be in violation of the Act, because they may have received an excessive contribution.

6. A refund of $150 from Evans' committee would:

   Bring both committees into compliance with the Act, assuming the Evans' committee is in violation at this time, and;

   Relieve the Johnson County committee of the obligation to register and report.

7. I would like to have some response from JS in the near future. I stated that if nothing else, he should inform us that he requested the refund.

6/30

In reply please refer to 4SV1/79-51,53PII

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

30 May 1979

Ray Clements, Treasurer
Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, IN 46241

Dear Mr. Clements:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. During review of the October 10 Quarterly, 10 Day Pre-Primary and July 10 Quarterly Reports of Receipts and Expenditures, we noticed entries indicating that you may have received contributions which exceed the limits set forth in the Act. A copy of those portions of your reports are attached so that a review of your records can be made.

The Act precludes individuals and political committees, other than multicandidate committees, from making political contributions to a candidate for Federal election in excess of $1,000 per election. The Act defines a multicandidate committee as one which has been registered for a period of not less than six months; has received contributions from more than fifty persons; and has made contributions to five or more candidates for Federal office. The committees listed as the sources of the contributions in question do not presently qualify as multicandidate committees and we have notified them accordingly. We have recommended that the source committees notify you if it is confirmed that the contributions were in excess of the limits.

The Commission recommends that if you find the contributions you received were in excess of the limits set forth in the Act you return the amounts in excess of $1,000 to the donors. These returns should be reported immediately by letter and should be reflected as contribution refunds on your next report of receipts and expenditures. The contribution of 6/6/78 from Johnson County Democratic Central Committee (see attached) is in addition to a previous contribution of $1,150 from that committee on 2/2/77. (Please refer to our letter of 1/29/79). Thus, the total amount to be refunded is $300. If you find that the entries in question are incomplete or incorrect, please submit a statement which would clarify this particular matter for the public record. You may do so by amending your original report by letter.

Please notify the Commission within fifteen (15) days from the date of this letter of the determination made on this matter. If you have any questions concerning this matter, please do not hesitate to contact Penny Harms (800)424-9530, our Reports Analyst assigned to you. Our local telephone number is (202)523-4172.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Certified Mail
Return Receipt Requested

Enclosures

EG Jr. Dos 4SV17a - 11 + 12 (11

PS Form 3811, Apr. 1977 RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one)
   - ☐ Show to whom and date delivered c
   - ☐ Show to whom, date, and address of delivery c
   - ☐ RESTRICTED DELIVERY
     Show to whom and date delivered c
   - ☐ RESTRICTED DELIVERY
     Show to whom, date, and address of delivery $____
     (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO

3. ARTICLE DESCRIPTION

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	541997	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

4. Margaret A. McGowan

DATE OF DELIVERY	POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO: 1977-0-216-000

Clemente

DAVE EVANS

Due 6/30

...s Committee

...Indiana 46241

FEDERAL ELECTION COMMISSION

'79 JUN 11 AM 11:

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

June 7, 1979

031551

Federal Election Commission
1325 "K" Street, N.W.
Washington, D.C. 20463

RE: 4SV1/79-51,53PH

Dear Sirs:

This is in response to your letter of May 30, 1979.

With respect to the reported excess contributions by the Johnson County Democratic Central Committee on June 6, 1978, and again on February 2, 1979:

The issue is, since the Johnson County Democratic Central Committee is not a "registered committee" within the meaning of the Federal Election laws, is it in violation of those laws for the Dave Evans for Congress Committee to accept a contribution from the Committee in excess of One Thousand Dollars ($1,000.00) per election? (Actual contribution was One Thousand One Hundred Fifty Dollars ($1,150.00).)

In response to this question being raised with respect to the Committee's contribution to our committee in 1977, we, by letter of January 31, 1978, asserted that our position is as follows:

> "The Johnson County Democratic Central Committee is a part of the formal State Committee structure under the Indiana Democratic Central Committee and; therefore, the contribution received from the Johnson County Democratic Central Committee has been accepted under the provision of Section 1.10.3 of the law." (The right of State Party Committee to give Ten Thousand Dollars ($10,000.00).)

Again, in response to the same question raised by your letter dated January 29, 1979, with respect to the Johnson County Committee's contribution to the Dave Evans for Congress Committee's general election fund in 1978, we responded by letter of February 2, 1979, that our response is the same as set out above.

We have not received responses to our January 31, 1978, or our February 2, 1979, letters.

Around March 27, 1979, both the Chairman of the Johnson County Democratic Central Committee and myself were contacted by phone by a Mr. Dave Greevy of your office with respect to this matter. He insisted we were in violation of the law and that the Evans Committee must refund monies to the Johnson County Committee. We ask that you at least give us some type of response to our position as set out in our previous two (2) letters. He indicated that such a response would have to go through a chain of bosses and super bosses and that it would be very difficult. He suggested it would be simpler if we would just "refund the money"!

I feel this type of interpretation and attempted enforcement of regulations by staff persons is wrong. As I left it with Mr. Greevy, all we ask and have been asking for two (2) years is that someone respond to the position WE have taken.

With respect to the questioned One Thousand Three Hundred Dollar ($1,300) contribution by the Central Indiana Building and Construction Trades PAC to the General Election campaign for Congressman Evans in 1978:

We were not aware that this PAC committee is not a "registered PAC" within the meaning of the Federal Election laws, and accordingly limited to making contributions of One Thousand Dollars ($1,000) per election to any federal candidate. Accordingly, per your recommendation, and as evidence by the enclosed copy of our letter to that committee, we have returned as of this date Three Hundred Dollars ($300).

Sincerely,

Thomas J. Kern

Thomas J. Kern
Legal Advisor

TJK/sb

encl.

June 7, 1979

Central Indiana Building
and Construction Trades PAC
2635 South Madison Avenue
Indianapolis, IN 46225

Gentlemen:

It has been called to our attention by the Federal Election Commission that you are not a "registered PAC" within the meaning of the Federal Election laws. Accordingly, we are unable to accept contributions from your PAC in excess of One Thousand Dollars ($1,000.00) per election. According to our records, you contributed to the Dave Evans for Congress Committee Five Hundred Dollars ($500) on July 7, 1978, and an additional Eight Hundred Dollars ($800.00) on October 20, 1978, both of which contributions were assumed to be for the benefit of Dave's General Election campaign for November, 1978.

In keeping with the direction of the Commission, we are herewith refunding to your PAC the sum of Three Hundred Dollars ($300.00).

Your continued support of Congressman Evans and his reelection campaigns is appreciated.

Sincerely,

Thomas J. Kern
Legal Advisor

TJK/sb

encl.

SCHEDULE B
REVISED
January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Transfers Out, Contributions In-Kind, Loans, Loan Repayments and Refunds Made)
Supporting Lines 20a, 21a, and 22a, 22b, and 22c of FEC FORM 3

Page 1 of 1 for
Line Number 21 (a)

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full
DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Central Indiana Building Trades Political Action Committee 2348 South Madison Avenue Indianapolis, IN 46227	Refund of $300.00 from 1978 General Election Contribution Expenditure for: ☐ Primary ☐ General ☒ Other	6/7/79	$300.00
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
SUBTOTAL of expenditures this page (optional)			$
TOTAL this period (last page this line number only)			$ 300.00

22 8

Form Approved
Office of Management & Budget
No. 44R-1132

LABOR ORGANIZATION ANNUAL REPORT
FORM LM-2

MUST BE USED BY LABOR ORGANIZATIONS WITH $30,000 OR MORE IN RECEIPTS AND LABOR ORGANIZATIONS WHICH ARE UNDER TRUSTEESHIP

FILE

Labor-Management Reporting and Disclosure Act of 1959, as amended
and
Executive Order 11491, as amended

READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT. SUBMIT THIS REPORT IN DUPLICATE.

FILE

STEVEN TUTTLE 048-766
BLDG & CONSTRN TRADES DEPT AFL-CIO 0
BCIC CENTRAL INDIANA
442 NORTH SENATE AVENUE 06L2
INDIANAPOLIS IN 46204

1. FILE NUMBER: 048-766

2. Period covered

	MO	DAY	YR
From	7	1	77
Thru	6	30	78

3. CITY, COUNTY AND STATE WHERE CHARTERED TO OPERATE:
CITY INDIANAPOLIS COUNTY MARION STATE INDIANA

4. NAME OF LABOR ORGANIZATION (as shown on charter, constitution, etc.): CENTRAL INDIANA BUILDING AND CONSTRUCTION TRADES COUNCIL

5. AFFILIATION: BUILDING AND CONSTUCTION TRADES DEPT. AFL-CIO

6. DESIGNATION (Local, Lodge, etc.): CENTRAL INDIANA COUNCIL

7. DESIGNATION NUMBER: NONE

8. OFFICIAL MAILING ADDRESS (For mail to the organization):
(In care of) NAME OF PERSON: STEVE TUTTLE
NUMBER AND STREET: 442 N. SENATE AVE
BLDG. AND ROOM NUMBER, IF ANY:
CITY: INDIANAPOLIS STATE: INDIANA ZIP CODE: 46204

9. Are organization records kept at the official mailing address? ☒ Yes ☐ No
If "No," show address including ZIP Code in Item 22

DURING THE REPORTING PERIOD DID YOUR ORGANIZATION DIRECTLY OR INDIRECTLY:

	YES	NO
10. Have any accounts in banks or other financial institutions held in a name other than that of your organization?	☐	☒
11. Liquidate or reduce any liabilities without disbursement of cash?	☐	☒
12. Create or participate in the administration of any business enterprises or other organizations which met the definition of a "subsidiary organization" as that term is defined in the instructions on page 2?	☐	☒
13. Acquire any goods or property in any manner other than by purchase or dispose of any goods or property in any manner other than by sale?	☐	☒
14. Create or participate in the administration of a trust or other fund or organization, a primary purpose of which is to provide benefits for members or their beneficiaries, as defined by section 3(l) of the Act?	☐	☒
15. Discover any loss or shortage of funds or other property?	☐	☒

(If the answer to any of the above questions is "Yes," provide details in Item 22. See specific instructions for items answered "Yes.")

16. A. Was the labor organization insured by a fidelity bond during the reporting period? ☒ Yes ☐ No
B. If "Yes," enter the maximum amount recoverable for loss caused by any person $3,000

17. Enter the date of your organization's next regular election of officers.
Month NONE Year 1980

AS OF THE END OF THE REPORTING PERIOD:

18. Were any assets pledged as security or encumbered in any other way? ☐ Yes ☒ No
19. Did your organization have any contingent liabilities? ☐ Yes ☒ No
(If the answer to Item 18 or 19 is "Yes," provide details in Item 22.)

20. Did your organization have any changes in its constitution and bylaws (other than changed dues amounts) or in practices described in statements submitted with Form LM-1 or Form LM-1A since your organization filed Form LM-1 or most recently updated it by filing a Form LM-1A? ☐ Yes ☒ No
If "Yes," attach an updated Form LM-1A to this report, with required documents.

21. List fees and dues required. (Complete each line. Enter "None" or "Not Applicable" as appropriate.)

	(A) If one rate applies, enter here	(B) If more than one rate applies, enter here Minimum	Maximum
(1) Initiation fee or fees required from new members	$ NONE	$	$
(2) Fees other than dues required from transfer members	$ NONE	$	$
(3) Are work permits issued? ☐ Yes ☒ No If "Yes," give fees required	$ per	$ per	$ per
(4) Regular dues or fees or other periodic payments required to remain a member of the reporting labor organization (per year, mo., etc.)	$ 1.00 per QTR	$ per	$ per

22. ADDITIONAL INFORMATION (If this is a terminal report, see Section VII of the instructions.)

Item Number

RECEIVED
U.S. DEPARTMENT OF LABOR
LABOR-MANAGEMENT SERVICES ADMINISTRATION
OCT 26 1978
9,10,11,12,1,2,3,4,5 PM

(If more space is needed, attach additional sheets with further statement, properly identified.)

Each of the undersigned, duly authorized officers of the above labor organization, declares (under the applicable penalties of law,* that all of the information submitted in this report (including the information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct, and complete.

25. SIGNED: X [illegible] PRESIDENT (If other title cross out and write in correct title above. Explain in Item 22.)
at: INDIANA, IN on:
City State Date
(317) [illegible]
Telephone Number (Include Area Code)

26. SIGNED: X Steve Tuttle TREASURER (If other title cross out and write in correct title above. Explain in Item 22.)
at: INDIANA, IN on:
City State Date
(317) 634-9551
Telephone Number (Include Area Code)

*See section on "Penalties" in accompanying instructions

Form LM-2 (Rev. 1975) Page 1

COPY 2

ATTACHMENT I

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

D 5-12-791
D 513

MUR 1070

REPORTS ANALYSIS REFERRAL SHEET

DATE 10/24/79

ANALYST Doug Greevy

TO: Office of General Counsel

TEAM CHIEF Bobby Werfel

THROUGH: STAFF DIRECTOR

COMPLIANCE REVIEW

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE COMMITTEE: Johnson County Democratic Central Committee

TREASURER: Jim Staples, Chairman
Diane Moore, Treasurer

ADDRESS: 50 West Main Street
Greenwood, IN 46142

AFFILIATE(S):

ALLEGATION(S):	CITE:	ATTACHMENT(S)
unregistered political committee	2 U.S.C. 433, 434, & 441a	1

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE: 4/17/78

ATTACHMENT

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see ~~Attachment X~~.

PERIOD COVERED FROM _____ TO _____

TOTAL RECEIPTS $ _____ TOTAL EXPENDITURES $ _____

CASH ON HAND $ _____ DEBTS $ _____

HISTORY:

RESULTS OF REVIEW:	ATTACHMENT
3SV1/78-44, dated 10/17/78	2
3SV1/78-44, dated 5/31/79	3
Certified Receipt Cards	4

The committee has not been notified of possible 441a violation

COMMUNICATIONS WITH CANDIDATE/COMMITTEE:	ATTACHMENT
Telecon: Greevy with Staples, 3/27/79	5
Telecon: Greevy with Kern, 3/27/79	5
Telecon: Greevy with Staples, 3/28/79	6

REASON(S) FOR REFERRAL:	ATTACHMENT
Response from Staples, dated 11/10/78	7
Response from Staples, dated 4/9/79	8
Memo to the File: Greevy, dated 6/22/79	9
Response from Staples, dated 6/28/79	12

OTHER PENDING ACTIONS INITIATED BY RAD:	ATTACHMENT
NONE	

OTHER RELEVANT INFORMATION:

Memo to the File: Greevy, dated 3/28/79	10
Response from Kern, dated 6/7/79(See House referral for other responses)	11

The Indiana Democratic Congressional Victory Committee is not qualified as of 9/28/79. (State Central Committee registered 3/26/79)

See referral for Dave Evans for Congress Committee

D 512
RAD 91-190

mue
1069

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

DATE 10/24/79

ANALYST Susan Kaltenbaugh SK

TO: OGC

TEAM CHIEF Peter Kell, Jr. SK for PK

THROUGH: STAFF DIRECTOR

COMPLIANCE REVIEW Carroll Bowen CB

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE/COMMITTEE: DAVE EVANS FOR CONGRESS COMMITTEE IN/06

TREASURER: Ray Clements

ADDRESS: P.O. Box 41709-B
Indianapolis, Indiana 46241

AFFILIATE(S): Not pertinent to the allegations

ALLEGATION(S):	CITE:	ATTACHMENT(S)
The Committee has accepted four contributions from two unregistered committees in excess of FECA limitations.	2 U.S.C.441(a)(1)(a)	2 3 4 5

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE:

10/24/78

ATTACHMENT

1

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM 10/1/77 TO 3/31/79

TOTAL RECEIPTS $ 199,934.45 TOTAL EXPENDITURES $ 177,937.41

CASH ON HAND $ 26,597.03 DEBTS $ 0

HISTORY:

RESULTS OF REVIEW: ATTACHMENT

Please see Page Two.

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: ATTACHMENT

Telecon: 3/27/79 David Greevy to Jim Staples 11
Telecon: 3/27/79 David Greevy to Tom Kern 12
Telecon: 3/28/79 David Greevy to Jim Staples 13

REASON(S) FOR REFERRAL: ATTACHMENT

An adequate response was received on 6/12/79, in which $300 was refunded to Central Indiana Bldg. & Const. Trades Pac. This exceeds the Division threshold for review by OGC. 10

The contribution from Johnson County Democratic Central Committee has not been refunded to date.

OTHER PENDING ACTIONS INITIATED BY RAD: ATTACHMENT

OTHER RELEVANT INFORMATION:

See referral for Johnson County Democratic Central Committee.

166 (closed 1/4/78) generated by Audit

Form Approved
Office of Management & Budget
No. 44R-1132

LABOR ORGANIZATION ANNUAL REPORT
FORM LM-2

MUST BE USED BY LABOR ORGANIZATIONS WITH $30,000 OR MORE IN RECEIPTS AND LABOR ORGANIZATIONS WHICH ARE UNDER TRUSTEESHIP

FILE

Labor-Management Reporting and Disclosure Act of 1959, as amended
and
Executive Order 11491, as amended

READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT. SUBMIT THIS REPORT IN DUPLICATE.

FILE

STEVEN TUTTLE 048-766
BLDG & CONSTRN TRADES DEPT AFL-CIO 50 1 0
BCIC CENTRAL INDIANA
442 NORTH SENATE AVENUE 06L2
INDIANAPOLIS IN 46204 S

1. FILE NUMBER: 048-766

2. Period covered	MO	DAY	YR
From	7	1	77
Thru	6	30	78

3. CITY, COUNTY AND STATE WHERE CHARTERED TO OPERATE:
CITY INDIANAPOLIS COUNTY MARION STATE INDIANA

4. NAME OF LABOR ORGANIZATION (as shown on charter, constitution, etc.): CENTRAL INDIANA BUILDING AND CONSTRUCTION TRADES COUNCIL

5. AFFILIATION: BUILDING AND CONSTUCTION TRADES DEPT. AFL-CIO

6. DESIGNATION (Local, Lodge, etc.): CENTRAL INDIANA COUNCIL

7. DESIGNATION NUMBER: NONE

8. OFFICIAL MAILING ADDRESS (For mail to the organization):
(In care of) NAME OF PERSON: STEVE TUTTLE
NUMBER AND STREET: 442 N. SENATE AVE.
BLDG. AND ROOM NUMBER, IF ANY:
CITY: INDIANAPOLIS STATE: INDIANA ZIP CODE: 46204

9. Are organization records kept at the official mailing address? ☒ Yes ☐ No
If "No," show address including ZIP Code in Item 22.

DURING THE REPORTING PERIOD DID YOUR ORGANIZATION DIRECTLY OR INDIRECTLY:

	YES	NO
10. Have any accounts in banks or other financial institutions held in a name other than that of your organization?	☐	☒
11. Liquidate or reduce any liabilities without disbursement of cash?	☐	☒
12. Create or participate in the administration of any business enterprises or other organizations which met the definition of a "subsidiary organization" as that term is defined in the instructions on page 2?	☐	☒
13. Acquire any goods or property in any manner other than by purchase or dispose of any goods or property in any manner other than by sale?	☐	☒
14. Create or participate in the administration of a trust or other fund or organization, a primary purpose of which is to provide benefits for members or their beneficiaries, as defined by section 3(l) of the Act?	☐	☒
15. Discover any loss or shortage of funds or other property?	☐	☒

(If the answer to any of the above questions is "Yes," provide details in Item 22. See specific instructions for items answered "Yes.")

16. A. Was the labor organization insured by a fidelity bond during the reporting period? ☒ Yes ☐ No
B. If "Yes," enter the maximum amount recoverable for loss caused by any person $3,000

17. Enter the date of your organization's next regular election of officers.
Month JUNE Year 1980

AS OF THE END OF THE REPORTING PERIOD:

18. Were any assets pledged as security or encumbered in any other way? ☐ Yes ☒ No

19. Did your organization have any contingent liabilities? ☐ Yes ☒ No

(If the answer to Item 18 or 19 is "Yes," provide details in Item 22.)

20. Did your organization have any changes in its constitution and bylaws (other than changed dues amounts) or in practices described in statements submitted with Form LM-1 or Form LM-1A since your organization filed Form LM-1 or most recently updated it by filing a Form LM-1A? ☐ Yes ☒ No
If "Yes," attach an updated Form LM-1A to this report, with required documents.

21. List fees and dues required. *(Complete each line. Enter "None" or "Not Applicable" as appropriate.)*

	(A) If one rate applies, enter here	(B) If more than one rate applies, enter here Minimum	Maximum
(1) Initiation fee or fees required from new members	$ NONE	$	$
(2) Fees other than dues required from transfer members	$ NONE	$	$
(3) Are work permits issued? ☐ Yes ☒ No If "Yes," give fees required	$ per	$ per	$ per
(4) Regular dues or fees or other periodic payments required to remain a member of the reporting labor organization *(per year, mo., etc.)*	$ 1.00 per QTR	$ per	$ per

22. ADDITIONAL INFORMATION *(If this is a terminal report, see Section XII of the instructions.)*

Item Number

RECEIVED
U.S. DEPARTMENT OF LABOR
LABOR-MANAGEMENT ADMINISTRATION SERVICES
OCT 26 1978
9:10:11:12:1:2:3:4:5:6 PM

(If more space is needed, attach additional sheets with further statement, properly identified.)

Each of the undersigned, duly authorized officers of the above labor organization, declares, under the applicable penalties of law,* that all of the information submitted in this report (including the information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct, and complete.

75. SIGNED: X James Collins PRESIDENT *(If other title, cross out and write in correct title above. Explain in Item 22.)*
at: INDPLS, IN on: City State Date
(317) 634-8551
Telephone Number *(Include Area Code)*

76. SIGNED: X Steve Tuttle TREASURER *(If other title, cross out and write in correct title above. Explain in Item 22.)*
at: INDPLS, IN on: City State Date
(317) 634-8551
Telephone Number *(Include Area Code)*

*See section on "Penalties" in accompanying instructions.

COPY 2

ATTACHMENT I

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY mc

DATE: FEBRUARY 1, 1980

SUBJECT: OBJECTION - MUR 1069 - First General Counsel's Report dated 1-30-80; Received in OCS 1-30-80, 12:25

The above-named document was circulated on a 48 hour vote basis at 4:00, January 30, 1980.

Commissioners Harris and Aikens submitted objections thereby placing MUR 1069 on the Executive Session Agenda for February 5, 1980.

w/drawn

10010025410

January 30, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Jane Colgrove

SUBJECT: MUR 1069

Please have the attached First General Counsels Report on MUR 1069 distributed to the Commission on a 48 hour tally basis.

Thank you.

00040022541

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20003

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION JAN 30 1980

MUR 1069
80 JAN 30 P12:24
STAFF MEMBER(S) Myerson

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENT'S NAME: Johnson County Democratic Central Committee, Jim Staples, Chairman
Dave Evans for Congress Committee, Ray Clements, Treasurer

RELEVANT STATUTE: 2 U.S.C. §§ 431(d), 433, 434 and 441a

INTERNAL REPORTS CHECKED: RAD Referral, "G" Index

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

The Reports Analysis Division ("RAD"), in the course of its normal review of reports filed by the Dave Evans for Congress Committee ("Evans Committee"), discovered that the Johnson County Democratic Central Committee ("JCC") and the Central Indiana Building and Construction Trades PAC ("CIBPAC") made contributions to the Evans Committee in excess of $1,000. Both the JCC and CIBPAC were unregistered committees. The matter was referred to this office because the Evans Committee refused to refund the excessive amount contributed by the JCC and because the excessive amount contributed by CIBPAC, although refunded as suggested by RAD, exceeded RAD's threshold for refunds when aggregated with the amount in excess of $1,000 received from the JCC.

FACTUAL AND LEGAL ANALYSIS

The Evans Committee's reports disclose receipt of contributions from the JCC totalling $1,150 during calendar year 1977 and again in 1978. RAD notified the JCC of this fact and informed the JCC that to avoid being a political committee, it had to seek a refund of the amount contributed in excess of $1,000 during a calendar year. Additionally, RAD informed the Evans Committee that it might have accepted contributions which exceeded the statutory limit. The JCC followed RAD's advice and on several occasions requested a refund from the Evans Committee.

Both committees asserted in communications with RAD that the contributions were not excessive because the JCC is part of the formal state party structure and they read 11 C.F.R. § 110.3 as permitting a state party committee to contribute up to $10,000. Additionally, the Evans Committee informed RAD that in January 1978 the Clerk of the House questioned the JCC's 1977 contributions and did not pursue it further after the Evans Committee provided the Clerk with this explanation. The Commission has not responded to the Evans Committee's interpretation and the Evans Committee informed RAD that it will not make a refund until the Commission responds.

The Evans Committee's reports also disclose acceptance of two contributions, totalling $1,300, from CIBPAC. CIBPAC is not a federally registered political committee. After receiving a surface violation letter addressing the possible violation of the contribution limits and recommending the return of the amount received in excess of $1,000, the Evans Committee refunded $300 and advised the Commission that it had not known that CIBPAC was not a federal committee.

LEGAL ANALYSIS

I. The JCC's contributions.

The JCC contributed $1,150 to the Evans Committee in 1977 and again in 1978. These contributions involve possible violations of 2 U.S.C. §§ 433, 434 and 441a.

The possible violations of 2 U.S.C. §§ 433 and 434 turn on the term "political committee." Since the JCC made expenditures aggregating $1,150 during calendar year 1977 and again in 1978, it is a political committee. As such, the JCC was required to file a registration statement and reports with the Commission. 1/ We think that the JCC's failure to do so gives the Commission reason to believe that the JCC may have violated sections 433 and 434. We have further concluded, however, that no action should be taken beyond determining that there is reason to believe and sending a letter of admonition, based on the JCC's minimal activity and its repeated efforts to secure a refund.

1/ The JCC would not have had to comply with the Act's registration and reporting requirements if it had obtained a refund from the Evans Committee so as to reduce each year's contributions to $1,000 or less. Federal Election Commission Directive No. 19 (approved February 8, 1979).

The referral also questioned whether the JCC violated 2 U.S.C. § 441a(a)(1)(A) by giving more than $1,000 with respect to a federal election and whether the Evans Committee violated that provision by accepting the excess contributions. In their communications with RAD, both committees asserted that the contributions were not excessive because the JCC is part of the formal state party structure and the state party committee has the right to give $10,000 under 11 C.F.R. § 110.3. We disagree. Section 110.3 provides that a state committee and any independent subordinate committee may each contribute $1,000 ($5,000 if a multicandidate committee) to a candidate for each election. As the JCC and the state committee were not qualified multicandidate committees at the time the contributions were made, the $1,000 contribution limitation per election was the applicable limit and the JCC's contributions to the Evans Committee exceeded that limit. We have therefore concluded that the Commission can find reason to believe that the committees may have violated section 441a(a)(1)(A) as to both the 1978 primary and general elections, because the JCC gave, and the Evans Committee accepted, $1,150 with respect to each election. We think, however, that in light of all the circumstances, including the small amount involved ($150 over the statutory limit for each election), no action should be taken beyond determining that there is reason to believe the committees may have violated the Act and sending letters of admonition.

II. CIBPAC's contributions.

CIBPAC, an unregistered committee, is subject to section 441a(a)(1)(A)'s $1,000 limitation on contributions with respect to any federal election. It contributed $1,300 to the Evans Committee with respect to the 1978 general election, $300 of which was refunded in June 1979 after the Commission informed the Evans Committee that CIBPAC was not a registered committee. Since the violation occurred when CIBPAC gave and the Evans Committee accepted the contribution, the Commission can determine that it has reason to believe the Evans Committee may have violated section 441a(a)(1)(A) by accepting an excessive contribution; however, because of the small amount involved and the fact that the violation was corrected once the Evans Committee received the surface violation letter, we think that no action should be taken beyond determining that there is reason to believe and sending a letter of admonition.

There also may be reason to believe that CIBPAC's contribution to the Evans Committee may have violated 2 U.S.C. § 441b, since CIBPAC is an unregistered committee and its contribution may have included money from prohibited sources since under Indiana law corporations and labor organizations are permitted to make limited contributions. We think, however, that no action should be taken on this possible violation because of the circumstances surrounding

this matter, such as the surface violation letter addressing only the possible violation of section 441a and the Evans Committee's prompt action in implementing the surface violation letter's suggestion that the amount received in excess of $1,000 be returned.

RECOMMENDATIONS

1. Find reason to believe the JCC may have violated 2 U.S.C. §§ 433 and 434.

2. Find reason to believe the JCC may have violated 2 U.S.C. § 441a(a)(1)(A) by making contributions with respect to a federal election in excess of $1,000.

3. Find reason to believe the Evans Committee may have violated 2 U.S.C. § 441a(a)(1)(A) by accepting contributions from both the JCC and CIBPAC with respect to a federal election in excess of $1,000.

4. Not require the JCC to file further reports.

5. Authorize the Office of General Counsel to transmit the attached letter to the JCC (Attachment II).

6. Authorize the Office of General Counsel to transmit the attached letter to the Evans Committee (Attachment III).

7. Close the file.

Attachments

I. RAD Referral
II. Draft Letter to JCC
III. Draft Letter to Evans Committee
IV. June 7, 1979, letter from Thomas J. Kern to FEC

Attachment I

0004025415

D 912
RAD 91-190
Mur 1069

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

DATE 10/24/79 ANALYST Susan Kaltenbaugh SK

TO: OGC TEAM CHIEF Peter Kell, Jr.

THROUGH: STAFF DIRECTOR COMPLIANCE REVIEW Carroll Bowen

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE/COMMITTEE: DAVE EVANS FOR CONGRESS COMMITTEE IN/06

TREASURER: Ray Clements

ADDRESS: P.O. Box 41709-B
Indianapolis, Indiana 46241

AFFILIATE(S): Not pertinent to the allegations

ALLEGATION(S)	CITE	ATTACHMENT(S)
The Committee has accepted four contributions from two unregistered committees in excess of FECA limitations.	2 U.S.C.441(a)(1)(a)	2 3 4 5

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE:

10/24/79 ATTACHMENT 1

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM 10/1/77 TO 3/31/79

TOTAL RECEIPTS $ 199,934.45 TOTAL EXPENDITURES $ 177,937.41

CASH ON HAND $ 26,597.03 DEBTS $ 0

HISTORY:

RESULTS OF REVIEW ATTACHMENT

Please see Page Two.

COMMUNICATIONS WITH CANDIDATE COMMITTEE: ATTACHMENT

Telecon: 3/27/79 David Greevy to Jim Stables 11
Telecon: 3/27/79 David Greevy to Tom Kern 12
Telecon: 3/28/79 David Greevy to Jim Stables 13

REASONS FOR REFERRAL: ATTACHMENT

An adequate response was received on 6/12/79, in which $300 was refunded to Central Indiana Bldg. & Constr. Trades Pac. This exceeds the Division threshold for review by OGC. 10

The contribution from Johnson County Democratic Central Committee has not been refunded to date.

OTHER PENDING ACTIONS INITIATED BY RAD ATTACHMENT

OTHER RELEVANT INFORMATION

See referral for Johnson County Democratic Central Committee.

Mur 466 (closed 1/4/78) generated by Audit

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

MUR 10 69

REPORTS ANALYSIS REFERRAL SHEET

DATE 10/24/79 ANALYST Dug Greevy

TO: Office of General Counsel TEAM CHIEF Bobby Werfel

THROUGH: STAFF DIRECTOR COMPLIANCE REVIEW

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE/COMMITTEE: Johnson County Democratic Central Committee

TREASURER: Jim Staples, Chairman
Diane Moore, Treasurer

ADDRESS: 50 West Main Street
Greenwood, IN 46142

AFFILIATE(S):

ALLEGATION(S):	CITE:	ATTACHMENT(S)
unregistered political committee	2 U.S.C. 433, 434, & 441a	1

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE: 4/17/78

ATTACHMENT

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see ~~ATTACHMENT~~ X.

PERIOD COVERED FROM _____ TO _____

TOTAL RECEIPTS $ _____ TOTAL EXPENDITURES $ _____

CASH ON HAND $ _____ DEBTS $ _____

HISTORY:

RESULTS OF REVIEW	ATTACHMENT
SSV1/78-44, dated 10/17/78	2
SSV1/78-44, dated 5/31/79	3
Certified Receipt Cards	4
The committee has not been notified of possible 441a violation	

COMMUNICATIONS WITH CANDIDATE COMMITTEE	ATTACHMENT
Telecon: Greevy with Staples, 3/27/79	5
Telecon: Greevy with Kern, 3/27/79	5
Telecon: Greevy with Staples, 3/28/79	6

REASON(S) FOR REFERRAL:	ATTACHMENT
Response from Staples, dated 11/10/78	7
Response from Staples, dated 4/9/79	8
Memo to the File: Greevy, dated 6/22/79	9
Response from Staples, dated 6/28/79	12

OTHER PENDING ACTIONS INITIATED BY RAD:	ATTACHMENT
NONE	

OTHER RELEVANT INFORMATION:

Memo to the File: Greevy, dated 3/28/79	10
Response from Kern, dated 6/7/79 (See House referral for other responses)	11

The Indiana Democratic Congressional Victory Committee is not qualified as of 9/28/79. (State Central Committee registered 3/26/79)

See referral for Dave Evans for Congress Committee

RAD Form 1
August 1979

8004025418

Schedule A

Contributions, Loans, Loan Repayments, Refunds, and Transfers for Line Numbers 15, 16, 17 and/or 18 of FEC Form 3

(See instructions on back)

LINE NUMBER ▷ 15

(Use separate schedule(s) for each numbered line)

Name of Candidate or Committee in full

DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, mailing address and ZIP code	Occupation	Date (month, day, year)	Amount of each receipt this period
Morgan Co. Democratic Central Committee R.R. #7, Box 610 Martinsville, IN 46151 Attn: Reba Phillips Chairman (18 U) Principal place of business: Morgan County Indiana	Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 750.00	10/7/77	750.00
Johnson Co. Democratic Central Committee 50 W. Main St. Greenwood, IN 46142 Attn: Jim Staples, Chairman (18 U) Principal place of business: Johnson County Indiana	Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 1,150.00	12/2/77	1,150.00
Hendricks Co. Democratic Central Comm. R.R. #3, Box 585 Plainfield, IN 46168 (18 U) Principal place of business: Hendricks County Indiana	Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 450.00	12/9/77	450.00
Full Name, mailing address and ZIP code Principal place of business	Occupation Check if Contributor is self-employed Aggregate Year-to-date ▷ $	Date (month, day, year)	Amount of each receipt this period
Full Name, mailing address and ZIP code Principal place of business	Occupation Check if Contributor is self-employed Aggregate Year-to-date ▷ $	Date (month, day, year)	Amount of each receipt this period
Full Name, mailing address and ZIP code Principal place of business	Occupation Check if Contributor is self-employed Aggregate Year-to-date ▷ $	Date (month, day, year)	Amount of each receipt this period

Subtotal of receipts this page (last page) ▷ $

Total this period (last page this line number only) ▷ $ 2,350.00

Page A

Contributions, Loans, Refunds, and Transfers for Line Numbers 16, 17 and/or 18 of FEC Form

(See instructions on back)

(Use separate schedule for each numbered line)

Name of Candidate or Committee in full

DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, mailing address and ZIP code	Occupation	Date (month, day, year)	Amount of each receipt this period
Morgan Co. Democratic Central Committee R.R. #7, Box 610 Martinsville, IN 46151 Attn: Reba Phillips Chairman (18)		10/7/77	750.00
Principal place of business: Morgan County Indiana	Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 750.00		
Johnson Co. Democratic Central Committee 50 W. Main St. Greenwood, IN 46142 Attn: Jim Staples, Chairman (18)		12/2/77	1,150.00
Principal place of business: Johnson County Indiana	Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 1,150.00		
Hendricks Co. Democratic Central Comm. R.R. #3, Box 585 Plainfield, IN 46168 (18)		12/9/77	450.00
Principal place of business: Hendricks County Indiana	Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 450.00		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Check if Contributor is self-employed Aggregate Year-to-date ▷ $		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Check if Contributor is self-employed Aggregate Year-to-date ▷ $		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Check if Contributor is self-employed Aggregate Year-to-date ▷ $		

Subtotal of receipts this page (last page) ▷ $

Total this period (last page this line number only) ▷ $ 2,350.00

FEC D.C. 20463

Supporting Lines 14a, [illegible], 14b, 15a, 16a, 17a, and/or 18a of FEC FORM 3

(Use separate schedules for each numbered line)

Name of Committee or Committee in Full

DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each receipt this Period
Friends of Indiana Hospitals (Indiana Hospital Assn.) P.O. Box 55214 Indianapolis, IN 46220	Occupation	5/26/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 300.00		
Merchants Committee for Campaign Contributions One Merchants Plaza Indianapolis, IN 46204	Occupation	6/9/78	250.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 250.00		
Johnson County Democratic Central Committee 50 W. Main St. Greenwood, IN 46142	Occupation	6/16/78	1,150.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 1,150.00		
Home PAC 1000 Connecticut Ave. Suite 704 Washington, D.C. 20036	Occupation	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 300.00		
Credit Union Legislative Action Council 1730 Rhode Island Ave., N.W. #810 Washington, D.C. 20036	Occupation	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 300.00		
I.B.E.W. - C.O.P.E. 1125 - 15th Street, N.W. Washington, D.C. 20005	Occupation	6/30/78	500.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 500.00		
General Aviation Political Action Committee P.O. Box 19121 Washington, D.C. 20036	Occupation	6/30/78	100.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ [illegible]		

Total of receipts this page (optional) . . . . . $ 3,200.00

Total of this line number only . . . . . $

10025421
7801114355

In reply please refer to: [redacted]SV1/78-44

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 17, 1978

Mr. Jim Staples, Chairman
Johnson County Democratic Central Committee
50 West Main Street
Greenwood, IN 46142

Dear Mr. Staples:

This letter is prompted by the Commission's interest in assisting committees who wish to comply with the Federal Election Campaign Act. Our review of the receipts reported by Dave Evans for Congress Committee indicates that your organization may have made contributions which total in excess of $1,000 during the calendar year. Enclosed is a copy(s) of the report(s) in which your contribution(s) is listed.

The act defines "political committee" to mean any organization, or other group of persons which receives contributions or makes expenditures (which includes contributions to Federal candidates and committees supporting Federal candidates), aggregating in excess of $1,000 during a calendar year. It would appear that your organization may qualify as a "political committee" subject to registration, reporting, and contribution limitation requirements of the Act.

If you agree that your organization is a political committee, please submit a Statement of Organization on FEC Form 1, in accordance with 2 U.S.C. 433. In addition, your committee will be required to file disclosure reports in accordance with 2 U.S.C. 434 on FEC Form 3.

If you agree that your organization has made contributions or expenditures which qualify you as a "political committee", but you do not wish to be considered as a "political committee", you must request refund(s) from the candidate(s) and/or political committee(s) to which you have contributed. As an alternative, political committees to which you made contributions may transfer all or part of the contributions to accounts which are not used to influence Federal elections. Refunds or transfers must be made in such amounts that the total remaining contributions made by you do not exceed $1,000 during a calendar year.

If you believe that your organization is not a political committee, or that the Commission is otherwise in error, please submit a statement which would clarify this matter for the public record. We have also enclosed relevant informational materials and forms for the registration of and reporting by the political committee. Please examine the enclosed materials.

Please notify the Commission within thirty (30) days from the date on this letter of your decision on this matter. If you have any questions, please contact Pamela Brown in our Reports Analysis Division at (800)424-9530. Our local number is (202)523-1474.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Certified Mail
Return Receipts Requested

Enclosures

JOHNSON COUNTY DEMOCRATIC CENTRAL COMMITTEE

CHAIRMAN:
JIM STAPLES
50 W MAIN STREET
GREENWOOD IN 46142
PHONE 888 0684

SECRETARY:
DIANE McNEELY
R R 1, BOX 123C
TRAFALGAR, IN
PHONE 878-4835

VICE CHAIRLADY
CALLIE MORRIS
R R 1, BOX 164
FRANKLIN IN 46131
PHONE 422 5385

TREASURER
DIANE MOORE
193 TERRACE COURT
FRANKLIN IN 46131
PHONE 736 0371

November 10, 1978

867772

Mr. Orlando B. Potter, Staff Director
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: 3SV1/78-44

Dear Mr. Potter:

This is in response to your certified letter of October 17, 1978, concerning the contribution of $1,150.00 from the Johnson County Democratic Central Committee to the Dave Evans for Congress Committee, reported in the fourth quarter period ended December 31, 1977.

The Johnson County Democratic Central Committee is a part of the formal state committee structure of the Indiana Democratic State Central Committee; therefore, the contribution received by the Dave Evans for Congress Committee from the Johnson County Democratic Central Committee has been accepted under the provision of Section 1.10.3 of the law.

Respectfully submitted,

Jim Staples

Jim Staples
Chairman, Democratic Central
Committee, Johnson County,
Indiana

JS/mam

7803096042 0

Telecon:

Dug Greevy with Jim Staples
Johnson County Democratic Central Committee
3SV1/78-44
3/27/79

Talked with JS today. Phone: 317-888-0684.

I told him why his response of 11/10/78 was inadequate. I further stated that his committee, if made for the primary election, may be excessive because the contribution

committee may not be affiliated with the SCC.

He asked what he should do, and I suggested that he request a refund in the amount of $150 from Evans, as that was the only Fed. activity the committee had. He said that he would do that, and that we would be notified very shortly.

Telecon:

Dug Greevy with Tom Kern
Dave Evans for Congress Committee (legal advisor to)
317-882-2953
Companion SV--4SV1/78-16JE
3/27/79

TK called today stating:

1. Jim Staples called him regarding my conversation with him of this morning.
2. He responded to the same question to the Clerk of the House on 1/31/78.
3. Clerk of the House requested no additional information.
4. FEC therefore should be satisfied with the response.

5. He refused to provide a refund in the amount of $150 until he is formally notified why such a refund should be made.

I told him why the letter was sent out to the Johnson County Committee. I stated that the contribution to his committee may or may not be within the limitations, based upon any affiliation which the Johnson Committee has with a qualified committee, but that the Johnson County committee would have to register and report unless a refund was received.

He said that he did not understand why such a small and inactive committee needed to be registered with the Commission. I once again gave him the definition of political committee.

I told him that I would check with the House Team to ascertain what disposition had been taken of the letter received by him regarding the SV above.

3/28/79
DCG

Memo:

Re: Johnson County Democratic Central Committee
Dave Evans for Congress Committee

I spoke with Eleanor of the house team. The response has been received, and no further action has at this time been taken.

I checked to see whether the Democratic SCC Committee in Indiana is qualified, and discovered that there was no committee (SCC) registered until today.

Thus, at this point in time, the contribution to Evans is excessive, and the Johnson County Committee remains under the responsibility to register and report unless a refund is received.

JOHNSON COUNTY DEMOCRATIC CENTRAL COMMITTEE

CHAIRMAN:
JIM STAPLES
50 W. MAIN STREET
GREENWOOD, IN 46142
PHONE 888-0684

SECRETARY
DIANE McNEELY
R.R. 1, BOX 123C
TRAFALGAR, IN
PHONE 878-4835

VICE CHAIRLADY:
CELLIE MORRIS
R.R. 1, BOX 164
FRANKLIN, IN 46131
PHONE 422-5385

TREASURER
DIANE MOORE
191 TERRACE COURT
FRANKLIN, IN 46131
PHONE 736-9371

FEDERAL ELECTION
PM 1

April 9, 1979

Dear Mr. Greny,

This letter is a response to you, following our two conversations on March 27 and March 28, 1979. The thesis of our conversations was that the Johnson County Democratic Central Committee and the Dave Evans for Congress Committee are, together, in violation of FEC rules if the Evans Committee does not send the Johnson County Committee a check for $150.00.

After each conversation with you I immediately called Tom Kern, the treasurer of the Evans Committee, explained my discussion with you, and requested a check for $150.00 be returned to the county committee. Each time, Mr. Kern said he would "consider" the request. As of today, I have not received a check. I am therefore notifying you — as we agreed — that I, as Chairman of the Johnson County Democratic Central Committee, have done everything I can to avoid any Commission or legal action by the Federal Election Commission.

Sincerely yours,

James A. Staples
Chairman

8 0 0 0 1 2 3 4 2 7

Telecon:

Greevy with Jim Staples
Johnson County Democratic Central Committee
3/28/79

Called JS today to inform him that:

1. Kern talked with me yesterday.

2. Kern seemed very adamant in his refusal to make the $150 refund.

3. Johnson County committee is still at this point under an obligation to register and report.

4. Johnson County committee may have made an excessive contribution to Evans--even if the committee did register and claim affiliation with the SCC, that would not help as the SCC was not registered at the time of the contribution.

5. Evans' committee may be in violation of the Act, because they may have received an excessive contribution.

6 A refund of $150 from Evans' committee would:

Bring both committees into compliance with the Act, assuming the Evans' committee is in violation at this time, and;

Relieve the Johnson County committee of the obligation to register and report.

7. I would like to have some response from JS in the near future. I stated that if nothing else, he should inform us that he requested the refund.

In reply please refer to 3SV1/78-44

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

May 31, 1979

Jim Staples, Chairman
Johnson County Democratic Central Committee
50 West Main Street
Greenwood, IN 46142

Dear Mr. Staples:

This letter is prompted by the Commission's interest in assisting committees who wish to comply with the Federal Election Campaign Act. Our review of the receipts reported by Dave Evans for Congress Committee indicates that your organization may have made contributions which total in excess of $1,000 during the calendar year. Enclosed is a copy(s) of the report(s) in which your contribution(s) is listed.

The Act defines "political committee" to mean any organization, or other group of persons which receives contributions or makes expenditures (which includes contributions to Federal candidates and committees supporting Federal candidates), aggregating in excess of $1,000 during a calendar year. It would appear that your organization may qualify as a "political committee" subject to registration, reporting, and contribution limitation requirements of the Act.

If you agree that your organization is a political committee, please submit a Statement of Organization on FEC Form 1, in accordance with 2 U.S.C. 433. In addition, your committee will be required to file disclosure reports in accordance with 2 U.S.C. 434 on FEC Form 3.

If you agree that your organization has made contributions or expenditures which qualify you as a "political committee", but you do not wish to be considered as a "political committee", you must request refund(s) from the candidate(s) and/or political committee(s) to which you have contributed. The contribution of 6/16/78 to Dave Evans for Congress Committee is in addition to a previous contribution of $1,150 (see attached) made by you to that committee on 2/2/77. (Please refer to our letter dated 10/17/78). Thus, the total amount to be refunded is $300. As an alternative, political committees to which you made contributions may transfer all or part of the contributions to accounts which are not used to influence Federal elections. Refunds or transfers must be made in such amounts that the total remaining contributions made by you do not exceed $1,000 during a calendar year.

If you believe that your organization is not a political committee, or that the Commission is otherwise in error, please submit a statement which would clarify this matter for the public record. We have also enclosed relevant informational materials and forms for the registration of and reporting by the political committee. Please examine the enclosed materials.

Please notify the Commission within thirty (30) days from the date on this letter of your decision on this matter. If you have any questions, please contact Pamela Brown, in our Reports Analysis Division at (800)424-9530. Our local number is (202)357-0023.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Certified Mail
Return Receipts Requested

Enclosures

Washington, D.C. 20463

Supporting Lines 14a, [illegible], 14b, 15a, 16a, 17a, and/or 18a of FEC FORM 3

(Use Separate Schedules for each numbered line)

Name of Committee or Committee in Full

DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each receipt this Period
Friends of Indiana Hospitals (Indiana Hospital Assn.) P.O. Box 55024 Indianapolis, IN 46220	Occupation	5/26/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 300.00		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each receipt this Period
Merchants Committee for Campaign Contributions One Merchants Plaza Indianapolis, IN 46204	Occupation	6/9/78	250.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 250.00		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each receipt this Period
Johnson County Democratic Central Committee 50 W. Main St. Greenwood, IN 46142	Occupation	6/16/78	1,150.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 1,150.00		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each receipt this Period
Home PAC 1000 Connecticut Ave. Suite 704 Washington, D.C. 20036	Occupation	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 300.00		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each receipt this Period
Credit Union Legislative Action Council 1730 Rhode Island Ave., N.W. #810 Washington, D.C. 20036	Occupation	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 300.00		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each receipt this Period
I.B.E.W. - C.O.P.E. 1125 - 15th Street, N.W. Washington, D.C. 20005	Occupation	6/30/78	500.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 500.00		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each receipt this Period
General Aviation Political Action Committee P.O. Box 19121 Washington, D.C. 20036	Occupation	6/30/78	100.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ [illegible]		

Total of receipts this page (itemized) . . . . . $ 2,900.00

Total to date (this page plus line number only) . . . . . $ [illegible]

7801114135

3501/78-44

PS Form 3811, Apr. 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one)
- ☐ Show to whom and date delivered ..... ___ c
- ☑ Show to whom, date, and address of delivery ..... ___ c
- ☐ RESTRICTED DELIVERY Show to whom and date delivered ..... ___ c
- ☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery $___ (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: Staples Jensen City Bus CC EN

3. ARTICLE DESCRIPTION

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	941364 2	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☑ Authorized agent
James O. Staples

4. DATE OF DELIVERY: 6-2-79

POSTMARK: JUN 2 1979 USPO

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO 1977-0-249-525

10/17

3501/78-44

PS Form 3811, Apr. 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one)
- ☐ Show to whom and date delivered ..... ___ c
- ☑ Show to whom, date, and address of delivery ..... ___ c
- ☐ RESTRICTED DELIVERY Show to whom and date delivered ..... ___ c
- ☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery $___ (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: Kansas City Kansas

3. ARTICLE DESCRIPTION

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	941364	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
James Staples

4. DATE OF DELIVERY: 6-2-79

POSTMARK: JUN 2 1979

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

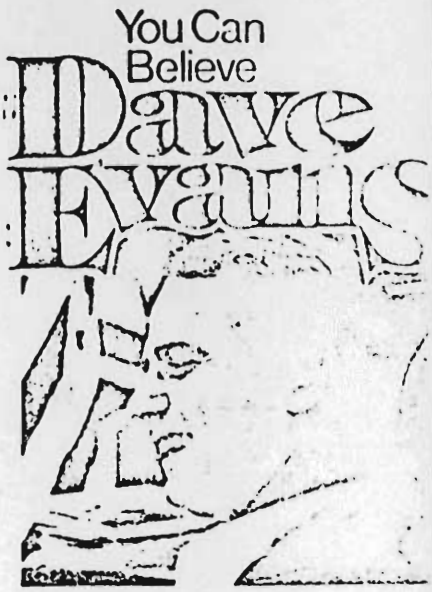
CLERK'S INITIALS

☆GPO 1977-0-249-525

Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, Indiana 46241

RECEIVED
FEDERAL ELECTION
COMMISSION

'79 JUN 11 AM 11:



June 7, 1979

Federal Election Commission
1325 "K" Street, N.W.
Washington, D.C. 20463

RE: 4SV1/79-51,53PH

Dear Sirs:

This is in response to your letter of May 30, 1979.

With respect to the proported excess contributions by the Johnson County Democratic Central Committee on June 6, 1978, and again on February 2, 1979:

The issue is, since the Johnson County Democratic Central Committee is not a "registered committee" within the meaning of the Federal Election laws, is it in violation of those laws for the Dave Evans for Congress Committee to accept a contribution from the Committee in excess of One Thousand Dollars ($1,000.00) per election? (Actual contribution was One Thousand One Hundred Fifty Dollars ($1,150.00).)

In response to this question being raised with respect to the Committee's contribution to our committee in 1977, we, by letter of January 31, 1978, asserted that our position is as follows:

> "The Johnson County Democratic Central Committee is a part of the formal State Committee structure under the Indiana Democratic Central Committee and; therefore, the contribution received from the Johnson County Democratic Central Committee has been accepted under the provision of Section 1.10.3 of the law." (The right of State Party Committee to give Ten Thousand Dollars ($10,000.00).)

Again, in response to the same question raised by your letter dated January 29, 1979, with respect to the Johnson County Committee's contribution to the Dave Evans for Congress Committee's general election fund in 1978, we responded by letter of February 2, 1979, that our response is the same as set out above.

We have not received responses to our January 31, 1978, or our February 2, 1979, letters.

Around March 27, 1979, both the Chairman of the Johnson County Democratic Central Committee and myself were contacted by phone by a Mr. Dave Greevy of your office with respect to this matter. He insisted we were in violation of the law and that the Evans Committee must refund monies to the Johnson County Committee. We ask that he at least give us some type of response to our position as set out in our previous two (2) letters. He indicated that such a response would have to go through a chain of bosses and super bosses and that it would be very difficult. He suggested it would be simpler if we would just "refund the money"!

I feel this type of interpretation and attempted enforcement of regulations by staff persons is wrong. As I left it with Mr. Greevy, all we ask and have been asking for two (2) years is that someone respond to the position WE have taken.

With respect to the questioned One Thousand Three Hundred Dollar ($1,300) contribution by the Central Indiana Building and Construction Trades PAC to the General Election campaign for Congressman Evans in 1978:

We were not aware that this PAC committee is not a "registered PAC" within the meaning of the Federal Election laws, and accordingly limited to making contributions of One Thousand Dollars ($1,000) per election to any federal candidate. Accordingly, per your recommendation, and as evidence by the enclosed copy of our letter to that committee, we have returned as of this date Three Hundred Dollars ($300).

Sincerely,

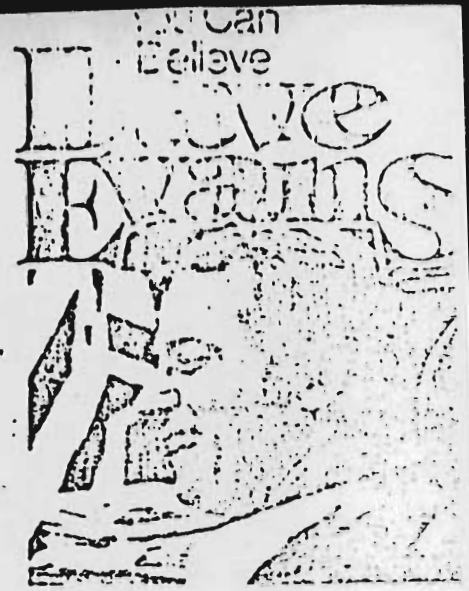
Thomas J. Kern

Thomas J. Kern
Legal Advisor

TJK/sb

encl.

Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, Indiana 46241



June 7, 1979

Central Indiana Building
and Construction Trades PAC
2635 South Madison Avenue
Indianapolis, IN 46225

Gentlemen:

It has been called to our attention by the Federal Election Commission that you are not a "registered PAC" within the meaning of the Federal Election laws. Accordingly, we are unable to accept contributions from your PAC in access of One Thousand Dollars ($1,000.00) per election. According to our records, you contributed to the Dave Evans for Congress Committee Five Hundred Dollars ($500) on July 7, 1978, and an additional Eight Hundred Dollars ($800.00) on October 20, 1978, both of which contributions were assumed to be for the benefit of Dave's General Election campaign for November, 1978.

In keeping with the direction of the Commission, we are herewith refunding to your PAC the sum of Three Hundred Dollars ($300.00).

Your continued support of Congressman Evans and his reelection campaigns is appreciated.

Sincerely,

Thomas J. Kern
Legal Advisor

TJK/sb

encl.

Memo to the File:

Greevy
6/22/79
Meeting: Scall, Bowen, Sims, Greevy

Met this day with Lester Scall on two matters:

1. Possible non-compliance of subordinate party committees(unregistered) with respect to 11 CFR 110.7(c)(2)(iii). Alva Smith prepared a draft SV to be sent to these committees, numbering perhaps 250. Scall stated that he would review the letter and get back to us.

2. Johnson County Democratic Central Committee/Dave Evans for Congress. After reviewing the situation with Scall, I stated that I did not think that it would be worthwhile, in terms of gaining compliance, for this Division to pursue RTB with respect to these possible violations. This suggestion was based upon the fact that the Evans committee had requested specific information from the Clerk and the Commission, as outlined in his letter of 6/7/79.

Scall indicated that he was in agreement with this. He stated that we should prepare a referral for OGC at this time, as this would permit his Office to answer these questions, and perhaps gain compliance, prior to advancing to the next stage of compliance.

It appeared that the fact that we had been in phone contact with both parties also bore upon his decision.

JOHNSON COUNTY DEMOCRATIC CENTRAL COMMITTEE

CHAIRMAN
JIM STAPLES
50 W MAIN STREET
GREENWOOD, IN 46142
PHONE 885 0684

SECRETARY:
DIANE McNEELY
R.R. 1, BOX 123C
TRAFALGAR, IN
PHONE 878-4835

VICE-CHAIRLADY:
CALLIE MORRIS
R.R. 1, BOX 164
FRANKLIN, IN 46131
PHONE 422-5385

TREASURER:
DIANE MOORE
193 TERRACE COURT
FRANKLIN, IN 46131
PHONE 736-9371

FEDERAL ELECTION COMMISSION
'79 JUL 5 PM 12:00

June 28, 1979

Mr. Orlando B. Potter
Staff Director
Federal Election Commission
1325 D Street N.W.
Washington, D.C. 20463

RE: 35V1/78-44

Dear Sir:

In response to your letter of May 31, 1979, Diane, as you suggested, requested Tom Kern, Legal Advisor for the Dave Evans for Congress Committee, to refund the necessary money in order for us to have given less than $1,000 to Congressman Evans in each of two years. For various reasons, he has not.

I have also discussed this matter with members of the Indiana Democratic State Central Committee. They tell me that the necessary papers have been filed so that we, the Johnson County Democratic Central Committee, is a part of the formal state committee structure under the Indiana Democratic State Central Committee, and therefore, the contribution received from our committee to the Evans Committee was accepted under the provision of Section 1. 10.3 of the law.

I hope this finally concludes this matter.

Sincerely,
Jim Staples
Johnson County Democratic Chairman

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

MUR 1069

REPORTS ANALYSIS REFERRAL SHEET

DATE 10/24/79 ANALYST Dug Greevy

TO: Office of General Counsel TEAM CHIEF Bobby Werfel

THROUGH: STAFF DIRECTOR COMPLIANCE REVIEW

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE/COMMITTEE: Johnson County Democratic Central Committee

TREASURER: Jim Staples, Chairman
Diane Moore, Treasurer

ADDRESS: 50 West Main Street
Greenwood, IN 46142

AFFILIATE(S):

ALLEGATION(S):	CITE:	ATTACHMENT(S)
unregistered political committee	2 U.S.C. 433, 434, & 441a	1

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE: 4/17/78

ATTACHMENT

REPORTS. All reports within the dates listed below have received initial basic review. For all reports reviewed, see ~~Attachment~~.

PERIOD COVERED FROM _____ TO _____

TOTAL RECEIPTS $ _____ TOTAL EXPENDITURES $ _____

CASH ON HAND $ _____ DEBTS $ _____

HISTORY:

RESULTS OF REVIEW:	ATTACHMENT
3SV1/78-44, dated 10/17/78	2
3SV1/78-44, dated 5/31/79	3
Certified Receipt Cards	4
The committee has not been notified of possible 441a violation	

COMMUNICATIONS WITH CANDIDATE/COMMITTEE:	ATTACHMENT
Telecon: Greevy with Staples, 3/27/79	5
Telecon: Greevy with Kern, 3/27/79	5
Telecon: Greevy with Staples, 3/28/79	6

REASON(S) FOR REFERRAL:	ATTACHMENT
Response from Staples, dated 11/10/78	7
Response from Staples, dated 4/9/79	8
Memo to the File: Greevy, dated 6/22/79	9
Response from Staples, dated 6/28/79	12

OTHER PENDING ACTIONS INITIATED BY RAD:	ATTACHMENT
NONE	

OTHER RELEVANT INFORMATION:

Memo to the File: Greevy, dated 3/28/79	10
Response from Kern, dated 6/7/79(See House referral for other responses)	11

The Indiana Democratic Congressional Victory Committee is not qualified as of 9/28/79. (State Central Committee registered 3/26/79)

See referral for Dave Evans for Congress Committee

RAD Form 1
August 10, 2

00004104430

D 912
RAD 96-190
mur 1069

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

DATE 10/24/79 ANALYST Susan Kaltenbaugh SK

TO: OGC TEAM CHIEF Peter Kell, Jr.

THROUGH: STAFF DIRECTOR COMPLIANCE REVIEW Carroll Bowen

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE/COMMITTEE: DAVE EVANS FOR CONGRESS COMMITTEE IN/06

TREASURER: Ray Clements

ADDRESS: P.O. Box 41709-B
Indianapolis, Indiana 46241

AFFILIATE(S): Not pertinent to the allegations

ALLEGATION(S)	CITE:	ATTACHMENT(S)
The Committee has accepted four contributions from two unregistered committees in excess of FECA limitations.	2 U.S.C.441(a)(1)(a)	2 3 4 5

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE:

10/24/79 ATTACHMENT 1

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment .

PERIOD COVERED FROM 10/1/77 TO 3/31/79

TOTAL RECEIPTS $ 199,934.45 TOTAL EXPENDITURES $ 177,937.41

CASH ON HAND $ 26,697.03 DEBTS $ 0

HISTORY:

RESULTS OF REVIEW ATTACHMENT

Please see Page Two.

COMMUNICATIONS WITH CANDIDATE COMMITTEE ATTACHMENT

Telecon: 3/27/79 David Greevy to Jim Staples 11
Telecon: 3/27/79 David Greevy to Tom Kern 12
Telecon: 3/28/79 David Greevy to Jim Staples 13

REASON(S) FOR REFERRAL: ATTACHMENT

An adequate response was received on 6/12/79, in which $300 was refunded to Central Indiana Bldg. & Const. Trades Pac. This exceeds the Division threshold for review by OGC. 10

The contribution from Johnson County Democratic Central Committee has not been refunded to date.

OTHER PENDING ACTIONS INITIATED BY RAD: ATTACHMENT

OTHER RELEVANT INFORMATION:

See referral for Johnson County Democratic Central Committee.

MUR 466 (closed 1/4/78) generated by Audit

RAD F 2011

RESULTS OF REVIEW	ATTACHMENT
SV1 on Year End 1977 report dated 1/29/79	6
SV1 on July 10, October 10 & 10 day Pre-Primary reports dated 5/30/79	7
Response to Clerk of the House dated 1/31/78 for Year End 1977 report	8
Response to SV1 dated 2/2/79 for Year End 1977 report	9
Response to SV1 dated 6/7/79 for July 10, October 10 & 10 day Pre-Primary reports	10

The Committee has not refunded the excessive $300 transfer from the Johnson County Democratic Central Committee. They allege that Johnson County is part of the State Central Committee's structure, and therefore the transfer was legitimate. However, the Indiana Democratic Central Committee was not even registered at the time of the first excessive transfer.

HOUSE

ITTEE	DOCUMENT	RECEIPTS PRIMARY	RECEIPTS GENERAL	EXPENDITURES PRIMARY	EXPENDITURES GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
EVANS FOR CONGRESS COMMITTEE								ID# C00013177
1977	STATEMENT OF ORGANIZATION- AMENDMENT					7APR77	1	77HSE/122/0014
	STATEMENT OF ORGANIZATION- AMENDMENT					21APR77	1	77HSE/122/26[illegible]
	STATEMENT OF ORGANIZATION- AMENDMENT					25APR77	1	77HSE/122/2[illegible]
	STATEMENT OF ORGANIZATION- AMENDMENT					27MAY77	3	77HSE/122/52[illegible]
	MISCELLANEOUS TRANSACTION FROM F.E.C.					31MAY77	1	77HSE/123/00[illegible]
	STATEMENT OF ORGANIZATION- AMENDMENT					7OCT77	1	77HSE/125/2766
	STATEMENT OF ORGANIZATION- AMENDMENT					17NOV77	1	77HSE/127/1077
1978	48 HOUR CONTRIBUTION NOTICE					24OCT78	1	78HSE/151/2192
	MISCELLANEOUS TRANSACTION TO F.E.C.					26OCT78	1	78HSE/151/2876
	48 HOUR CONTRIBUTION NOTICE					27OCT78	1	78HSE/152/0636
	48 HOUR CONTRIBUTION NOTICE					30OCT78	1	78HSE/154/1272
	48 HOUR CONTRIBUTION NOTICE					1NOV78	1	78HSE/154/2497
	48 HOUR CONTRIBUTION NOTICE					1NOV78	1	78HSE/154/2332
	48 HOUR CONTRIBUTION NOTICE					2NOV78	2	78HSE/154/3657
	48 HOUR CONTRIBUTION NOTICE					2NOV78	1	78HSE/154/3934
	48 HOUR CONTRIBUTION NOTICE					2NOV78	1	78HSE/154/4469
	48 HOUR CONTRIBUTION NOTICE					6NOV78	1	78HSE/155/0024
1977	APRIL 10 QUARTERLY	6,853		1,828		1JAN77 -31MAR77	7	77HSE/122/0018
	APRIL 10 QUARTERLY - AMENDMENT	0		0		1JAN77 -31MAR77	1	79FEC 121/4805
	JULY 10 QUARTERLY	12,929		3,273		31MAR77 -30JUN77	11	77HSE/123/2489
	JULY 10 QUARTERLY - AMENDMENT	0		0		30JUN77	1	79FEC/121/4803
	OCTOBER 10 QUARTERLY	5,711		4,519		1JUL77 -30SEP77	8	77HSE/125/35[illegible]
	REQUEST FOR ADDITIONAL INFORMATION					1JUL77 -30SEP77	3	78FEC/064/39[illegible]
	OCTOBER 10 QUARTERLY - AMENDMENT					1JUL77 -30SEP77	1	78HSE/130/1[illegible]
	YEAR END REPORT	4,501		1,295		1OCT77 -31DEC77	5	78HSE/128/0591
	REQUEST FOR ADDITIONAL INFORMATION					31DEC77	1	79FEC/121/2143
	YEAR END REPORT - AMENDMENT					2/8/76	1	78HSE/129/2319
	YEAR END REPORT - AMENDMENT						1	79HSE/162/1663
	COMP AMEND						1	77HSE/124/2844
	COMP AMEND					1JAN77 -30JUN77	5	77HSE/124/2859
	COMP AMEND	20,725		7,101		1JAN77 -30JUN77	3	77HSE/125/0176
1978	APRIL 10 QUARTERLY	20,859		7,544		1JAN78 -31MAR78	14	78HSE/133/2011
	10 DAY PRE-PRIMARY	5,230		150		1APR78 -16APR78	5	78HSE/134/4533
	REQUEST FOR ADDITIONAL INFORMATION					1APR78 -16APR78	2	79FEC/128/2832
	30 DAY POST-PRIMARY	6,635		8,361		17APR78 -22MAY78	7	78HSE/137/3083
	JULY 10 QUARTERLY		3,533		3,183	23MAY78 -30JUN78	7	78HSE/141/4357
	REQUEST FOR ADDITIONAL INFORMATION					23MAY78 -30JUN78	2	78FEC/096/0709
	JULY 10 QUARTERLY - AMENDMENT					23MAY78 -30JUN78	1	78HSE/159/3195
	REQUEST FOR ADDITIONAL INFORMATION					23MAY78 -30JUN78	2	79FEC/128/2830
	OCTOBER 10 QUARTERLY		66,596		27,632	1JUL78 -30SEP78	26	78HSE/146/4475
	OCTOBER 10 QUARTERLY - AMENDMENT					30SEP78	1	78HSE/154/4922

REQUEST FOR ADDITIONAL INFORMATION						30SEP78	3	79FEC/126/3222
REQUEST FOR ADDITIONAL INFORMATION					1JUL78	-30SEP78	3	79FEC/128/2107
10 DAY PRE-GENERAL		26,126		81,652	10CT78	-23OCT78	14	78HSE/153/0200
30 DAY POST-GENERAL		31,769		25,187	24OCT78	-27NOV78	18	78HSE/156/0619
30 DAY POST-GENERAL	- AMENDMENT	31,769		25,187	24OCT78	-27NOV78	2	79HSE/165/1981
30 DAY POST-GENERAL	- AMENDMENT	31,769		25,187	24OCT78	-27NOV78	2	79HSE/165/2837
YEAR END REPORT		1,581		9,145	28NOV78	-31DEC78	4	79HSE/161/0976

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 25 [illegible] 79
PAGE

HOUSE

MMITTEE	DOCUMENT		RECEIPTS PRIMARY	RECEIPTS GENERAL	EXPENDITURES PRIMARY	EXPENDITURES GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
	REQUEST FOR ADDITIONAL INFORMATION							2	79FEC/118/1701
	REQUEST FOR ADDITIONAL INFORMATION						28NOV78 -31DEC78	3	79FEC/126/2485
	YEAR END REPORT (1977)	- AMENDMENT					31DEC78	1	79HSE/162/1664
	YEAR END REPORT	- AMENDMENT		1,581		9,145	28NOV78 -31DEC78	2	79HSE/165/1979
	YEAR END REPORT	- AMENDMENT		1,581		9,145	28NOV78 -31DEC78	2	79HSE/165/2810
		TOTAL	63,661	129,605	28,970	146,799		192	TOTAL PAGES

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FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 25JUN79
PAGE

HOUSE

OMMITTEE	DOCUMENT	RECEIPTS PRIMARY	RECEIPTS GENERAL	EXPENDITURES PRIMARY	EXPENDITURES GENERAL	COVERAGE DATES	# OF PAGES	MICROF LOCAT
AVE EVANS FOR CONGRESS COMMITTEE								ID# C00013177
1979 APRIL 10 QUARTERLY		6,528		1,975		1JAN79 -31MAR79	7	79HSE/164/1366
APRIL 10 QUARTERLY	- AMENDMENT					1JAN79 -31MAR79	1	79HSE/165/1983
REQUEST FOR ADDITIONAL INFORMATION for 10 day General						23OCT79	2	79FEC/126/3226
REQUEST FOR ADDITIONAL INFORMATION for 30 General							2	79FEC/126/1444

.edule A
July 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Itemized Receipts, Contributions, Ticket Purchases, Loans, Rebates, and Transfers for Line Numbers 15, 16, 17 and/or 18 of FEC Form 3

(see instructions on back)

Page 1 of 1 for
LINE NUMBER 18(b)
(Use separate schedule(s) for each numbered line)

Name of Candidate or Committee in full

DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, mailing address and ZIP code	Principal place of business	Occupation / Check if Contributor is self-employed / Aggregate Year-to-date	Date (month, day, year)	Amount of each receipt this period
Morgan Co. Democratic Central Committee R.R. #7, Box 610 Martinsville, IN 46151 Attn: Reba Phillips Chairman	Morgan County Indiana	▷ $ 750.00	10/7/77	750.00
Johnson Co. Democratic Central Committee 50 W. Main St. Greenwood, IN 46142 Attn: Jim Staples, Chairman	Johnson County Indiana	▷ $ 1,150.00	12/2/77	1,150.00
Hendricks Co. Democratic Central Comm. R.R. #3, Box 585 Plainfield, IN 46168	Hendricks County Indiana	▷ $ 450.00	12/9/77	450.00
		▷ $		
		▷ $		
		▷ $		
		▷ $		

Subtotal of receipts this page (optional) ▷ $

Total this period (last page this line number only) ▷ $ 2,350.00

Page

Washington, D.C. 20463

Supporting Lines 14b, [illegible], 16b, 16c, 16b, 17b, and/or 18a of FEC FORM 3

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Friends of Indiana Hospitals (Indiana Hospital Assn.) P.O. Box 55214 Indianapolis, IN 46220	Occupation	5/26/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 300.00		
Merchants Committee for Campaign Contributions One Merchants Plaza Indianapolis, IN 46204	Occupation	6/9/78	250.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 250.00		
Johnson County Democratic Central Committee 50 W. Main St. Greenwood, IN 46142	Occupation	6/16/78	1,150.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 1,150.00		
Home PAC 1000 Connecticut Ave. Suite 704 Washington, D.C. 20036	Occupation	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 300.00		
Credit Union Legislative Action Council 1730 Rhode Island Ave., N.W. #810 Washington, D.C. 20036	Occupation	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 300.00		
I.B.E.W. - C.O.P.E. 1125 - 15th Street, N.W. Washington, D.C. 20005	Occupation	6/30/78	500.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 500.00		
General Aviation Political Action Committee P.O. Box 19121 Washington, D.C. 20036	Occupation	6/30/78	100.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ [illegible]		
Subtotal of receipts this page (optional)			$ 2,900.00
Total of receipts this line number only)			$

9 7 0 1 1 0 1 4 5 9

SCHEDULE A
FEC-0
Rev. 1978
Fed Election Commission
525 K Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Line Number 15 (a)

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full
Dave Evans For Congress Committee

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Central Indiana Bldg. Trades PAC 2635 Madison Ave. Indianapolis, IN 46225 Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self employed Aggregate Year To Date $ 500.	7/7/78	500.00
AVCO Corp PAC 1275 King St. Greenwich, Conn. 06830 Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self employed Aggregate Year To Date $ 100	7/7/78	100.00
Ford Civic Action Fund c/o Dearborn Bk & Tr Co. One Village Plaza Tower Dearborn, Michigan 48124 Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self employed Aggregate Year To Date $ 500	7/14/78	500.00
Telephone Education Comm. Org 2626 Pennsylvania Ave NW Washington, D.C. 20037 Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self employed Aggregate Year To Date $ 100	7/14/78	100.00
American Telephone PAC 195 Broadway, Rm. 1038 New York, N.Y. 10007 Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self employed Aggregate Year To Date $ 100	7/14/78	100.00
Indiana Bell PAC INBELLPAC 240 N. Meridian St. Indianapolis, IN 46204 Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self employed Aggregate Year To Date $ 200	7/14/78	200.00
Panhandle Eastern System PAC P. O. Box 1642 Houston, Texas 77001 Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self employed Aggregate Year To Date $ 250	7/14/78	250.00

SUBTOTAL of receipts this page (optional) . . . . . $

$

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[illegible] A
[illegible]
[illegible] 1[illegible]
[illegible] Commission
[illegible] Street, N.W.
[illegible]ington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 4 of 4 for Line Number 15b

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full
DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Food Industry Good Govt. Comm. 1750 K. St. N. W. Suite 700 Washington, D.C. 20006 Receipt for: ☐ Primary ☐ General ☐ Other	Same Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $ 200.00	10/20/78	100.00
American Federation of Teachers Comm. on Polit. Educ 11 Dupont Circle N. W. Washington, D. C. 20036 Receipt for: ☐ Primary ☐ General ☐ Other	Same Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $	10/20/78	1000.00
Maintenance of Way Polit League 12050 Woodward Ave Detroit Michigan 48203 Receipt for: ☐ Primary ☐ General ☐ Other	Same Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $	10/20/78	200.00
Action Committee For Rural Elect. 2000 Florida Ave. N. W. Washington D. C. 20009 Receipt for: ☐ Primary ☐ General ☐ Other	Same Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $ 600.00	10/20/78	300.00
Eli Lilly PAC 307 E. McCarty Indianapolis, IN 46206 Receipt for: ☐ Primary ☐ General ☐ Other	Same Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $ 500.00	10/20/78	200.00
Central Indiana Bldg. & Const. Trades PAC 2635 S. Madison Indianapolis, IN Receipt for: ☐ Primary ☐ General ☐ Other	Same Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $ 1,000.00	10/20/78	800.00
Full Name, Mailing Address and ZIP Code Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $	Date (month, day, year)	Amount of each Receipt this Period

Total of receipts this page (optional) . . . . . $

In reply please refer to 4SVI/78-16JE

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

29 January 1979

IN/06 C00013177

Mr. Ray Clements, Treasurer
Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, Indiana 46241

Dear Mr. Clements:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. During review of the 1977 Year End Report of Receipts and Expenditures, we noticed an entry indicating that you may have received a contribution which exceeds the limits set forth in the Act. A copy of that portion of your report is attached so that a review of your records can be made.

The Act precludes individuals and political committees, other than multicandidate committees, from making political contributions to a candidate for Federal election in excess of $1,000 per election. The Act defines a multicandidate committee as one which has been registered for a period of not less than six months; has received contributions from more than fifty persons; and has made contributions to five or more candidates for Federal office. The committee listed as the source of the contribution in question does not presently qualify as a multicandidate committee and we have notified them accordingly. We have recommended that the source committee notify you if it is confirmed that the contribution was in excess of the limits.

The Commission recommends that if you find the contribution you received was in excess of the limits set forth in the Act you return the amount in excess of $1,000 to the donor. This return should be reported immediately by letter and should be reflected as a contribution refund on your next report of receipts and expenditures. If you find that the entry in question is incomplete or incorrect, please submit a statement which would clarify this particular matter for the public record. You may do so by amending your original report by letter.

Please notify the Commission within fifteen (15) days from the date of this letter of the determination made on this matter. If you have any questions concerning this matter, please do not hesitate to contact Penny Harris ~~Jim Eastwood~~ (800)424-9530, our Reports Analyst assigned to you. Our local telephone number is 523-4172.

Sincerely,

Orlando B. Potter

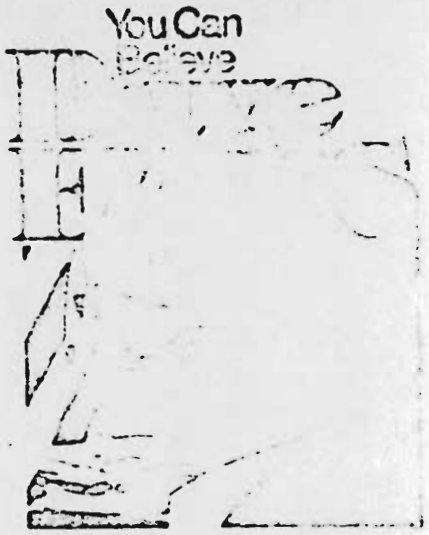
Orlando B. Potter
Staff Director

Certified Mail

Return Receipt Requested

FEB 3 1979
REGULAR MAIL

Dave Evans for Congress Committee
P.O. Box 41703-B
Indianapolis, Indiana 46241



February 2, 1979

Mr. Orlando B. Potter
Staff Director
Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

031551

RE: MUR 778-16 JE

Dear Sir:

In response to yours of January 29, 1979, attached is a copy of our response to that same question raised with respect to a like contribution by that same Committee to our Committee last year. The explanation remains the same.

As ever,

Thomas J. Kern
Legal Advisor

TJK/ist

enclosure

1979 FEB 4 PM 12:35
FEDERAL ELECTION COMMISSION

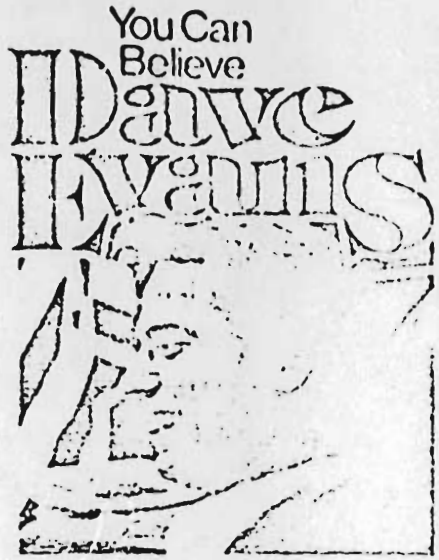
Dave Evans for Congress Committee
501 National Avenue
Indianapolis, Indiana 46227
(317) 788-4556

IN-06

3 amend YE

REGULAR MAIL

C00013177



January 31, 1978

JAN 31 1978

Office of the Clerk
U.S. House of Representatives
Washington, D.C. 20515

Attn: Mr. John Overstreet

RE: I.D. #031551

Dear John,

This is in response to your letter of January 27, 1978, relative to the contribution of $1,150.00 from the Johnson County Democratic Central Committee reported in our report for the fourth quarter period ended December 31, 1977.

The Johnson County Democratic Central Committee is a part of the formal state committee structure under the Indiana Democratic Central Committee and; therefore, the contribution received from the Johnson County Democratic Central Committee has been accepted under the provision of Section 1.10.3 of the law.

Sincerely,

Ray Clements

RAY CLEMENTS
Treasurer

RC:dr
cc: Secretary of State, Larry Conrad

Telecon:

Dug Greevy with Jim Staples
Johnson County Democratic Central Committee
3SV1/78-44
3/27/79

Talked with JS today. Phone: 317-888-0684.

I told him why his response of 11/10/78 was inadequate. I further stated that his committee, if made for the primary election, may be excessive because the contribution

committee may not be affiliated with the SCC.

He asked what he should do, and I suggested that he request a refund in the amount of $150 from Evans, as that was the only Fed. activity the committee had. He said that he would do that, and that we would be notified very shortly.

Telecon:

Dug Greevy with Tom Kern
Dave Evans for Congress Committee (legal advisor to)
317-882-2953
Companion SV--4SV1/78-16JE
3/27/79

TK called today stating:

1. Jim Staples called him regarding my conversation with him of this morning.
2. He responded to the same question to the Clerk of the House on 1/31/78.
3. Clerk of the House requested no additional information.
4. FEC therefore should be satisfied with the response.

5. He refused to provide a refund in the amount of $150 until he is formally notified why such a refund should be made.

I told him why the letter was sent out to the Johnson County Committee. I stated that the contribution to his committee may or may not be within the limitations, based upon any affiliation which the Johnson Committee has with a qualified committee, but that the Johnson County committee would have to register and report unless a refund was received.

He said that he did not understand why such a small and inactive committee needed to be registered with the Commission. I once again gave him the definition of political committee.

I told him that I would check with the House Team to ascertain what disposition had been taken of the letter received by him regarding the SV above.

Telecon:

Greevy with Jim Staples
Johnson County Democratic Central Committee
3/28/79

Called JS today to inform him that:

1. Kern talked with me yesterday.

2. Kern seemed very adamant in his refusal to make the $150 refund.

3. Johnson County committee is still at this point under an obligation to register and report.

4. Johnson County committee may have made an excessive contribution to Evans--even if the committee did register and claim affiliation with the SCC, that would not help as the SCC was not registered at the time of the contribution.

5. Evans' committee may be in violation of the Act, because they may have received an excessive contribution.

6. A refund of $150 from Evans' committee would:

   Bring both committees into compliance with the Act, assuming the Evans' committee is in violation at this time, and;

   Relieve the Johnson County committee of the obligation to register and report.

7. I would like to have some response from JS in the near future. I stated that if nothing else, he should inform us that he requested the refund.

EVANS 6/30

In reply please refer to 4SV1/79-51,53PII

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

30 May 1979

Ray Clements, Treasurer
Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, IN 46241

Dear Mr. Clements:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. During review of the October 10 Quarterly, 10 Day Pre-Primary and July 10 Quarterly Reports of Receipts and Expenditures, we noticed entries indicating that you may have received contributions which exceed the limits set forth in the Act. A copy of those portions of your reports are attached so that a review of your records can be made.

The Act precludes individuals and political committees, other than multicandidate committees, from making political contributions to a candidate for Federal election in excess of $1,000 per election. The Act defines a multicandidate committee as one which has been registered for a period of not less than six months; has received contributions from more than fifty persons; and has made contributions to five or more candidates for Federal office. The committees listed as the sources of the contributions in question do not presently qualify as multicandidate committees and we have notified them accordingly. We have recommended that the source committees notify you if it is confirmed that the contributions were in excess of the limits.

The Commission recommends that if you find the contributions you received were in excess of the limits set forth in the Act you return the amounts in excess of $1,000 to the donors. These returns should be reported immediately by letter and should be reflected as contribution refunds on your next report of receipts and expenditures. The contribution of 6/6/78 from Johnson County Democratic Central Committee (see attached) is in addition to a previous contribution of $1,150 from that committee on 2/2/77. (Please refer to our letter of 1/29/79). Thus, the total amount to be refunded is $300. If you find that the entries in question are incomplete or incorrect, please submit a statement which would clarify this particular matter for the public record. You may do so by amending your original report by letter.

Please notify the Commission within fifteen (15) days from the date of this letter of the determination made on this matter. If you have any questions concerning this matter, please do not hesitate to contact Penny Harms (800)424-9530, our Reports Analyst assigned to you. Our local telephone number is (202)523-4172.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Certified Mail
Return Receipt Requested

Enclosures

EC Evans 45v/7a - 11 r 12 1H

U.S. Form 3811, Apr. 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered ____c
   - ☒ Show to whom, date, and address of delivery ____c
   - ☐ RESTRICTED DELIVERY Show to whom and date delivered ____c
   - ☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery $____ (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	8 [illegible] 97	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☒ Authorized agent

4. Margaret A. McGowan

DATE OF DELIVERY	POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS: MGW

☆GPO 1977—0—243-893

Clemens

8 0 0 4 0 0 2 5 4 5 6

DAVE EVANS

Due 6/30

Dave Evans for Congress Committee
[illegible]
Indianapolis, Indiana 46241

FEDERAL ELECTION COMMISSION

'79 JUN 11 AM 11:

U.S. HOUSE OF REPRESENTATIVES

June 7, 1979

031551

Federal Election Commission
1325 "K" Street, N.W.
Washington, D.C. 20463

RE: 4SV1/79-51,53PH

Dear Sirs:

This is in response to your letter of May 30, 1979.

With respect to the proported excess contributions by the Johnson County Democratic Central Committee on June 6, 1978, and again on February 2, 1979:

The issue is, since the Johnson County Democratic Central Committee is not a "registered committee" within the meaning of the Federal Election laws, is it in violation of those laws for the Dave Evans for Congress Committee to accept a contribution from the Committee in excess of One Thousand Dollars ($1,000.00) per election? (Actual contribution was One Thousand One Hundred Fifty Dollars ($1,150.00).)

In response to this question being raised with respect to the Committee's contribution to our committee in 1977, we, by letter of January 31, 1978, asserted that our position is as follows:

> "The Johnson County Democratic Central Committee is a part of the formal State Committee structure under the Indiana Democratic Central Committee and; therefore, the contribution received from the Johnson County Democratic Central Committee has been accepted under the provision of Section 1.10.3 of the law." (The right of State Party Committee to give Ten Thousand Dollars ($10,000.00).)

Again, in response to the same question raised by your letter dated January 29, 1979, with respect to the Johnson County Committee's contribution to the Dave Evans for Congress Committee's general election fund in 1978, we responded by letter of February 2, 1979, that our response is the same as set out above.

We have not received responses to our January 31, 1978, or our February 2, 1979, letters.

Around March 27, 1979, both the Chairman of the Johnson County Democratic Central Committee and myself were contacted by phone by a Mr. Dave Greevy of your office with respect to this matter. He insisted we were in violation of the law and that the Democratic Committee must refund monies to the Johnson County Committee. We ask that you at least give us some type of response to our position as set out in our previous two (2) letters. He indicated that such a response would have to go through a chain of bosses and super bosses and that it would be very difficult. He suggested it would be simpler if we would just "refund the money"!

I feel this type of interpretation and attempted enforcement of regulations by staff persons is wrong. As I left it with Mr. Greevy, all we ask and have been asking for two (2) years is that someone respond to the position WE have taken.

With respect to the questioned One Thousand Three Hundred Dollar ($1,300) contribution by the Central Indiana Building and Construction Trades PAC to the General Election campaign for Congressman Evans in 1978:

We were not aware that this PAC committee is not a "registered PAC" within the meaning of the Federal Election laws, and accordingly limited to making contributions of One Thousand Dollars ($1,000) per election to any federal candidate. Accordingly, per your recommendation, and as evidence by the enclosed copy of our letter to that committee, we have returned as of this date Three Hundred Dollars ($300).

Sincerely,

Thomas J. Kern

Thomas J. Kern
Legal Advisor

TJK/sb

encl.

[illegible] Committee
[illegible]
[illegible] Indiana [illegible]

June 7, 1979

Central Indiana Building
and Construction Trades PAC
2635 South Madison Avenue
Indianapolis, IN 46221

Gentlemen:

It has been called to our attention by the Federal Election Commission that you are not a "registered PAC" within the meaning of the Federal Election laws. Accordingly, we are unable to accept contributions from your PAC in access of One Thousand Dollars ($1,000.00) per election. According to our records, you contributed to the Dave Evans for Congress Committee Five Hundred Dollars ($500) on July 7, 1978, and an additional Eight Hundred Dollars ($800.00) on October 20, 1978, both of which contributions were assumed to be for the benefit of Dave's General Election campaign for November, 1978.

In keeping with the direction of the Commission, we are herewith refunding to your PAC the sum of Three Hundred Dollars ($300.00).

Your continued support of Congressman Evans and his reelection campaigns is appreciated.

Sincerely,

Thomas J. Kern
Legal Advisor

TJK/ob

encl.

SCHEDULE B
REVISED
January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Transfers Out, Contributions In-Kind, Loans, Loan Repayments and Refunds Made)
Supporting Lines 20a, 21a, and 22a, 22b, and 22c of FEC FORM 3

Page 1 of 1 for
Line Number 21 (a)

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full
DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
22K Central Indiana Building Trades Political Action Committee 2348 South Madison Avenue Indianapolis, IN 46227	Refund of $300.00 from 1978 General Election Contribution Expenditure for: ☐ Primary ☐ General ☒ Other	6/7/79	$300.00
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
SUBTOTAL of expenditures this page (optional)			$
TOTAL this period (last page this line number only)			$ 300.00

9950003245

Attachment II

8004002546 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jim Staples
Chairman
Johnson County Democratic
Central Committee
50 West Main Street
Greenwood, Indiana 46162

Re: MUR 1069

Dear Mr. Staples:

The Commission has reviewed your organization's contributions totalling $1,150 to the Evans Committee during calendar year 1977 and again in 1978, and has determined that there is reason to believe that your committee may have violated 2 U.S.C. §§ 433 and 434 by failing to file a registration statement and periodic reports with the Commission.

Additionally, the Commission has concluded that there is reason to believe that your committee may have violated 2 U.S.C. § 441a(a)(1)(A) by making contributions with respect to a federal election in excess of $1,000. Your committee has asserted that the contribution was not excessive, relying on section 110.3 of the Commission's regulations. Section 110.3 provides that a state committee and any independent subordinate committee may each contribute $1,000 ($5,000 if a multicandidate committee) to a candidate for each election. As your committee and the state committee were not qualified multicandidate committees at the time the contributions were made, the $1,000 limitation on contributions per election was the applicable limit and your committee's contributions to the Evans Committee were excessive.

Considering the circumstances of this matter, however, the Commission has determined to take no further action and close the file.

Sincerely,

Robert O. Tiernan
Chairman

Max L. Friedersdorf
Vice Chairman

FEDERAL ELECTION COMMISSION

NOTIFICATION OF POSSIBLE VIOLATION

DATE January 21, 1980

MUR NO. 1069

STAFF MEMBER (S) & TEL. NO.
Myerson (202) 523-4529

SOURCE OF MUR: INTERNALLY GENERATED

BACKGROUND

RESPONDENT'S NAME: Johnson County Democratic Central Committee, Jim Staples, Chairman

RELEVANT STATURTE: 2 U.S.C. §§ 431(d), 433, 434 and 441a

RELEVANT REPORTS: January 21, 1980 General Counsel's Report; Reports Analysis Referral

PRELIMINARY
FACTUAL BASIS AND LEGAL ANALYSIS

The reports filed by the Dave Evans for Congress Committee ("Evans Committee") disclose receipt of contributions from the Johnson County Democratic Central Committee ("JCC") totalling $1,150 during calendar year 1977 and again in 1978. The Commission's Reports Analysis Division ("RAD") notified the JCC of this fact and informed the JCC that to avoid being a political committee, it had to seek a refund of the amount contributed in excess of $1,000 during a calendar year. The JCC followed RAD's advice and on several occasions requested a refund from the Evans Committee.

The JCC also asserted that the contributions were not excessive because the JCC is part of the formal state party structure and they read 11 C.F.R. § 110.3 as permitting a state party committee to contribute up to $10,000. Additionally, the Evans Committee informed RAD that in January 1978 the Clerk of the House questioned the JCC's 1977 contributions and did not pursue it further after the Evans Committee provided the Clerk with this explanation.

The JCC contributed $1,150 to the Evans Committee in 1977 and again in 1978. These contributions involve possible violations of 2 U.S.C. §§ 433, 434 and 441a.

The possible violations of 2 U.S.C. §§ 433 and 434 turn on the term "political committee." Since the JCC made expenditures aggregating $1,150 during calendar year 1977 and again in 1978, it is a political committee. As such, the JCC was required to file a registration statement and reports with the Commission. 1/ The JCC's failure to do so gave the Commission reason to believe that the JCC may have violated sections 433 and 434. No action will be taken on this issue, however, because of the JCC's minimal activity and its repeated efforts to secure a refund.

The referral also questioned whether the JCC violated 2 U.S.C. § 441a(a)(1)(A) by giving more than $1,000 with respect to a federal election. In its communications with RAD, the JCC asserted that the contributions were not excessive because it is part of the formal state party structure and the state party committee has the right to give $10,000 under 11 C.F.R. § 110.3. We disagree. Section 110.3 provides that a state committee and any independent subordinate committee may each contribute $1,000 ($5,000 if a multicandidate committee) to a candidate for each election. As the JCC and the state committee were not qualified multicandidate committees at the time the contributions were made, the $1,000 contribution limitation per election was the applicable limit and the JCC's contributions to the Evans Committee exceeded that limit. The Commission therefore found reason to believe that the JCC might have violated section 441a(a)(1)(A) as to both the 1978 primary and general elections because the JCC contributed $1,150 to the Evans Committee with respect to each election. The Commission has decided, however, to take no further action on this issue in light of all the circumstances, including the small amount involved ($150 over the statutory limit for each election).

1/ The JCC would not have had to comply with the Act's registration and reporting requirements if it had obtained a refund from the Evans Committee so as to reduce each year's contributions to $1,000 or less. Federal Election Commission Directive No. 19 (approved February 8, 1979).

8004025461

Attachment III

Considering the circumstances of the matter, however, the Commission has determined to take no further action and to close the file.

Sincerely,

Robert O. Tiernan
Chairman

Max L. Friedersdorf
Vice Chairman

0 0 0 4 0 2 2 5 4 6 6

FEDERAL ELECTION COMMISSION

NOTIFICATION OF POSSIBLE VIOLATION

DATE January 21, 1980

MUR NO. 1069

STAFF MEMBER (S) & TEL. NO.

Myerson (202) 523-4529

SOURCE OF MUR: INTERNALLY GENERATED

BACKGROUND

RESPONDENT'S NAME: Dave Evans for Congress Committee, Ray Clements, Treasurer

RELEVANT STATUTE: 2 U.S.C. §§ 431(d), 433, 434 and 441a

RELEVANT REPORTS: January 21, 1980, General Counsel's Report; Reports Analysis Referral

PRELIMINARY
FACTUAL BASIS AND LEGAL ANALYSIS

The reports filed by the Dave Evans for Congress Committee ("Evans Committee") disclose receipt of contributions from the Johnson County Committee ("JCC") totalling $1,150 during calendar year 1977 and again in 1978. The Commission's Reports Analysis Division ("RAD") informed the Evans Committee that it might have accepted contributions which exceeded the statutory limit. Both the JCC and the Evans Committee asserted in communications with RAD that the contributions were not excessive because the JCC is part of the formal state party structure and they read 11 C.F.R. § 110.3 as permitting a state party committee to contribute up to $10,000. Additionally, the Evans Committee informed RAD that in January 1978 the Clerk of the House questioned the JCC's 1977 contributions and did not pursue it further after the Evans Committee provided the Clerk with this explanation.

8004022546 7

The Evans Committee's reports also disclose acceptance of two contributions, totalling $1,300, from the Central Indiana Building and Construction Trades PAC ("CIBPAC"). CIBPAC is not a federally registered political committee. After receiving a surface violation letter addressing the possible violation of the contribution limits and recommending the return of the amount received in excess of $1,000, the Evans Committee refunded $300 and advised the Commission that it had not known that CIBPAC was not a federal committee.

I. The JCC's contributions.

The referral questioned whether the Evans Committee violated 2 U.S.C. § 441a(a)(1)(A) by accepting contributions from the JCC in excess of $1,000 with respect to a federal election. In its communications with RAD, the Evans Committee asserted that the contributions were not excessive because the JCC is part of the formal state party structure and the state party committee has the right to give $10,000 under 11 C.F.R. § 110.3. We disagree. Section 110.3 provides that a state committee and any independent subordinate committee may each contribute $1,000 ($5,000 if a multicandidate committee) to a candidate for each election. As the JCC and the state committee were not qualified multicandidate committees at the time the contributions were made, the $1,000 contribution limitation per election was the applicable limit and the JCC's contributions to the Evans Committee exceeded that limit. The Commission therefore found reason to believe that the Evans Committee may have violated section 441a(a)(1)(A) as to both the 1978 primary and general elections because the Evans Committee accepted $1,150 from the JCC with respect to each election. The Commission has decided, however, to take no further action on this issue in light of all the circumstances, including the small amount involved ($150 over the statutory limit for each election).

II. CIBPAC's contributions.

CIBPAC, an unregistered committee, is subject to section 441a(a)(1)(A)'s $1,000 limitation on contributions with respect to any federal election. It contributed $1,300 to the Evans Committee with respect to the 1978 general election, $300 of which was refunded in June 1979 after the Commission informed the Evans Committee that CIBPAC was not a registered committee. Since the violation occurred when CIBPAC gave and the Evans Committee accepted the contribution, the Commission determined that there was reason to believe the Evans Committee may have violated section 441a(a)(1)(A) by accepting an excessive contribution; however, because of the small amount involved and the fact that the violation was corrected once the Evans Committee received the surface violation letter, the Commission decided to take no further action.

There also may have been reason to believe that CIBPAC's contribution to the Evans Committee may have violated 2 U.S.C. § 441b since CIBPAC is an unregistered committee and its contribution may have included money from prohibited sources since under Indiana law corporations and labor organizations are permitted to make limited contributions. The Commission decided not to take action on this possible violation, however, because of the circumstances surrounding this matter, such as the surface violation letter addressing only the possible violation of section 441a and the Evans Committee's prompt action in implementiung the surface violation letter's suggestion that the amount received in excess of $1,000 be returned.

Attachment IV

0 0 0 4 0 0 2 2 5 4 7 0

DAVE EVANS

Due 6/30

...ress Committee

...Indianapolis, Indiana 46241

FEDERAL ELECTION COMMISSION

'79 JUN 11 AM 11:

U.S. HOUSE OF REPRESENTATIVES

June 7, 1979

031551

Federal Election Commission
1325 "K" Street, N.W.
Washington, D.C. 20463

RE: 4SV1/79-51,53PH

Dear Sirs:

This is in response to your letter of May 30, 1979.

With respect to the proported excess contributions by the Johnson County Democratic Central Committee on June 6, 1978, and again on February 2, 1979:

The issue is, since the Johnson County Democratic Central Committee is not a "registered committee" within the meaning of the Federal Election laws, is it in violation of those laws for the Dave Evans for Congress Committee to accept a contribution from the Committee in excess of One Thousand Dollars ($1,000.00) per election? (Actual contribution was One Thousand One Hundred Fifty Dollars ($1,150.00).)

In response to this question being raised with respect to the Committee's contribution to our committee in 1977, we, by letter of January 31, 1978, asserted that our position is as follows:

> "The Johnson County Democratic Central Committee is a part of the formal State Committee structure under the Indiana Democratic Central Committee and; therefore, the contribution received from the Johnson County Democratic Central Committee has been accepted under the provision of Section 1.10.3 of the law." (The right of State Party Committee to give Ten Thousand Dollars ($10,000.00).)

Again, in response to the same question raised by your letter dated January 29, 1979, with respect to the Johnson County Committee's contribution to the Dave Evans for Congress Committee's general election fund in 1978, we responded by letter of February 2, 1979, that our response is the same as set out above.

We have not received responses to our January 31, 1978, or our February 2, 1979, letters.

Around March 27, 1979, both the Chairman of the Johnson County Democratic Central Committee and myself were contacted by phone by a Mr. Dave Greevy of your office with respect to this matter. He insisted we were in violation of the law and that the Evans Committee must refund monies to the Johnson County Committee. We ask that he at least give us some type of response to our position as set out in our previous two (2) letters. He indicated that such a response would have to go through a chain of bosses and super bosses and that it would be very difficult. He suggested it would be simpler if we would just "refund the money"!

I feel this type of interpretation and attempted enforcement of regulations by staff persons is wrong. As I left it with Mr. Greevy, all we ask and have been asking for two (2) years is that someone respond to the position WE have taken.

With respect to the questioned One Thousand Three Hundred Dollar ($1,300) contribution by the Central Indiana Building and Construction Trades PAC to the General Election campaign for Congressman Evans in 1978:

We were not aware that this PAC committee is not a "registered PAC" within the meaning of the Federal Election laws, and accordingly limited to making contributions of One Thousand Dollars ($1,000) per election to any federal candidate. Accordingly, per your recommendation, and as evidence by the enclosed copy of our letter to that committee, we have returned as of this date Three Hundred Dollars ($300).

Sincerely,

Thomas J. Kern

Thomas J. Kern
Legal Advisor

TJK/sb

encl.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ray Clements
Treasurer
Dave Evans for Congress Committee
Post Office Box 41709-B
Indianapolis, Indiana 46241

Re: MUR 1069

Dear Mr. Clements:

The Commission has reviewed your organization's receipt of $1,150 from the Johnson County Democratic Central Committee with respect to the 1978 primary and general elections and has determined that there is reason to believe that your organization may have violated 2 U.S.C. § 441a(a)(1)(A) by accepting contributions with respect to a federal election in excess of $1,000. Your committee has asserted that the contribution was not excessive, relying on section 110.3 of the Commission's regulations. Section 110.3 provides that a state committee and any independent subordinate committee may each contribute $1,000 ($5,000 if a multicandidate committee) to a candidate for each election. As the Johnson County Democratic Central Committee and the state committee were not qualified multicandidate committees at the time the contributions were made, the $1,000 limitation on contributions per election was the applicable limit and the contributions your committee accepted from the Johnson County Democratic Central Committee were excessive.

The Commission has also found reason to believe that your organization may have violated Section 441a(a)(1)(A) by accepting a $1,300 contribution from the Central Indiana Building and Construction Trades PAC. Although the excessive portion of the contribution was returned, the Act was violated when the contribution was made and accepted.

D 912
RAD 91-190
MUR 1069

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

DATE 10/24/79 ANALYST Susan Kaltenbaugh SK

TO: OGC TEAM CHIEF Peter Kell, Jr. SK for PK

THROUGH: STAFF DIRECTOR COMPLIANCE REVIEW Carroll Bowen CB

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE/COMMITTEE: DAVE EVANS FOR CONGRESS COMMITTEE IN/06

TREASURER: Ray Clements

ADDRESS: P.O. Box 41709-B
Indianapolis, Indiana 46241

AFFILIATE(S): Not pertinent to the allegations

ALLEGATION(S):	CITE:	ATTACHMENT(S)
The Committee has accepted four contributions from two unregistered committees in excess of FECA limitations.	2 U.S.C.441(a)(1)(a)	2 3 4 5

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE:

10/24/78

ATTACHMENT

1

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM 10/1/77 TO 3/31/79

TOTAL RECEIPTS $ 199,934.45 TOTAL EXPENDITURES $ 177,937.41

CASH ON HAND $ 26,597.03 DEBTS $ 0

HISTORY:

RESULTS OF REVIEW: ATTACHMENT

Please see Page Two.

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: ATTACHMENT

Telecon: 3/27/79 David Greevy to Jim Staples 11
Telecon: 3/27/79 David Greevy to Tom Kern 12
Telecon: 3/28/79 David Greevy to Jim Staples 13

REASON(S) FOR REFERRAL: ATTACHMENT

An adequate response was received on 6/12/79, in which $300 was refunded to Central Indiana Bldg. & Const. Trades Pac. This exceeds the Division threshold for review by OGC. 10

The contribution from Johnson County Democratic Central Committee has not been refunded to date.

OTHER PENDING ACTIONS INITIATED BY RAD: ATTACHMENT

OTHER RELEVANT INFORMATION:

See referral for Johnson County Democratic Central Committee.

Mur 466 (closed 1/4/78) generated by Audit

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

MUR 1069

REPORTS ANALYSIS REFERRAL SHEET

DATE 10/24/79

ANALYST Dug Greevy

TO: Office of General Counsel

TEAM CHIEF Bobby Werfel

THROUGH: STAFF DIRECTOR

COMPLIANCE REVIEW

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE/COMMITTEE: Johnson County Democratic Central Committee

TREASURER: Jim Staples, Chairman
Diane Moore, Treasurer

ADDRESS: 50 West Main Street
Greenwood, IN 46142

AFFILIATE(S):

ALLEGATION(S):	CITE:	ATTACHMENT(S)
unregistered political committee	2 U.S.C. 433, 434, & 441a	1

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE: 4/17/78

ATTACHMENT

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see ~~Attachment~~.

PERIOD COVERED FROM _____ TO _____

TOTAL RECEIPTS $ _____ TOTAL EXPENDITURES $ _____

CASH ON HAND $ _____ DEBTS $ _____

HISTORY:

RESULTS OF REVIEW: *ATTACHMENT*

3SV1/78-44, dated 10/17/78 2
3SV1/78-44, dated 5/31/79 3
Certified Receipt Cards 4
The committee has not been notified of possible 441a violation

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: *ATTACHMENT*

Telecon: Greevy with Staples, 3/27/79 5
Telecon: Greevy with Kern, 3/27/79 5
Telecon: Greevy with Staples, 3/28/79 6

REASON(S) FOR REFERRAL: *ATTACHMENT*

Response from Staples, dated 11/10/78 7
Response from Staples, dated 4/9/79 8
Memo to the File: Greevy, dated 6/22/79 9
Response from Staples, dated 6/28/79 12

OTHER PENDING ACTIONS INITIATED BY RAD: *ATTACHMENT*

NONE

OTHER RELEVANT INFORMATION:

Memo to the File: Greevy, dated 3/28/79 10
Response from Kern, dated 6/7/79(See House referral for other responses) 11
The Indiana Democratic Congressional Victory Committee is not qualified as of 9/28/79. (State Central Committee registered 3/26/79)

See referral for Dave Evans for Congress Committee

RAD Form 1
August 19 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY mc

DATE: DECEMBER 19, 1979

SUBJECT: OBJECTION - MUR 1069 - First General Counsel's Report dated 12-18-79; Received in OCS 12-18-79, 2:22

The above-named document was circulated on a 48 hour vote basis at 11:00, December 19, 1979.

Commissioner Tiernan submitted an objection at 3:54, December 19, 1979.

This office will await agenda placement from your office.

W/drawn

80040254700

December 18, 1979

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. GArr

SUBJECT: MUR 1069

Please have the attached First GC Report on MUR 1069 distributed to the Commission on a 48 hour tally basis.

Thank you.

8004025470

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

79 DEC 18 P 2: 22

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 12-18-79

MUR NO. 1069

STAFF
MEMBER Myerson

SOURCE: INTERNALLY GENERATED

RESPONDENT'S NAME: Johnson County Democratic Central Committee, Jim Staples, Chairman
Dave Evans for Congress Committee, Ray Clements, Treasurer

RELEVANT STATUTE: 2 U.S.C. §§ 431(d) 433, 434 and 441a

INTERNAL REPORTS CHECKED: RAD Referral, "G" Index

FEDERAL AGENCIES CHECKED: None

GENERATION OF THE MATTER

The Reports Analysis Division ("RAD"), in the course of its normal review of reports filed by the Dave Evans for Congress Committee ("Evans Committee"), discovered that the Johnson County Democratic Central Committee ("JCC") and the Central Indiana Building and Construction Trades PAC ("CIBPAC") made contributions to the Evans Committee in excess of $1,000. Both the JCC and CIBPAC were unregistered committees. The matter was referred to this office because the Evans Committee refused to refund the excessive amount contributed by the JCC and because the excessive amount contributed by CIBPAC, although refunded as suggested by RAD, exceeded RAD's threshold for refunds when aggregated with the amount in excess of $1,000 received from the JCC.

EVIDENCE

The Evans Committee's reports disclose receipt of contributions from the JCC totalling $1,150 during calendar year 1977 and again in 1978. RAD notified the JCC of this fact and informed the JCC that to avoid being a political committee, it had to seek a refund of the amount contributed in excess of $1,000 during a calendar year. Additionally, RAD informed the Evans Committee that it might have accepted contributions which exceeded the statutory limit. The JCC followed RAD's advice and on several occasions requested a refund from the Evans Committee. The Evans Committee, however, refused to refund the excess contributions.

The Evans Committee's reports also disclose acceptance of two contributions, totalling $1,300 from CIBPAC. CIBPAC is not a federally registered political committee. After receiving a surface violation letter, the Evans Committee refunded $300 and advised the Commission that it had not known that CIBPAC was not a federal committee.

LEGAL ANALYSIS

I. The JCC's contributions.

The JCC contributed $1,150 to the Evans Committee in 1977 and again in 1978. These contributions involve possible violations of 2 U.S.C. §§ 433, 434 and 441a.

The possible violations of 2 U.S.C. §§ 433 and 434 turn on the term "political committee" which is defined by 2 U.S.C. § 431(d) to mean "any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000." Since the JCC made expenditures aggregating $1,150 during calendar year 1977 and again in 1978, it is a political committee. As such, the JCC was required to file a registration statement and reports with the Commission. 1/ We think that the JCC's failure to do so gives the Commission reason to believe that it violated sections 433 and 434. We have further concluded, however, that no action should be taken beyond determining that there is reason to believe and sending a letter of admonition, based on the JCC's minimal activity and its repeated efforts to secure a refund.

The referral also questioned whether the JCC violated 2 U.S.C. § 441a(a)(1)(A) by giving more than $1,000 with respect to a federal election and whether the Evans Committee violated that provision by accepting the excess contributions. In their communications with RAD, both committees asserted that the contributions were not excessive because the JCC is a subordinate committee and therefore entitled to the rule permitting a state party to give $10,000. This argument is apparently based on 2 U.S.C. § 441a(d) and 11 C.F.R. § 110.7(b)(2)(ii), which permit a state party committee, including its subordinate committees, to

---

1/ The JCC would not have had to comply with the Act's registration and reporting requirements if it had obtained a refund from the Evans Committee so as to reduce each year's contributions to $1,000 or less. Federal Election Commission Directive No. 19 (approved February 8, 1979).

The Evans Committee's reports also disclose acceptance of two contributions, totalling $1,300 from CIBPAC. CIBPAC is not a federally registered political committee. After receiving a surface violation letter, the Evans Committee refunded $300 and advised the Commission that it had not known that CIBPAC was not a federal committee.

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The referral also questioned whether the JCC violated 2 U.S.C. § 441a(a)(1)(A) by giving more than $1,000 with respect to a federal election and whether the Evans Committee violated that provision by accepting the excess contributions. In their communications with RAD, both committees asserted that the contributions were not excessive because the JCC is a subordinate committee and therefore entitled to the rule permitting a state party to give $10,000. This argument is apparently based on 2 U.S.C. § 441a(d) and 11 C.F.R. § 110.7(b)(2)(ii), which permit a state party committee, including its subordinate committees, to

---

1/ The JCC would not have had to comply with the Act's registration and reporting requirements if it had obtained a refund from the Evans Committee so as to reduce each year's contributions to $1,000 or less. Federal Election Commission Directive No. 19 (approved February 8, 1979).

make expenditures of up to $10,000 in connection with the general election campaign of its party's candidate for the House of Representatives. The Conference Report on the 1976 Amendments reflects Congress' intent to restrict this limited exception to in-kind contributions 2/ and the Commission has followed Congress' intent. See Advisory Opinion 1979-9. See also Advisory Opinion 1975-120 as to a predecessor provision. As the JCC's contributions were of money rather than in-kind, the exception is not applicable. We have therefore concluded that the Commission can find reason to believe that the committees violated section 441a (a)(1)(A) as to both the 1978 primary and general elections, because the JCC gave, and the Evans Committee accepted, $1,150 with respect to each election. We think, however, that because of the small amount involved ($150 over the statutory limit for each election), no action should be taken beyond determining that there is reason to believe the committees violated the Act and sending a letter of admonition. 3/

II. The CIBPAC's contributions.

CIBPAC, an unregistered committee, is subject to section 441a(a)(1)(A)'s $1,000 limitation on contributions with respect to any federal election. It contributed $1,300 to the Evans Committee with respect to the 1978 general election, $300 of which was refunded in June 1979 after the Commission informed the Evans Committee that CIBPAC was not a registered committee. Since the violation occurred when CIBPAC gave and the Evans Committee accepted the contribution, the Commission can determine that it has reason to believe the Evans Committee violated section 441a(a)(1)(A) by accepting an excessive contribution; however, because of the small amount involved and the fact that the violation was corrected once the Evans Committee received the surface violation letter, we think that no action should be taken beyond determining that there is reason to believe and sending a letter of admonition.

2/ See H.R. Rep. No. 94-1057, 94th Cong., 2d Sess. at 59.

3/ The Evans Committee's reluctance to make a refund appears to be attributable to the fact that in January 1978 the Clerk of the House questioned the JCC's contributions and did not pursue it further after the Evans Committee explained that the JCC was part of the state party and so entitled to give up to $10,000. The Evans Committee responded to RAD's surface violation letter by sending the Commission's staff director a copy of its January 31, 1978, letter to the Clerk. The Commission never sent a response to the Evans Committee explaining why its position is incorrect. See the June 7, 1979, letter from Thomas J. Kern to the Federal Electon Commission at 2. (Attachment IV).

RECOMMENDATIONS

1. Find reason to believe the JCC violated 2 U.S.C. §§ 433 and 434.

2. Find reason to believe the JCC violated 2 U.S.C. § 441a(a)(1)(A) by making contributions with respect to a federal election in excess of $1,000.

3. Find reason to believe the Evans Committee violated 2 U.S.C. § 441a(a)(1)(A) by accepting contributions from both the JCC and CIBPAC with respect to a federal election in excess of $1,000.

4. Not require the JCC to file further reports.

5. Authorize the Office of General Counsel to transmit the attached letter to the JCC (Attachment II).

6. Authorize the Office of General Counsel to transmit the attached letter to the Evans Committee (Attachment III).

7. Close the file.

Attachments

I. RAD Referral
II. Draft Letter to JCC
III. Draft Letter to Evans Committee
IV. June 7, 1979, letter from Thomas J. Kern to FEC

Attachment I

D 912
RAD 91-190
MUR 1069

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

DATE 10/24/79

ANALYST Susan Kaltenbaugh SK

TO: OGC

TEAM CHIEF Peter Kell, Jr. JK for PK

THROUGH: STAFF DIRECTOR

COMPLIANCE REVIEW Carroll Bowen CB

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE COMMITTEE: DAVE EVANS FOR CONGRESS COMMITTEE IN/06

TREASURER: Ray Clements

ADDRESS: P.O. Box 41709-B
Indianapolis, Indiana 46241

AFFILIATE(S): Not pertinent to the allegations

ALLEGATION(S):	CITE:	ATTACHMENT(S)
The Committee has accepted four contributions from two unregistered committees in excess of FECA limitations.	2 U.S.C.441(a)(1)(a)	2 3 4 5

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE:

10/24/78

ATTACHMENT

1

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM 10/1/77 TO 3/31/79

TOTAL RECEIPTS $ 199,934.45 TOTAL EXPENDITURES $ 177,937.41

CASH ON HAND $ 26,597.03 DEBTS $ 0

HISTORY:

RESULTS OF REVIEW: ATTACHMENT

Please see Page Two.

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: ATTACHMENT

Telecon: 3/27/79	David Greevy to Jim Staples	11
Telecon: 3/27/79	David Greevy to Tom Kern	12
Telecon: 3/28/79	David Greevy to Jim Staples	13

REASON(S) FOR REFERRAL: ATTACHMENT

An adequate response was received on 6/12/79, in which $300 was refunded to Central Indiana Bldg. & Const. Trades Pac. This exceeds the Division threshold for review by OGC. 10

The contribution from Johnson County Democratic Central Committee has not been refunded to date.

OTHER PENDING ACTIONS INITIATED BY RAD: ATTACHMENT

OTHER RELEVANT INFORMATION:

See referral for Johnson County Democratic Central Committee.

Mur 466 (closed 1/4/78) generated by Audit

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

MUR 10 79

REPORTS ANALYSIS REFERRAL SHEET

DATE 10/24/79 ANALYST Dug Greevy

TO: Office of General Counsel TEAM CHIEF Bobby Werfel

THROUGH: STAFF DIRECTOR COMPLIANCE REVIEW

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE/COMMITTEE: Johnson County Democratic Central Committee

TREASURER: Jim Staples, Chairman
Diane Moore, Treasurer

ADDRESS: 50 West Main Street
Greenwood, IN 46142

AFFILIATE(S):

ALLEGATION(S):	CITE:	ATTACHMENT(S)
unregistered political committee	2 U.S.C. 433, 434, & 441a	1

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE. 4/17/78

ATTACHMENT

REPORTS. All reports within the dates listed below have received initial basic review. For all reports reviewed, see ~~Attachment~~ X.

PERIOD COVERED FROM _____ TO _____

TOTAL RECEIPTS $ _____ TOTAL EXPENDITURES $ _____

CASH ON HAND $ _____ DEBTS $ _____

HISTORY:

RESULTS OF REVIEW	ATTACHMENT
SSV1/78-44, dated 10/17/78	2
SSV1/78-44, dated 5/31/79	3
Certified Receipt Cards	4
The committee has not been notified of possible 441a violation	

COMMUNICATIONS WITH CANDIDATE/COMMITTEE	ATTACHMENT
Telecon: Greevy with Staples, 3/27/79	5
Telecon: Greevy with Kern, 3/27/79	5
Telecon: Greevy with Staples, 3/28/79	6

REASON(S) FOR REFERRAL	ATTACHMENT
Response from Staples, dated 11/10/78	7
Response from Staples, dated 4/9/79	8
Memo to the File: Greevy, dated 6/22/79	9
Response from Staples, dated 6/28/79	12

OTHER PENDING ACTIONS INITIATED BY RAD:	ATTACHMENT
NONE	

OTHER RELEVANT INFORMATION:

Memo to the File: Greevy, dated 3/28/79	10
Response from Kern, dated 6/7/79/See House referral for other responses	11

The Indiana Democratic Congressional Victory Committee is not qualified as of 9/28/79. (State Central Committee registered 3/26/79)

See referral for Dave Evans for Congress Committee

RAD Form

Schedule A

Contributions, Item Purchases, Loans, Rebates, and Transfers for Line Numbers 15, 16, 17 and/or 18 of FEC Form 3

(See instructions on back)

LINE NUMBER 15(b)

(Use separate schedule(s) for each numbered line)

Name of Candidate or Committee in full

DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, mailing address and ZIP code	Occupation	Date (month, day, year)	Amount of each receipt this period
Morgan Co. Democratic Central Committee R.R. #7, Box 610 Martinsville, IN 46151 Attn: Reba Phillips Chairman (C)		10/7/77	750.00
Principal place of business: Morgan County Indiana	Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 750.00		
Johnson Co. Democratic Central Committee 50 W. Main St. Greenwood, IN 46142 Attn: Jim Staples, Chairman (C)		12/2/77	1,150.00
Principal place of business: Johnson County Indiana	Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 1,150.00		
Hendricks Co. Democratic Central Comm. R.R. #3, Box 585 Plainfield, IN 46168 (C)		12/9/77	450.00
Principal place of business: Hendricks County Indiana	Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 450.00		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Check if Contributor is self-employed Aggregate Year-to-date ▷ $		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Check if Contributor is self-employed Aggregate Year-to-date ▷ $		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Check if Contributor is self-employed Aggregate Year-to-date ▷ $		

Subtotal of receipts this page (optional) ▷ $

Total this page (last page this line number only) ▷ $ 2,[illegible]

Page

Schedule A

Contributions, Loans, Rebates, and Transfers for Line Numbers 15, 16, 17 and/or 18 of FEC Form 3

(See instructions on back)

Line Number (Enter one number only)

(Use separate schedule(s) for each numbered line)

Name of Candidate or Committee in full

DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, mailing address and ZIP code	Occupation	Date (month, day, year)	Amount of each receipt this period
Morgan Co. Democratic Central Committee R.R. #7, Box 610 Martinsville, IN 46151 Attn: Reba Phillips Chairman (18)		10/7/77	750.00
Principal place of business: Morgan County Indiana	☐ Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 750.00		
Johnson Co. Democratic Central Committee 50 W. Main St. Greenwood, IN 46142 Attn: Jim Staples, Chairman (18)		12/2/77	1,150.00
Principal place of business: Johnson County Indiana	☐ Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 1,150.00		
Hendricks Co. Democratic Central Comm. R.R. #3, Box 585 Plainfield, IN 46168 (18)		12/9/77	450.00
Principal place of business: Hendricks County Indiana	☐ Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 450.00		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation ☐ Check if Contributor is self-employed Aggregate Year-to-date ▷ $		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation ☐ Check if Contributor is self-employed Aggregate Year-to-date ▷ $		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation ☐ Check if Contributor is self-employed Aggregate Year-to-date ▷ $		

Subtotal of receipts this page (last page) ▷ $

Total this period (last page this line number only) ▷ $ 2,350.00

Washington, D.C. 20463

Supporting Lines 14a, 14b, 15a, 15b, 16a, 16b, 17a, and/or 18a of FEC FORM 3

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee to Full
DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each receipt this Period
Friends of Indiana Hospitals (Indiana Hospital Assn.) P.O. Box 55024 Indianapolis, IN 46220	Check if Contributor is self-employed	5/26/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year-To-Date $ 300.00		
Merchants Committee for Campaign Contributions One Merchants Plaza Indianapolis, IN 46204	Check if Contributor is self-employed	6/9/78	250.00
Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year-To-Date $ 250.00		
Johnson County Democratic Central Committee 50 W. Main St. Greenwood, IN 46142	Check if Contributor is self-employed	6/16/78	1,150.00
Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year-To-Date $ [illegible]		
Home PAC 1000 Connecticut Ave. Suite 704 Washington, D.C. 20036	Check if Contributor is self-employed	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year-To-Date $ [illegible]		
Credit Union Legislative Action Council 1730 Rhode Island Ave., N.W. #810 Washington, D.C. 20036	Check if Contributor is self-employed	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year-To-Date $ [illegible]		
I.B.E.W. - C.O.P.E. 1125 - 15th Street, N.W. Washington, D.C. 20005	Check if Contributor is self-employed	6/30/78	500.00
Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year-To-Date $ [illegible]		
General Aviation Political Action Committee P.O. Box 19121 Washington, D.C. 20036	Check if Contributor is self-employed	6/30/78	100.00
Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year-To-Date $ [illegible]		
Total of receipts this page (optional)			$ 2,900.00
Total of receipts this line number only			$

7801114759

In reply please refer to: 35V1/78-44

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 17, 1978

Mr. Jim Staples, Chairman
Johnson County Democratic Central Committee
50 West Main Street
Greenwood, IN 46142

Dear Mr. Staples:

This letter is prompted by the Commission's interest in assisting committees who wish to comply with the Federal Election Campaign Act. Our review of the receipts reported by Dave Evans for Congress Committee indicates that your organization may have made contributions which total in excess of $1,000 during the calendar year. Enclosed is a copy(s) of the report(s) in which your contribution(s) is listed.

The act defines "political committee" to mean any organization, or other group of persons which receives contributions or makes expenditures (which includes contributions to Federal candidates and committees supporting Federal candidates), aggregating in excess of $1,000 during a calendar year. It would appear that your organization may qualify as a "political committee" subject to registration, reporting, and contribution limitation requirements of the Act.

If you agree that your organization is a political committee, please submit a Statement of Organization on FEC Form 1, in accordance with 2 U.S.C. 433. In addition, your committee will be required to file disclosure reports in accordance with 2 U.S.C. 434 on FEC Form 3.

If you agree that your organization has made contributions or expenditures which qualify you as a "political committee", but you do not wish to be considered as a "political committee", you must request refund(s) from the candidate(s) and/or political committee(s) to which you have contributed. As an alternative, political committees to which you made contributions may transfer all or part of the contributions to accounts which are not used to influence Federal elections. Refunds or transfers must be made in such amounts that the total remaining contributions made by you do not exceed $1,000 during a calendar year.

If you believe that your organization is not a political committee, or that the Commission is otherwise in error, please submit a statement which would clarify this matter for the public record. We have also enclosed relevant informational materials and forms for the registration of and reporting by the political committee. Please examine the enclosed materials.

Please notify the Commission within thirty (30) days from the date on this letter of your decision on this matter. If you have any questions, please contact Pamela Brown in our Reports Analysis Division at (800)424-9530. Our local number is (202)523-1474.

Sincerely,

Orlando B. Potter
Staff Director

Certified Mail
Return Receipts Requested

Enclosures

JOHNSON COUNTY DEMOCRATIC CENTRAL COMMITTEE

CHAIRMAN
JIM STAPLES
50 W. MAIN STREET
GREENWOOD, IN 46142
PHONE 888-0684

SECRETARY:
DIANE McNEELY
R.R. 1, BOX 123C
TRAFALGAR, IN
PHONE 878-4835

VICE CHAIRLADY
CALLIE MORRIS
R.R. 1, BOX 104
FRANKLIN, IN 46131
PHONE 422-5265

TREASURER
DIANE MOORE
193 TERRACE COURT
FRANKLIN, IN 46131
PHONE 736-5371

November 10, 1978

06772

Mr. Orlando B. Potter, Staff Director
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: 3SV1/78-44

Dear Mr. Potter:

This is in response to your certified letter of October 17, 1978, concerning the contribution of $1,150.00 from the Johnson County Democratic Central Committee to the Dave Evans for Congress Committee, reported in the fourth quarter period ended December 31, 1977.

The Johnson County Democratic Central Committee is a part of the formal state committee structure of the Indiana Democratic State Central Committee; therefore, the contribution received by the Dave Evans for Congress Committee from the Johnson County Democratic Central Committee has been accepted under the provision of Section 1.10.3 of the law.

Respectfully submitted,

Jim Staples

Jim Staples
Chairman, Democratic Central
Committee, Johnson County,
Indiana

JS/mam

78030960810

Telecon:

Dug Greevy with Jim Staples
Johnson County Democratic Central Committee
3SV1/78-44
3/27/79

Talked with JS today. Phone: 317-888-0684.

I told him why his response of 11/10/78 was inadequate. I further stated that his committee, if made for the primary election, may be excessive because the contribution

committee may not be affiliated with the SCC.

He asked what he should do, and I suggested that he request a refund in the amount of $150 from Evans, as that was the only Fed. activity the committee had. He said that he would do that, and that we would be notified very shortly.

Telecon:

Dug Greevy with Tom Kern
Dave Evans for Congress Committee (legal advisor to)
317-882-2953
Companion SV--4SV1/78-16JE
3/27/79

TK called today stating:

1. Jim Staples called him regarding my conversation with him of this morning.
2. He responded to the same question to the Clerk of the House on 1/31/78.
3. Clerk of the House requested no additional information.
4. FEC therefore should be satisfied with the response.

5. He refused to provide a refund in the amount of $150 until he is formally notified why such a refund should be made.

I told him why the letter was sent out to the Johnson County Committee. I stated that the contribution to his committee may or may not be within the limitations, based upon any affiliation which the Johnson Committee has with a qualified committee, but that the Johnson County committee would have to register and report unless a refund was received.

He said that he did not understand why such a small and inactive committee needed to be registered with the Commission. I once again gave him the definition of political committee.

I told him that I would check with the House Team to ascertain what disposition had been taken of the letter received by him regarding the SV above.

Memo: 3/28/79 Dug

Re: Johnson County Democratic Central Committee
Dave Evans for Congress Committee

I spoke with Eleanor of the house team. The response has been received, and no further action has at this time been taken.

I checked to see whether the Democratic SCC Committee in Indiana is qualified, and discovered that there was no committee (SCC) registered until today.

Thus, at this point in time, the contribution to Evans is excessive, and the Johnson County Committee remains under the responsibility to register and report unless a refund is received.

4004025496

JOHNSON COUNTY DEMOCRATIC CENTRAL COMMITTEE

CHAIRMAN
JIM STAPLES
50 W. MAIN STREET
GREENWOOD, IN 46142
PHONE 888-0684

SECRETARY
DIANE McNEELY
R.R. 1, BOX 123C
TRAFALGAR, IN
PHONE 878-4835

VICE CHAIRLADY
CALLIE MORRIS
R.R. 1, BOX 164
FRANKLIN, IN 46131
PHONE 425-5385

TREASURER
DIANE MOORE
193 TERRACE COURT
FRANKLIN, IN 46131
PHONE 736-9371

April 9, 1979

Dear Mr. Greny,

This letter is a response to you, following our two conversations on March 27 and March 28, 1979. The thesis of our conversations was that the Johnson County Democratic Central Committee and the Dave Evans for Congress Committee are, together, in violation of FEC rules if the Evans Committee does not send the Johnson County Committee a check for $150.00.

After each conversation with you I immediately called Tom Kern, the treasurer of the Evans Committee, explained my discussion with you, and requested a check for $150.00 be returned to the county committee. Each time, Mr. Kern said he would "consider" the request. As of today, I have not received a check. I am therefore notifying you — as we agreed — that I, as Chairman of the Johnson County Democratic Central Committee, have done everything I can to avoid any Commission or legal action by the Federal Election Commission.

Sincerely yours,

James A. Staples
Chairman

Telecon:

Greevy with Jim Staples
Johnson County Democratic Central Committee
3/28/79

Called JS today to inform him that:

1. Kern talked with me yesterday.

2. Kern seemed very adamant in his refusal to make the $150 refund.

3. Johnson County committee is still at this point under an obligation to register and report.

4. Johnson County committee may have made an excessive contribution to Evans--even if the committee did register and claim affiliation with the SCC, that would not help as the SCC was not registered at the time of the contribution.

5. Evans' committee may be in violation of the Act, because they may have received an excessive contribution.

6. A refund of $150 from Evans' committee would:

   Bring both committees into compliance with the Act, assuming the Evans' committee is in violation at this time, and;

   Relieve the Johnson County committee of the obligation to register and report.

7. I would like to have some response from JS in the near future. I stated that if nothing else, he should inform us that he requested the refund.

In reply please refer to 3SV1/78-44

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

May 31, 1979

Jim Staples, Chairman
Johnson County Democratic Central Committee
50 West Main Street
Greenwood, IN 46142

Dear Mr. Staples:

This letter is prompted by the Commission's interest in assisting committees who wish to comply with the Federal Election Campaign Act. Our review of the receipts reported by Dave Evans for Congress Committee indicates that your organization may have made contributions which total in excess of $1,000 during the calendar year. Enclosed is a copy(s) of the report(s) in which your contribution(s) is listed.

The Act defines "political committee" to mean any organization, or other group of persons which receives contributions or makes expenditures (which includes contributions to Federal candidates and committees supporting Federal candidates), aggregating in excess of $1,000 during a calendar year. It would appear that your organization may qualify as a "political committee" subject to registration, reporting, and contribution limitation requirements of the Act.

If you agree that your organization is a political committee, please submit a Statement of Organization on FEC Form 1, in accordance with 2 U.S.C. 433. In addition, your committee will be required to file disclosure reports in accordance with 2 U.S.C. 434 on FEC Form 3.

If you agree that your organization has made contributions or expenditures which qualify you as a "political committee", but you do not wish to be considered as a "political committee", you must request refund(s) from the candidate(s) and/or political committee(s) to which you have contributed. The contribution of 6/16/78 to Dave Evans for Congress Committee is in addition to a previous contribution of $1,150 (see attached) made by you to that committee on 2/2/77. (Please refer to our letter dated 10/17/78). Thus, the total amount to be refunded is $300. As an alternative, political committees to which you made contributions may transfer all or part of the contributions to accounts which are not used to influence Federal elections. Refunds or transfers must be made in such amounts that the total remaining contributions made by you do not exceed $1,000 during a calendar year.

If you believe that your organization is not a political committee, or that the Commission is otherwise in error, please submit a statement which would clarify this matter for the public record. We have also enclosed relevant informational materials and forms for the registration of and reporting by the political committee. Please examine the enclosed materials.

Please notify the Commission within thirty (30) days from the date on this letter of your decision on this matter. If you have any questions, please contact Pamela Brown, in our Reports Analysis Division at (800)424-9530. Our local number is (202)357-0023.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Certified Mail
Return Receipts Requested

Enclosures

Washington, D.C. 20463

Supporting Lines 14a, [illegible], 14b, 15a, 16a, 17a, and/or 18a of FEC FORM 3

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee (in Full)

DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each receipt this Period
Friends of Indiana Hospitals (Indiana Hospital Assn.) P.O. Box 55014 Indianapolis, IN 46220	Occupation	5/26/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 300.00		
Merchants Committee for Campaign Contributions One Merchants Plaza Indianapolis, IN 46204	Occupation	6/9/78	250.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 250.00		
Johnson County Democratic Central Committee 50 W. Main St. Greenwood, IN 46142	Occupation	6/16/78	1,150.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 1,150.00		
Home PAC 1000 Connecticut Ave. Suite 704 Washington, D.C. 20036	Occupation	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 300.00		
Credit Union Legislative Action Council 1730 Rhode Island Ave., N.W. #810 Washington, D.C. 20036	Occupation	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 300.00		
I.B.E.W. - C.O.P.E. 1125 - 15th Street, N.W. Washington, D.C. 20005	Occupation	6/30/78	500.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ 500.00		
General Aviation Political Action Committee P.O. Box 19121 Washington, D.C. 20036	Occupation	6/30/78	100.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date $ [illegible]		

Total of receipts this page (optional) . . . . . $ 2,900.00

Total (Print the total on this line number only) . . . . . $

3501/78-44

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one)
- ☐ Show to whom and date delivered ____ c
- ☑ Show to whom, date, and address of delivery ____ c
- ☐ RESTRICTED DELIVERY Show to whom and date delivered ____ c
- ☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery $____ (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: Staples Lawson City Bank CC IN

3. ARTICLE DESCRIPTION

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	91364 2	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☑ Authorized agent
X James A. Staples

4. DATE OF DELIVERY: 6-2-79 POSTMARK: JUN 2 1979 USPO

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

PS Form 3811, Apr. 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

10/17

☆GPO 1977-0-243-530

3501/78-44

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one)
- ☐ Show to whom and date delivered ____ c
- ☑ Show to whom, date, and address of delivery ____ c
- ☐ RESTRICTED DELIVERY Show to whom and date delivered ____ c
- ☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery $____ (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: Lawson City Bank

3. ARTICLE DESCRIPTION

REGISTERED NO.	CERTIFIED NO.	INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
James Staples

4. DATE OF DELIVERY: 6-2-79 POSTMARK: JUN 2 1979

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

PS Form 3811, Apr. 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆GPO 1977-0-243-530

Around March 27, 1979, both the Chairman of the Johnson County Democratic Central Committee and myself were contacted by phone by a Mr. Dave Greevy of your office with respect to this matter. He insisted we were in violation of the law and that the Evans Committee must refund monies to the Johnson County Committee. We ask that he at least give us some type of response to our position as set out in our previous two (2) letters. He indicated that such a response would have to go through a chain of bosses and super bosses and that it would be very difficult. He suggested it would be simpler if we would just "refund the money"!

I feel this type of interpretation and attempted enforcement of regulations by staff persons is wrong. As I left it with Mr. Greevy, all we ask and have been asking for two (2) years is that someone respond to the position WE have taken.

With respect to the questioned One Thousand Three Hundred Dollar ($1,300) contribution by the Central Indiana Building and Construction Trades PAC to the General Election campaign for Congressman Evans in 1978:

We were not aware that this PAC committee is not a "registered PAC" within the meaning of the Federal Election laws, and accordingly limited to making contributions of One Thousand Dollars ($1,000) per election to any federal candidate. Accordingly, per your recommendation, and as evidence by the enclosed copy of our letter to that committee, we have returned as of this date Three Hundred Dollars ($300).

Sincerely,

Thomas J. Kern

Thomas J. Kern
Legal Advisor

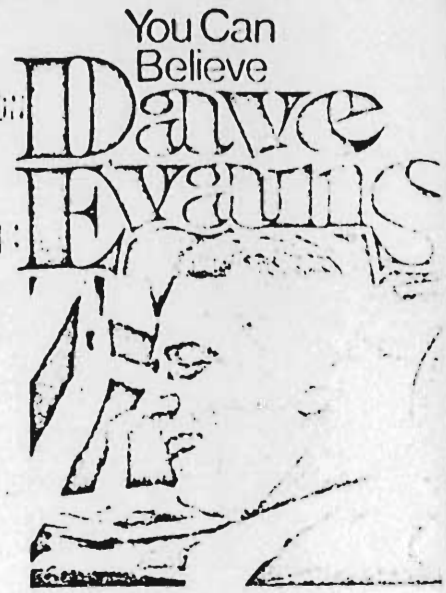
TJK/sb

encl.

Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, Indiana 46241

RECEIVED
FEDERAL ELECTION
COMMISSION

'79 JUN 11 AM 11:



June 7, 1979

Federal Election Commission
1325 "K" Street, N.W.
Washington, D.C. 20463

RE: 4SV1/79-51,53PH

Dear Sirs:

This is in response to your letter of May 30, 1979.

With respect to the proported excess contributions by the Johnson County Democratic Central Committee on June 6, 1978, and again on February 2, 1979:

The issue is, since the Johnson County Democratic Central Committee is not a "registered committee" within the meaning of the Federal Election laws, is it in violation of those laws for the Dave Evans for Congress Committee to accept a contribution from the Committee in excess of One Thousand Dollars ($1,000.00) per election? (Actual contribution was One Thousand One Hundred Fifty Dollars ($1,150.00).)

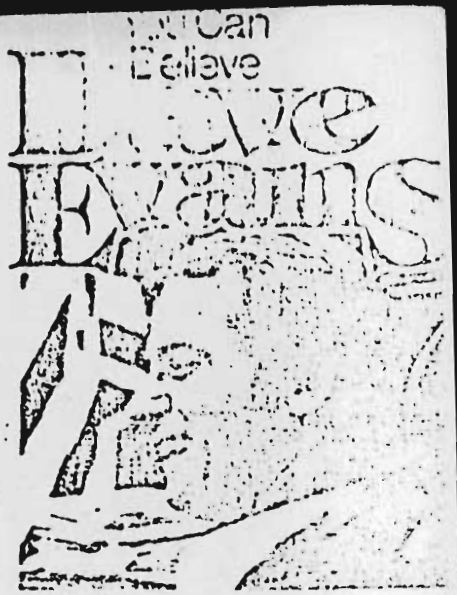
In response to this question being raised with respect to the Committee's contribution to our committee in 1977, we, by letter of January 31, 1978, asserted that our position is as follows:

> "The Johnson County Democratic Central Committee is a part of the formal State Committee structure under the Indiana Democratic Central Committee and; therefore, the contribution received from the Johnson County Democratic Central Committee has been accepted under the provision of Section 1.10.3 of the law." (The right of State Party Committee to give Ten Thousand Dollars ($10,000.00).)

Again, in response to the same question raised by your letter dated January 29, 1979, with respect to the Johnson County Committee's contribution to the Dave Evans for Congress Committee's general election fund in 1978, we responded by letter of February 2, 1979, that our response is the same as set out above.

We have not received responses to our January 31, 1978, or our February 2, 1979, letters.

Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, Indiana 46241



June 7, 1979

Central Indiana Building
and Construction Trades PAC
2635 South Madison Avenue
Indianapolis, IN 46225

Gentlemen:

It has been called to our attention by the Federal Election Commission that you are not a "registered PAC" within the meaning of the Federal Election laws. Accordingly, we are unable to accept contributions from your PAC in access of One Thousand Dollars ($1,000.00) per election. According to our records, you contributed to the Dave Evans for Congress Committee Five Hundred Dollars ($500) on July 7, 1978, and an additional Eight Hundred Dollars ($800.00) on October 20, 1978, both of which contributions were assumed to be for the benefit of Dave's General Election campaign for November, 1978.

In keeping with the direction of the Commission, we are herewith refunding to your PAC the sum of Three Hundred Dollars ($300.00).

Your continued support of Congressman Evans and his reelection campaigns is appreciated.

Sincerely,

Thomas J. Kern
Legal Advisor

TJK/sb

encl.

Memo to the File:

Greevy
6/22/79
Meeting: Scall, Bowen, Sims, Greevy

Met this day with Lester Scall on two matters:

1. Possible non-compliance of subordinate party committees(unregistered) with respect to 11 CFR 110.7(c)(2)(iii). Alva Smith prepared a draft SV to be sent to these committees, numbering perhaps 250. Scall stated that he would review the letter and get back to us.

2. Johnson County Democratic Central Committee/Dave Evans for Congress. After reviewing the situation with Scall, I stated that I did not think that it would be worthwhile, in terms of gaining compliance, for this Division to pursue RTB with respect to these possible violations. This suggestion was based upon the fact that the Evans committee had requested specific information from the Clerk and the Commission, as outlined in his letter of 6/7/79.

Scall indicated that he was in agreement with this. He stated that we should prepare a referral for OGC at this time, as this would permit his Office to answer these questions, and perhaps gain compliance, prior to advancing to the next stage of compliance.

It appeared that the fact that we had been in phone contact with both parties also bore upon his decision.

JOHNSON COUNTY DEMOCRATIC CENTRAL COMMITTEE

CHAIRMAN
JIM STAPLES
50 W. MAIN STREET
GREENWOOD, IN 46142
PHONE 888-0684

SECRETARY
DIANE McNEELY
R.R. 1, BOX 123C
TRAFALGAR, IN
PHONE 878-4835

VICE-CHAIRLADY
CALLIE MORRIS
R.R. 1, BOX 164
FRANKLIN, IN 46131
PHONE 422-5385

TREASURER
DIANE MOORE
193 TERRACE COURT
FRANKLIN, IN 46131
PHONE 736-9371

FEDERAL ELECTION COMMISSION
'79 JUL 5 PM 12:00

June 28, 1979

Mr. Orlanda B. Potter
Staff Director
Federal Election Commission
1325 D Street N.W.
Washington, D.C. 20463

RE: 35V1/78-44

Dear Sir:

In response to your letter of May 31, 1979, I have, as you suggested, requested Tom Kern, Legal Advisor for the Dave Evans for Congress Committee, to refund the necessary money in order for us to have given less than $1,000 to Congressman Evans in each of two years. For various reasons, he has not.

I have also discussed this matter with members of the Indiana Democratic State Central Committee. They tell me that the necessary papers have been filed so that we, the Johnson County Democratic Central Committee, is a part of the formal state committee structure under the Indiana Democratic State Central Committee; and therefore, the contribution received from our committee to the Evans Committee was accepted under the provision of Section 1. 10.3 of the law.

I hope this finally concludes this matter.

Sincerely,
Jim Staples
Johnson County Democratic Chairman

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

MUR 1079

REPORTS ANALYSIS REFERRAL SHEET

DATE 10/24/79

ANALYST Dug Greevy

TO: Office of General Counsel

TEAM CHIEF Bobby Werfel

THROUGH: STAFF DIRECTOR

COMPLIANCE REVIEW

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE/COMMITTEE: Johnson County Democratic Central Committee

TREASURER: Jim Staples, Chairman
Diane Moore, Treasurer

ADDRESS: 50 West Main Street
Greenwood, IN 46142

AFFILIATE(S):

ALLEGATION(S):	CITE:	ATTACHMENT(S)
unregistered political committee	2 U.S.C. 433, 434, & 441a	1

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE: 4/17/78

ATTACHMENT

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment X.

PERIOD COVERED FROM _____ TO _____

TOTAL RECEIPTS $ _____ TOTAL EXPENDITURES $ _____

CASH ON HAND $ _____ DEBTS $ _____

HISTORY:

RESULTS OF REVIEW: *ATTACHMENT*

3SV1/78-44, dated 10/17/78 2
3SV1/78-44, dated 5/31/79 3
Certified Receipt Cards 4
The committee has not been notified of possible 441a violation

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: *ATTACHMENT*

Telecon: Greevy with Staples, 3/27/79 5
Telecon: Greevy with Kern, 3/27/79 5
Telecon: Greevy with Staples, 3/28/79 6

REASON(S) FOR REFERRAL: *ATTACHMENT*

Response from Staples, dated 11/10/78 7
Response from Staples, dated 4/9/79 8
Memo to the File: Greevy, dated 6/22/79 9
Response from Staples, dated 6/28/79 12

OTHER PENDING ACTIONS INITIATED BY RAD: *ATTACHMENT*

NONE

OTHER RELEVANT INFORMATION:

Memo to the File: Greevy, dated 3/28/79 10
Response from Kern, dated 6/7/79(See House referral for other responses) 11
The Indiana Democratic Congressional Victory Committee is not qualified as of 9/28/79. (State Central Committee registered 3/26/79)

See referral for Dave Evans for Congress Committee

RAD Form 1
August 19 3

D 912
RAD 96-190
Mur 1069

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

DATE 10/24/79

ANALYST Susan Kaltenbaugh SK

TO: OGC

TEAM CHIEF Peter Kell, Jr.

THROUGH: STAFF DIRECTOR

COMPLIANCE REVIEW Carroll Bowen

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE/COMMITTEE: DAVE EVANS FOR CONGRESS COMMITTEE IN/06

TREASURER: Ray Clements

ADDRESS: P.O. Box 41709-B
Indianapolis, Indiana 46241

AFFILIATE(S): Not pertinent to the allegations

ALLEGATION(S):	CITE:	ATTACHMENT(S)
The Committee has accepted four contributions from two unregistered committees in excess of FECA limitations.	2 U.S.C.441(a)(1)(a)	2 3 4 5

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE:

10/24/79 — ATTACHMENT 1

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM 10/1/77 TO 3/31/79

TOTAL RECEIPTS $ 199,934.45 TOTAL EXPENDITURES $ 177,937.41

CASH ON HAND $ 26,597.03 DEBTS $ 0

HISTORY:

RESULTS OF REVIEW — ATTACHMENT

Please see Page Two.

COMMUNICATIONS WITH CANDIDATE/COMMITTEE — ATTACHMENT

Telecon: 3/27/79 David Greevy to Jim Staples — 11
Telecon: 3/27/79 David Greevy to Tom Kern — 12
Telecon: 3/28/79 David Greevy to Jim Staples — 13

REASON(S) FOR REFERRAL: — ATTACHMENT

An adequate response was received on 6/12/79, in which $300 was refunded to Central Indiana Bldg. & Const. Trades Pac. This exceeds the Division threshold for review by OGC. — 10

The contribution from Johnson County Democratic Central Committee has not been refunded to date.

OTHER PENDING ACTIONS INITIATED BY RAD: — ATTACHMENT

OTHER RELEVANT INFORMATION:

See referral for Johnson County Democratic Central Committee.

Mur 466 (closed 1/4/78) generated by Audit

0 0 0 4 0 2 2 5 5 1 0

RESULTS OF REVIEW	ATTACHMENT
SV1 on Year End 1977 report dated 1/29/79	6
SV1 on July 10, October 10 & 10 day Pre-Primary reports dated 5/30/79	7
Response to Clerk of the House dated 1/31/78 for Year End 1977 report	8
Response to SV1 dated 2/2/79 for Year End 1977 report	9
Response to SV1 dated 6/7/79 for July 10, October 10 & 10 day Pre-Primary reports	10

The Committee has not refunded the excessive $300 transfer from the Johnson County Democratic Central Committee. They allege that Johnson County is part of the State Central Committee's structure, and therefore the transfer was legitimate. However, the Indiana Democratic Central Committee was not even registered at the time of the first excessive transfer.

8 0 0 4 0 2 2 5 5 1 1

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

HOUSE

ITTEE	DOCUMENT	RECEIPTS PRIMARY	RECEIPTS GENERAL	EXPENDITURES PRIMARY	EXPENDITURES GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
EVANS FOR CONGRESS COMMITTEE								ID# C00013177
1977	STATEMENT OF ORGANIZATION- AMENDMENT					7APR77	1	77HSE/122/0014
	STATEMENT OF ORGANIZATION- AMENDMENT					21APR77	1	77HSE/122/26[illegible]
	STATEMENT OF ORGANIZATION- AMENDMENT					25APR77	1	77HSE/122/2[illegible]
	STATEMENT OF ORGANIZATION- AMENDMENT					27MAY77	3	77HSE/122/52[illegible]
	MISCELLANEOUS TRANSACTION FROM F.E.C.					31MAY77	1	77HSE/123/0020
	STATEMENT OF ORGANIZATION- AMENDMENT					7OCT77	1	77HSE/125/2766
	STATEMENT OF ORGANIZATION- AMENDMENT					17NOV77	1	77HSE/127/1077
1978	48 HOUR CONTRIBUTION NOTICE					24OCT78	1	78HSE/151/2192
	MISCELLANEOUS TRANSACTION TO F.E.C.					26OCT78	1	78HSE/151/2876
	48 HOUR CONTRIBUTION NOTICE					27OCT78	1	78HSE/152/0636
	48 HOUR CONTRIBUTION NOTICE					30OCT78	1	78HSE/154/1272
	48 HOUR CONTRIBUTION NOTICE					1NOV78	1	78HSE/154/2497
	48 HOUR CONTRIBUTION NOTICE					1NOV78	1	78HSE/154/2332
	48 HOUR CONTRIBUTION NOTICE					2NOV78	2	78HSE/154/3657
	48 HOUR CONTRIBUTION NOTICE					2NOV78	1	78HSE/154/3834
	48 HOUR CONTRIBUTION NOTICE					2NOV78	1	78HSE/154/4469
	48 HOUR CONTRIBUTION NOTICE					6NOV78	1	78HSE/155/0024
1977	APRIL 10 QUARTERLY	6,853		1,828		1JAN77 -31MAR77	7	77HSE/122/0018
	APRIL 10 QUARTERLY - AMENDMENT	0		0		1JAN77 -31MAR77	1	79FEC 121/4805
	JULY 10 QUARTERLY	12,929		3,273		31MAR77 -30JUN77	11	77HSE/123/2489
	JULY 10 QUARTERLY - AMENDMENT	0		0		30JUN77	1	79FEC/121/4803
	OCTOBER 10 QUARTERLY	5,711		4,519		1JUL77 -30SEP77	8	77HSE/125/35[illegible]
	REQUEST FOR ADDITIONAL INFORMATION					1JUL77 -30SEP77	3	78FEC/064/39[illegible]
	OCTOBER 10 QUARTERLY - AMENDMENT					1JUL77 -30SEP77	1	78HSE/130/13[illegible]
	YEAR END REPORT	4,501		1,295		1OCT77 -31DEC77	5	78HSE/128/0591
	REQUEST FOR ADDITIONAL INFORMATION					31DEC77	1	79FEC/121/2143
	YEAR END REPORT - AMENDMENT					2/8/78	1	78HSE/129/2319
	YEAR END REPORT - AMENDMENT						1	79HSE/162/1663
	COMP AMEND						1	77HSE/124/2844
	COMP AMEND					1JAN77 -30JUN77	5	77HSE/124/2859
	COMP AMEND	20,725		7,101		1JAN77 -30JUN77	3	77HSE/125/0176
1978	APRIL 10 QUARTERLY	20,859		7,544		1JAN78 -31MAR78	14	78HSE/133/2011
	10 DAY PRE-PRIMARY	5,230		150		1APR78 -16APR78	5	78HSE/134/4533
	REQUEST FOR ADDITIONAL INFORMATION					1APR78 -16APR78	2	79FEC/128/2832
	30 DAY POST-PRIMARY	6,635		8,361		17APR78 -22MAY78	7	78HSE/137/3083
	JULY 10 QUARTERLY		3,533		3,183	23MAY78 -30JUN78	7	78HSE/141/4357
	REQUEST FOR ADDITIONAL INFORMATION					23MAY78 -30JUN78	2	78FEC/096/0709
	JULY 10 QUARTERLY - AMENDMENT					23MAY78 -30JUN78	1	78HSE/159/3195
	REQUEST FOR ADDITIONAL INFORMATION					23MAY78 -30JUN78	2	79FEC/128/2830
	OCTOBER 10 QUARTERLY		66,596		27,632	1JUL78 -30SEP78	26	78HSE/146/4475
	OCTOBER 10 QUARTERLY - AMENDMENT					30SEP78	1	78HSE/154/49[illegible]

REQUEST FOR ADDITIONAL INFORMATION						30SEP78	3	79FEC/126/3222
REQUEST FOR ADDITIONAL INFORMATION					1JUL78	-30SEP78	3	79FEC/128/2107
10 DAY PRE-GENERAL		26,126		81,652	10CT78	-23OCT78	14	78HSE/153/0200
30 DAY POST-GENERAL		31,769		25,187	24OCT78	-27NOV78	18	78HSE/156/0619
30 DAY POST-GENERAL	- AMENDMENT	31,769		25,187	24OCT78	-27NOV78	2	79HSE/165/1981
30 DAY POST-GENERAL	- AMENDMENT	31,769		25,187	24OCT78	-27NOV78	2	79HSE/165/2837
YEAR END REPORT		1,581		9,145	28NOV78	-31DEC78	4	79HSE/161/0976

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 25JUN79
PAGE

HOUSE

MMITTEE DOCUMENT		RECEIPTS PRIMARY	RECEIPTS GENERAL	EXPENDITURES PRIMARY	EXPENDITURES GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
REQUEST FOR ADDITIONAL INFORMATION							2	79FEC/118/1701
REQUEST FOR ADDITIONAL INFORMATION						28NOV78 -31DEC78	3	79FEC/126/2485
YEAR END REPORT (1977)	- AMENDMENT					31DEC78	1	79HSE/162/1664
YEAR END REPORT	- AMENDMENT		1,581		9,145	28NOV78 -31DEC78	2	79HSE/165/1979
YEAR END REPORT	- AMENDMENT		1,581		9,145	28NOV78 -31DEC78	2	79HSE/165/2810
	TOTAL	63,661	129,605	28,970	146,799		192	TOTAL PAGES

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

HOUSE

DATE 25JUN79
PAGE

OMMITTEE DOCUMENT	RECEIPTS PRIMARY	RECEIPTS GENERAL	EXPENDITURES PRIMARY	EXPENDITURES GENERAL	COVERAGE DATES	# OF PAGES	MICROF LOCAT
AVE EVANS FOR CONGRESS COMMITTEE							ID# C00013177
1979 APRIL 10 QUARTERLY	6,528		1,975		1JAN79 -31MAR79	7	79HSE/164/1366
APRIL 10 QUARTERLY - AMENDMENT					1JAN79 -31MAR79	1	79HSE/165/1983
REQUEST FOR ADDITIONAL INFORMATION for 10 day General					23OCT79	2	79FEC/126/3226
REQUEST FOR ADDITIONAL INFORMATION for 30 General						2	79FEC/126/1444

.edule A
July 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Itemized Receipts, Contributions, Ticket Purchases, Loans, Rebates, and Transfers for Line Numbers 15, 16, 17 and/or 18 of FEC Form 3

(see instructions on back)

Page 1 of 1 for
LINE NUMBER 18(b)
(Use separate schedule(s) for each numbered line)

Name of Candidate or Committee in full

DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, mailing address and ZIP code	Principal place of business	Occupation / Check if Contributor is self-employed / Aggregate Year-to-date	Date (month, day, year)	Amount of each receipt this period
Morgan Co. Democratic Central Committee R.R. #7, Box 610 Martinsville, IN 46151 Attn: Reba Phillips Chairman	Morgan County Indiana	▷ $ 750.00	10/7/77	750.00
Johnson Co. Democratic Central Committee 50 W. Main St. Greenwood, IN 46142 Attn: Jim Staples, Chairman	Johnson County Indiana	▷ $ 1,150.00	12/2/77	1,150.00
Hendricks Co. Democratic Central Comm. R.R. #3, Box 585 Plainfield, IN 46168	Hendricks County Indiana	▷ $ 450.00	12/9/77	450.00
		▷ $		
		▷ $		
		▷ $		

Subtotal of receipts this page (optional) ▷ $

Total this period (last page this line number only) ▷ $ 2,350.00

Page

Washington, D.C. 20463

Supporting Lines 14b, 15b, 16b, 17b, 18b, and/or 18a of FEC FORM 3

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Friends of Indiana Hospitals (Indiana Hospital Assn.) P.O. Box 50214 Indianapolis, IN 46220	Occupation	5/26/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 300.00		
Merchants Committee for Campaign Contributions One Merchants Plaza Indianapolis, IN 46204	Occupation	6/9/78	250.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 250.00		
Johnson County Democratic Central Committee 50 N. Main St. Greenwood, IN 46142	Occupation	6/16/78	1,150.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 1,150.00		
Home PAC 1000 Connecticut Ave. Suite 704 Washington, D.C. 20036	Occupation	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 300.00		
Credit Union Legislative Action Council 1730 Rhode Island Ave., N.W. #810 Washington, D.C. 20036	Occupation	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 300.00		
I.D.E.W. - C.O.P.E. 1125 - 15th Street, N.W. Washington, D.C. 20005	Occupation	6/30/78	500.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 500.00		
General Aviation Political Action Committee P.O. Box 19121 Washington, D.C. 20036	Occupation	6/30/78	100.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ [illegible]		

Total of receipts this page (optional) ..... $ 3,000.00

Total this line number only) ..... $

7801101359

SCHEDULE A
VISED
uary, 1978
Federal Election Commission
525 E Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 2 of 14 for
Line Number 15 (a)
(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full
Dave Evans For Congress Committee

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation / Check if Contributor is self-employed / Aggregate Year To Date	Date (month, day, year)	Amount of each Receipt this Period
Central Indiana Bldg. Trades PAC 2635 Madison Ave. Indianapolis, IN 46225 Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year To Date $ 500.	7/7/78	500.00
AVCO Corp PAC 1275 King St. Greenwich, Conn. 06830 Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year To Date $ 100	7/7/78	100.00
Ford Civic Action Fund c/o Dearborn Bk & Tr Co. One Village Plaza Tower Dearborn, Michigan 48124 Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year To Date $ 500	7/14/78	500.00
Telephone Education Comm. Org 2626 Pennsylvania Ave NW Washington, D.C. 20037 Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year To Date $ 100	7/14/78	100.00
American Telephone PAC 195 Broadway, Rm. 1038 New York, N.Y. 10007 Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year To Date $ 100	7/14/78	100.00
Indiana Bell PAC INBELLPAC 240 N. Meridian St. Indianapolis, IN 46204 Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year To Date $ 200	7/14/78	200.00
Panhandle Eastern System PAC P. O. Box 1642 Houston, Texas 77001 Receipt for: ☐ Primary ☐ General ☐ Other	Aggregate Year To Date $ 250	7/14/78	250.00

SUBTOTAL of receipts this page (optional) $

7 9 0 1 1 5 1 4 8 4

FORM A
Rev. 1/77
Federal Election Commission
8 K Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 4 of 4 for Line Number 15b

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full
DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each receipt this Period
Food Industry Good Govt. Comm. 1750 K. St. N. W. Suite 700 Washington, D.C. 20006 Receipt for: ☐ Primary ☐ General ☐ Other	Same ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $ 200.00	10/20/78	100.00
American Federation of Teachers Comm. on POlit. Educ 11 Dupont Circle N. W. Washington, D. C. 20036 Receipt for: ☐ Primary ☐ General ☐ Other	Same ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $	10/20/78	1000.00
Maintenance of Way Polit League 12050 Woodward Ave Detroit Michigan 48203 Receipt for: ☐ Primary ☐ General ☐ Other	Same ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $	10/20/78	200.00
Action Committee For Rural Elect. 2000 Florida Ave. N. W. Washington D. C. 20009 Receipt for: ☐ Primary ☐ General ☐ Other	same ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $ 600.00	10/20/78	300.00
Eli Lilly PAC 307 E. McCarty Indianapolis, IN 46206 Receipt for: ☐ Primary ☐ General ☐ Other	Same ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $ 500.00	10/20/78	200.00
Central Indiana Bldg. & Const. Trades PAC 2635 S. Madison Indianapolis, IN Receipt for: ☐ Primary ☐ General ☐ Other	Same ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $ 1,200.00	10/20/78	800.00
Full Name, Mailing Address and ZIP Code Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business / Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $	Date (month, day, year)	Amount of each receipt this Period

Aggregate Year-To-Date for Business (Unpaid) . . . . . $

In reply please refer to 4SVI/78-16JE

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

29 January 1979

IN/06 C00013177

Mr. Ray Clements, Treasurer
Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, Indiana 46241

Dear Mr. Clements:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. During review of the 1977 Year End Report of Receipts and Expenditures, we noticed an entry indicating that you may have received a contribution which exceeds the limits set forth in the Act. A copy of that portion of your report is attached so that a review of your records can be made.

The Act precludes individuals and political committees, other than multicandidate committees, from making political contributions to a candidate for Federal election in excess of $1,000 per election. The Act defines a multicandidate committee as one which has been registered for a period of not less than six months; has received contributions from more than fifty persons; and has made contributions to five or more candidates for Federal office. The committee listed as the source of the contribution in question does not presently qualify as a multicandidate committee and we have notified them accordingly. We have recommended that the source committee notify you if it is confirmed that the contribution was in excess of the limits.

The Commission recommends that if you find the contribution you received was in excess of the limits set forth in the Act you return the amount in excess of $1,000 to the donor. This return should be reported immediately by letter and should be reflected as a contribution refund on your next report of receipts and expenditures. If you find that the entry in question is incomplete or incorrect, please submit a statement which would clarify this particular matter for the public record. You may do so by amending your original report by letter.

Please notify the Commission within fifteen (15) days from the date of this letter of the determination made on this matter. If you have any questions concerning this matter, please do not hesitate to contact Penny Harris ~~Jim Eastwood~~ (800)424-9530, our Reports Analyst assigned to you. Our local telephone number is 523-4172.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Certified Mail

Return Receipt Requested

P 207 125 502

FEB 3 1979
REGULAR MAIL

Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, Indiana 46241

You Can Believe

February 2, 1979

Mr. Orlando B. Potter
Staff Director
Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

031551

RE: MUR 176-16-JE

Dear Sir:

In response to yours of January 29, 1979, attached is a copy of our response to that same question raised with respect to a like contribution by that same Committee to our Committee last year. The explanation remains the same.

As ever,

Thomas J. Kern
Legal Advisor

TJK:st

enclosure

1979 FEB 5 PM 12:35
U.S. ... ARCHIVES

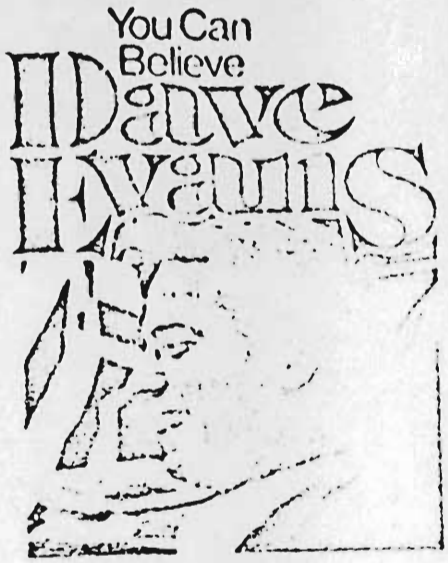
Dave Evans for Congress Committee
501 National Avenue
Indianapolis, Indiana 46227
(317) 788-4556

IN-06

3 amend YE

REGULAR MAIL

C00013177



January 31, 1978

FEB 3 1 1978

Office of the Clerk
U.S. House of Representatives
Washington, D.C. 20515

Attn: Mr. John Overstreet

RE: I.D. #031551

Dear John,

This is in response to your letter of January 27, 1978, relative to the contribution of $1,150.00 from the Johnson County Democratic Central Committee reported in our report for the fourth quarter period ended December 31, 1977.

The Johnson County Democratic Central Committee is a part of the formal state committee structure under the Indiana Democratic Central Committee and; therefore, the contribution received from the Johnson County Democratic Central Committee has been accepted under the provision of Section 1.10.3 of the law.

Sincerely,

Ray Clements

RAY CLEMENTS
Treasurer

RC:dr
cc: Secretary of State, Larry Conrad

Telecon:

Dug Greevy with Jim Staples
Johnson County Democratic Central Committee
3SV1/78-44
3/27/79

Talked with JS today. Phone: 317-888-0684.

I told him why his response of 11/10/78 was inadequate. I further stated that his committee, if made for the primary election, may be excessive because the contribution

committee may not be affiliated with the SCC.

He asked what he should do, and I suggested that he request a refund in the amount of $150 from Evans, as that was the only Fed. activity the committee had. He said that he would do that, and that we would be notified very shortly.

Telecon:

Dug Greevy with Tom Kern
Dave Evans for Congress Committee (legal advisor to)
317-882-2953
Companion SV--4SV1/78-16JE
3/27/79

TK called today stating:

1. Jim Staples called him regarding my conversation with him of this morning.
2. He responded to the same question to the Clerk of the House on 1/31/78.
3. Clerk of the House requested no additional information.
4. FEC therefore should be satisfied with the response.

5. He refused to provide a refund in the amount of $150 until he is formally notified why such a refund should be made.

I told him why the letter was sent out to the Johnson County Committee. I stated that the contribution to his committee may or may not be within the limitations, based upon any affiliation which the Johnson Committee has with a qualified committee, but that the Johnson County committee would have to register and report unless a refund was received.

He said that he did not understand why such a small and inactive committee needed to be registered with the Commission. I once again gave him the definition of political committee.

I told him that I would check with the House Team to ascertain what disposition had been taken of the letter received by him regarding the SV above.

Telecon:

Greevy with Jim Staples
Johnson County Democratic Central Committee
3/28/79

Called JS today to inform him that:

1. Kern talked with me yesterday.

2. Kern seemed very adamant in his refusal to make the $150 refund.

3. Johnson County committee is still at this point under an obligation to register and report.

4. Johnson County committee may have made an excessive contribution to Evans--even if the committee did register and claim affiliation with the SCC, that would not help as the SCC was not registered at the time of the contribution.

5. Evans' committee may be in violation of the Act, because they may have received an excessive contribution.

6. A refund of $150 from Evans' committee would:

   Bring both committees into compliance with the Act, assuming the Evans' committee is in violation at this time, and;

   Relieve the Johnson County committee of the obligation to register and report.

7. I would like to have some response from JS in the near future. I stated that if nothing else, he should inform us that he requested the refund.

EVANS 6/30

In reply please refer to 4SV1/79-51,53PH

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

30 May 1979

Ray Clements, Treasurer
Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, IN 46241

Dear Mr. Clements:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. During review of the October 10 Quarterly, 10 Day Pre-Primary and July 10 Quarterly Reports of Receipts and Expenditures, we noticed entries indicating that you may have received contributions which exceed the limits set forth in the Act. A copy of those portions of your reports are attached so that a review of your records can be made.

The Act precludes individuals and political committees, other than multicandidate committees, from making political contributions to a candidate for Federal election in excess of $1,000 per election. The Act defines a multicandidate committee as one which has been registered for a period of not less than six months; has received contributions from more than fifty persons; and has made contributions to five or more candidates for Federal office. The committees listed as the sources of the contributions in question do not presently qualify as multicandidate committees and we have notified them accordingly. We have recommended that the source committees notify you if it is confirmed that the contributions were in excess of the limits.

The Commission recommends that if you find the contributions you received were in excess of the limits set forth in the Act you return the amounts in excess of $1,000 to the donors. These returns should be reported immediately by letter and should be reflected as contribution refunds on your next report of receipts and expenditures. The contribution of 6/6/78 from Johnson County Democratic Central Committee (see attached) is in addition to a previous contribution of $1,150 from that committee on 2/2/77. (Please refer to our letter of 1/29/79). Thus, the total amount to be refunded is $300. If you find that the entries in question are incomplete or incorrect, please submit a statement which would clarify this particular matter for the public record. You may do so by amending your original report by letter.

Please notify the Commission within fifteen (15) days from the date of this letter of the determination made on this matter. If you have any questions concerning this matter, please do not hesitate to contact Penny Harms (800)424-9530, our Reports Analyst assigned to you. Our local telephone number is (202)523-4172.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Certified Mail
Return Receipt Requested

Enclosures

EC Funds 45v/74 - 11 12 1H

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
- ☐ Show to whom and date delivered ____ c
- ☑ Show to whom, date, and address of delivery ____ c
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered ____ c
- ☐ RESTRICTED DELIVERY
  Show to whom, date, and address of delivery $ ____
  (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	94751	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☑ Authorized agent

4. Margaret C. McGowan

DATE OF DELIVERY	POSTMARK
?	

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO 1977-0-219-000

Clemens

7 2 5 2 2 0 0 4 0 0 8

DAVE EVANS

Due 6/30

Committee

Indianapolis, Indiana 46241

FEDERAL ELECTION COMMISSION

79 JUN 11 AM 11:

U.S. HOUSE OF REPRESENTATIVES

RECEIVED JUN 8 1979

June 7, 1979

031551

Federal Election Commission
1325 "K" Street, N.W.
Washington, D.C. 20463

RE: 4SV1/79-51,53PH

Dear Sirs:

This is in response to your letter of May 30, 1979.

With respect to the proported excess contributions by the Johnson County Democratic Central Committee on June 6, 1978, and again on February 2, 1979:

The issue is, since the Johnson County Democratic Central Committee is not a "registered committee" within the meaning of the Federal Election laws, is it in violation of those laws for the Dave Evans for Congress Committee to accept a contribution from the Committee in excess of One Thousand Dollars ($1,000.00) per election? (Actual contribution was One Thousand One Hundred Fifty Dollars ($1,150.00).)

In response to this question being raised with respect to the Committee's contribution to our committee in 1977, we, by letter of January 31, 1978, asserted that our position is as follows:

> "The Johnson County Democratic Central Committee is a part of the formal State Committee structure under the Indiana Democratic Central Committee and; therefore, the contribution received from the Johnson County Democratic Central Committee has been accepted under the provision of Section 1.10.3 of the law." (The right of State Party Committee to give Ten Thousand Dollars ($10,000.00).)

Again, in response to the same question raised by your letter dated January 29, 1979, with respect to the Johnson County Committee's contribution to the Dave Evans for Congress Committee's general election fund in 1978, we responded by letter of February 2, 1979, that our response is the same as set out above.

We have not received responses to our January 31, 1978, or our February 2, 1979, letters.

Around March 27, 1979, both the Chairman of the Johnson County Democratic Central Committee and myself were contacted by phone by a Mr. Dave Greevy of your office with respect to this matter. He insisted we were in violation of the law and that the Local Committee must refund monies to the Johnson County Committee. We ask that you at least give us some type of response to our position as set out in our previous two (2) letters. He indicated that such a response would have to go through a chain of bosses and super bosses and that it would be very difficult. He suggested it would be simpler if we would just "refund the money"!

I feel this type of interpretation and attempted enforcement of regulations by staff persons is wrong. As I left it with Mr. Greevy, all we ask and have been asking for two (2) years is that someone respond to the position WE have taken.

With respect to the questioned One Thousand Three Hundred Dollar ($1,300) contribution by the Central Indiana Building and Construction Trades PAC to the General Election campaign for Congressman Evans in 1978:

We were not aware that this PAC committee is not a "registered PAC" within the meaning of the Federal Election laws, and accordingly limited to making contributions of One Thousand Dollars ($1,000) per election to any federal candidate. Accordingly, per your recommendation, and as evidence by the enclosed copy of our letter to that committee, we have returned as of this date Three Hundred Dollars ($300).

Sincerely,

Thomas J. Kern

Thomas J. Kern
Legal Advisor

TJK/sb

encl.

Indianapolis, Indiana

June 7, 1979

Central Indiana Building
and Construction Trades PAC
2635 South Madison Avenue
Indianapolis, IN 46225

Gentlemen:

It has been called to our attention by the Federal Election Commission that you are not a "registered PAC" within the meaning of the Federal Election laws. Accordingly, we are unable to accept contributions from your PAC in access of One Thousand Dollars ($1,000.00) per election. According to our records, you contributed to the Dave Evans for Congress Committee Five Hundred Dollars ($500) on July 7, 1978, and an additional Eight Hundred Dollars ($800.00) on October 20, 1978, both of which contributions were assumed to be for the benefit of Dave's General Election campaign for November, 1978.

In keeping with the direction of the Commission, we are herewith refunding to your PAC the sum of Three Hundred Dollars ($300.00).

Your continued support of Congressman Evans and his reelection campaigns is appreciated.

Sincerely,

Thomas J. Kern
Legal Advisor

TJK/sb

encl.

SCHEDULE B
REVISED
January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Transfers Out, Contributions In-Kind, Loans, Loan Repayments and Refunds Made)
Supporting Lines 20a, 21a, and 22a, 22b, and 22c of FEC FORM 3

Page 1 of 1 for Line Number 21 (a)

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full
DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Central Indiana Building Trades Political Action Committee 2348 South Madison Avenue Indianapolis, IN 46227	Refund of $300.00 from 1978 General Election Contribution Expenditure for: ☐ Primary ☐ General ☒ Other	6/7/79	$300.00
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
SUBTOTAL of expenditures this page (optional)			$
TOTAL this period (last page this line number only)			$ 300.00

22f

8

Attachment II

8004022553

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jim Staples
Chairman
Johnson County Democratic
Central Committee
50 West Main Street
Greenwood, Indiana 46162

Re: MUR 1069

Dear Mr. Staples:

The Commission has reviewed your organization's contributions totalling $1,150 to the Evans Committee during calendar year 1977 and again in 1978, and has determined that there is reason to believe that your committee violated 2 U.S.C. §§ 433 and 434 by failing to file a registration statement and periodic reports with the Commission.

Additionally, the Commission has concluded that there is reason to believe that your committee violated 2 U.S.C. § 441a(a)(1)(A) by making contributions with respect to a federal election in excess of $1,000. The exception in 2 U.S.C. § 441a(d), permitting a state party committee, including subordinate committees, to make expenditures of up to $10,000 in connection with the general election campaign of its party's candidate for the House of Representatives, is not applicable to money contributions. See Advisory Opinions 1975-120 and 1979-9, copies of which are enclosed.

Considering the circumstances of this matter, however, the Commission has determined to take no further action and close the file. You are reminded, however, that if your committee should again make contibutions in excess of $1,000 during a calendar year, it will be required to file a registration statement and periodic reports with the Commission.

Sincerely,

Charles N. Steele
General Counsel

Enclosures

Attachment III

8004025534

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ray Clements
Treasurer
Dave Evans for Congress Committee
Post Office Box 41709-B
Indianapolis, Indiana 46241

Re: MUR 1069

Dear Mr. Clements:

The Commission has reviewed your organization's receipt of $1,150 from the Johnson County Democratic Central Committee with respect to the 1978 primary and general elections and has determined that there is reason to believe that your organization violated 2 U.S.C. § 441a(a)(1)(A) by accepting contributions with respect to a federal election in excess of $1,000. The exception in 2 U.S.C. § 441a(d), permitting a state party committee, including subordinate committees, to make expenditures of up to $10,000 in connection with the general election campaign of its party's candidate for the House of Representatives, is not applicable to money contributions. See Advisory Opinions 1975-120 and 1979-9, copies of which are enclosed.

The Commission has also found reason to believe that your organization violated Section 441a(a)(1)(A) by accepting a $1,300 contribution from the Central Indiana Building and Construction Trades PAC. Although, the excessive portion of the contribution was returned, the Act was violated when the contribution was made and accepted.

Considering the circumstances of the matter, however, the Commission has determined to take no further action and to close the file.

Sincerely,

Charles N. Steele
General Counsel

Enclosures

Attachment IV

0 0 1 0 0 2 5 3

DAVE EVANS

Due 6/30

Congress Committee

Indianapolis, Indiana 46241

FEDERAL ELECTION COMMISSION

'79 JUN 11 AM 11:

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

JUN 8 1979

June 7, 1979

031551

Federal Election Commission
1325 "K" Street, N.W.
Washington, D.C. 20463

RE: 4SV1/79-51,53PH

Dear Sirs:

This is in response to your letter of May 30, 1979.

With respect to the proported excess contributions by the Johnson County Democratic Central Committee on June 6, 1978, and again on February 2, 1979:

The issue is, since the Johnson County Democratic Central Committee is not a "registered committee" within the meaning of the Federal Election laws, is it in violation of those laws for the Dave Evans for Congress Committee to accept a contribution from the Committee in excess of One Thousand Dollars ($1,000.00) per election? (Actual contribution was One Thousand One Hundred Fifty Dollars ($1,150.00).)

In response to this question being raised with respect to the Committee's contribution to our committee in 1977, we, by letter of January 31, 1978, asserted that our position is as follows:

> "The Johnson County Democratic Central Committee is a part of the formal State Committee structure under the Indiana Democratic Central Committee and; therefore, the contribution received from the Johnson County Democratic Central Committee has been accepted under the provision of Section 1.10.3 of the law." (The right of State Party Committee to give Ten Thousand Dollars ($10,000.00).)

Again, in response to the same question raised by your letter dated January 29, 1979, with respect to the Johnson County Committee's contribution to the Dave Evans for Congress Committee's general election fund in 1978, we responded by letter of February 2, 1979, that our response is the same as set out above.

We have not received responses to our January 31, 1978, or our February 2, 1979, letters.

Around March 27, 1979, both the Chairman of the Johnson County Democratic Central Committee and myself were contacted by phone by a Mr. Dave Greevy of your office with respect to this matter. He insisted we were in violation of the law and that the Evans Committee must refund monies to the Johnson County Committee. We ask that he at least give us some type of response to our position as set out in our previous two (2) letters. He indicated that such a response would have to go through a chain of bosses and super bosses and that it would be very difficult. He suggested it would be simpler if we would just "refund the money"!

I feel this type of interpretation and attempted enforcement of regulations by staff persons is wrong. As I left it with Mr. Greevy, all we ask and have been asking for two (2) years is that someone respond to the position WE have taken.

With respect to the questioned One Thousand Three Hundred Dollar ($1,300) contribution by the Central Indiana Building and Construction Trades PAC to the General Election campaign for Congressman Evans in 1978:

We were not aware that this PAC committee is not a "registered PAC" within the meaning of the Federal Election laws, and accordingly limited to making contributions of One Thousand Dollars ($1,000) per election to any federal candidate. Accordingly, per your recommendation, and as evidence by the enclosed copy of our letter to that committee, we have returned as of this date Three Hundred Dollars ($300).

Sincerely,

Thomas J. Kern

Thomas J. Kern
Legal Advisor

TJK/sb

encl.

RAD 79-L-191
MUR 1039

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

DATE 10/24/79 ANALYST Dug Greevy

TO: Office of General Counsel TEAM CHIEF Bobby Werfel

THROUGH: STAFF DIRECTOR COMPLIANCE REVIEW

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE COMMITTEE: Johnson County Democratic Central Committee

TREASURER: Jim Staples, Chairman
Diane Moore, Treasurer

ADDRESS: 50 West Main Street
Greenwood, IN 46142

AFFILIATE(S):

ALLEGATION(S):	CITE:	ATTACHMENT(S)
unregistered political committee	2 U.S.C. 433, 434, & 441a	1

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE: 4/17/78

ATTACHMENT

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see ~~Attachment~~ k.

PERIOD COVERED FROM _____ TO _____

TOTAL RECEIPTS $ _____ TOTAL EXPENDITURES $ _____

CASH ON HAND $ _____ DEBTS $ _____

HISTORY:

RESULTS OF REVIEW: *ATTACHMENT*

3SV1/78-44, dated 10/17/78 2
3SV1/78-44, dated 5/31/79 3
Certified Receipt Cards 4
The committee has not been notified of possible 441a violation

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: *ATTACHMENT*

Telecon: Greevy with Staples, 3/27/79 5
Telecon: Greevy with Kern, 3/27/79 5
Telecon: Greevy with Staples, 3/28/79 6

REASON(S) FOR REFERRAL: *ATTACHMENT*

Response from Staples, dated 11/10/78 7
Response from Staples, dated 4/9/79 8
Memo to the File: Greevy, dated 6/22/79 9
Response from Staples, dated 6/28/79 12

OTHER PENDING ACTIONS INITIATED BY RAD: *ATTACHMENT*

NONE

OTHER RELEVANT INFORMATION:

Memo to the File: Greevy, dated 3/28/79 10
Response from Kern, dated 6/7/79(See House referral for other responses) 11

The Indiana Democratic Congressional Victory Committee is not qualified as of 9/28/79. (State Central Committee registered 3/26/79)

See referral for Dave Evans for Congress Committee

Schedule A

Contributions, Item Purchases, Loans, Rebates, and Transfers for Line Numbers 15, 16, 17 and/or 18 of FEC Form

(See instructions on back)

LINE NUMBER 18(b)

(Use separate schedule(s) for each numbered line)

Name of Candidate or Committee in full

DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, mailing address and ZIP code	Occupation	Date (month, day, year)	Amount of each receipt this period
Morgan Co. Democratic Central Committee R.R. #7, Box 610 Martinsville, IN 46151 Attn: Reba Phillips Chairman (18U) Principal place of business: Morgan County Indiana	Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 750.00	10/7/77	750.00
Johnson Co. Democratic Central Committee 50 W. Main St. Greenwood, IN 46142 Attn: Jim Staples, Chairman (18U) Principal place of business: Johnson County Indiana	Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 1,150.00	12/2/77	1,150.00
Hendricks Co. Democratic Central Comm. R.R. #3, Box 585 Plainfield, IN 46168 (18U) Principal place of business: Hendricks County Indiana	Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 450.00	12/9/77	450.00
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Check if Contributor is self-employed Aggregate Year-to-date ▷ $		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Check if Contributor is self-employed Aggregate Year-to-date ▷ $		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Check if Contributor is self-employed Aggregate Year-to-date ▷ $		

Subtotal of receipts this page (optional) ▷ $

Total this period (last page this line number only) ▷ $ 2,350.00

Rebates, and Transfers for Line Numbers [illegible], 16, 17 and/or 18 of FEC Form [illegible]

(See instructions on back)

(Use separate schedule(s) for each numbered line)

Name of Candidate or Committee in full

DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, mailing address and ZIP code	Occupation	Date (month, day, year)	Amount of each receipt this period
Morgan Co. Democratic Central Committee R.R. #7, Box 610 Martinsville, IN 46151 Attn: Reba Phillips Chairman (18)		10/7/77	750.00
Principal place of business: Morgan County Indiana	Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 750.00		
Johnson Co. Democratic Central Committee 50 W. Main St. Greenwood, IN 46142 Attn: Jim Staples, Chairman (18)		12/2/77	1,150.00
Principal place of business: Johnson County Indiana	Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 1,150.00		
Hendricks Co. Democratic Central Comm. R.R. #3, Box 585 Plainfield, IN 46168 (18)		12/9/77	450.00
Principal place of business: Hendricks County Indiana	Check if Contributor is self-employed Aggregate Year-to-date ▷ $ 450.00		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Check if Contributor is self-employed Aggregate Year-to-date ▷ $		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Check if Contributor is self-employed Aggregate Year-to-date ▷ $		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Check if Contributor is self-employed Aggregate Year-to-date ▷ $		
Subtotal of receipts this page (last page only) ▷			$
Total this period (last page this line number only) ▷			$ 2,[illegible]

Washington, D.C. 20463

Supporting Lines 14a, 14b, 14c, 15a, 16a, 17a, and/or 18a of FEC FORM 3

(Use Separate Schedules for each numbered line)

Name of Committee (in Full)
DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each receipt this Period
Friends of Indiana Hospitals (Indiana Hospital Assn.) P.O. Box 55214 Indianapolis, IN 46220	Occupation	5/26/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 300.00		
Merchants Committee for Campaign Contributions One Merchants Plaza Indianapolis, IN 46204	Occupation	6/9/78	250.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 250.00		
Johnson County Democratic Central Committee 50 W. Main St. Greenwood, IN 46142	Occupation	6/16/78	1,150.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 1,150.00		
Home PAC 1000 Connecticut Ave. Suite 704 Washington, D.C. 20036	Occupation	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 300.00		
Credit Union Legislative Action Council 1730 Rhode Island Ave., N.W. #810 Washington, D.C. 20036	Occupation	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 300.00		
I.B.E.W. - C.O.P.E. 1125 - 15th Street, N.W. Washington, D.C. 20005	Occupation	6/30/78	500.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ... $ 500.00		
General Aviation Political Action Committee P.O. Box 19121 Washington, D.C. 20036	Occupation	6/30/78	100.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date ...		
Total This Page (Use per page subtotal)			$ 2,900.00
Total This Period (Use last page subtotal only)			$

7801144354

In reply please refer to: 3SV1/78-44

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 17, 1978

Mr. Jim Staples, Chairman
Johnson County Democratic Central Committee
50 West Main Street
Greenwood, IN 46142

Dear Mr. Staples:

This letter is prompted by the Commission's interest in assisting committees who wish to comply with the Federal Election Campaign Act. Our review of the receipts reported by Dave Evans for Congress Committee indicates that your organization may have made contributions which total in excess of $1,000 during the calendar year. Enclosed is a copy(s) of the report(s) in which your contribution(s) is listed.

The act defines "political committee" to mean any organization, or other group of persons which receives contributions or makes expenditures (which includes contributions to Federal candidates and committees supporting Federal candidates), aggregating in excess of $1,000 during a calendar year. It would appear that your organization may qualify as a "political committee" subject to registration, reporting, and contribution limitation requirements of the Act.

If you agree that your organization is a political committee, please submit a Statement of Organization on FEC Form 1, in accordance with 2 U.S.C. 433. In addition, your committee will be required to file disclosure reports in accordance with 2 U.S.C. 434 on FEC Form 3.

If you agree that your organization has made contributions or expenditures which qualify you as a "political committee", but you do not wish to be considered as a "political committee", you must request refund(s) from the candidate(s) and/or political committee(s) to which you have contributed. As an alternative, political committees to which you made contributions may transfer all or part of the contributions to accounts which are not used to influence Federal elections. Refunds or transfers must be made in such amounts that the total remaining contributions made by you do not exceed $1,000 during a calendar year.

If you believe that your organization is not a political committee, or that the Commission is otherwise in error, please submit a statement which would clarify this matter for the public record. We have also enclosed relevant informational materials and forms for the registration of and reporting by the political committee. Please examine the enclosed materials.

10040225544

Please notify the Commission within thirty (30) days from the date on this letter of your decision on this matter. If you have any questions, please contact Pamela Brown in our Reports Analysis Division at (800)424-9530. Our local number is (202)523-1474.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Certified Mail
Return Receipts Requested

Enclosures

10042025254

JOHNSON COUNTY DEMOCRATIC CENTRAL COMMITTEE

CHAIRMAN
JIM STAPLES
50 W. MAIN STREET
GREENWOOD, IN 46142
PHONE 888-0684

SECRETARY:
DIANE McNEELY
R.R. 1, BOX 123C
TRAFALGAR, IN
PHONE 878-4835

VICE CHAIRLADY
CALLIE MORRIS
R.R. 1, BOX 164
FRANKLIN, IN 46131
PHONE [illegible]

TREASURER
DIANE MOORE
193 TERRACE COURT
FRANKLIN, IN 46131
PHONE [illegible]

November 10, 1978

067772

Mr. Orlando B. Potter, Staff Director
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: 3SV1/78-44

Dear Mr. Potter:

This is in response to your certified letter of October 17, 1978, concerning the contribution of $1,150.00 from the Johnson County Democratic Central Committee to the Dave Evans for Congress Committee, reported in the fourth quarter period ended December 31, 1977.

The Johnson County Democratic Central Committee is a part of the formal state committee structure of the Indiana Democratic State Central Committee; therefore, the contribution received by the Dave Evans for Congress Committee from the Johnson County Democratic Central Committee has been accepted under the provision of Section 1.10.3 of the law.

Respectfully submitted,

Jim Staples

Jim Staples
Chairman, Democratic Central
Committee, Johnson County,
Indiana

JS/mam

7803096040

Telecon:

Dug Greevy with Jim Staples
Johnson County Democratic Central Committee
3SV1/78-44
3/27/79

Talked with JS today. Phone: 317-888-0684.

I told him why his response of 11/10/78 was inadequate. I further stated that his committee, if made for the primary election, may be excessive because the contribution

committee may not be affiliated with the SCC.

He asked what he should do, and I suggested that he request a refund in the amount of $150 from Evans, as that was the only Fed. activity the committee had. He said that he would do that, and that we would be notified very shortly.

Telecon:

Dug Greevy with Tom Kern
Dave Evans for Congress Committee (legal advisor to)
317-882-2953
Companion SV--4SV1/78-16JE
3/27/79

TK called today stating:

1. Jim Staples called him regarding my conversation with him of this morning.
2. He responded to the same question to the Clerk of the House on 1/31/78.
3. Clerk of the House requested no additional information.
4. FEC therefore should be satisfied with the response.

5. He refused to provide a refund in the amount of $150 until he is formally notified why such a refund should be made.

I told him why the letter was sent out to the Johnson County Committee. I stated that the contribution to his committee may or may not be within the limitations, based upon any affiliation which the Johnson Committee has with a qualified committee, but that the Johnson County committee would have to register and report unless a refund was received.

He said that he did not understand why such a small and inactive committee needed to be registered with the Commission. I once again gave him the definition of political committee.

I told him that I would check with the House Team to ascertain what disposition had been taken of the letter received by him regarding the SV above.

8004102547

5

Memo: 3/28/79 Duy

Re: Johnson County Democratic Central Committee
Dave Evans for Congress Committee

I spoke with Eleanor of the house team. The response has been received, and no further action has at this time been taken.

I checked to see whether the Democratic SCC Committee in Indiana is qualified, and discovered that there was no committee (SCC) registered until today.

Thus, at this point in time, the contribution to Evans is excessive, and the Johnson County Committee remains under the responsibility to register and report unless a refund is received.

80010225548

10

JOHNSON COUNTY DEMOCRATIC CENTRAL COMMITTEE

CHAIRMAN
JIM STAPLES
50 W. MAIN STREET
GREENWOOD, IN 46142
PHONE 888-0684

SECRETARY
DIANE McNEELY
R.R. 1, BOX 123C
TRAFALGAR, IN
PHONE 878-4835

VICE CHAIRLADY
CELIA MORRIS
R.R. 1, BOX 391
FRANKLIN, IN 46131
PHONE 4[illegible]

TREASURER
DIANE MOORE
191 TERRACE COURT
FRANKLIN, IN 46131
PHONE [illegible]

April 9, 1979

Dear Mr. Greny,

This letter is a response to you, following our two conversations on March 27 and March 28, 1979. The thesis of our conversations was that the Johnson County Democratic Central Committee and the Dave Evans for Congress Committee are, together, in violation of FEC rules if the Evans Committee does not send the Johnson County Committee a check for $150.00.

After each conversation with you I immediately called Tom Kern, the treasurer of the Evans Committee, explained my discussion with you, and requested a check for $150.00 be returned to the county committee. Each time, Mr. Kern said he would "consider" the request. As of today, I have not received a check. I am therefore notifying you — as we agreed — that I, as Chairman of the Johnson County Democratic Central Committee, have done everything I can to avoid any Commission or legal action by the Federal Election Commission.

Sincerely yours,

James A. Staples
Chairman

00002554

Telecon:

Greevy with Jim Staples
Johnson County Democratic Central Committee
3/28/79

Called JS today to inform him that:

1. Kern talked with me yesterday.

2. Kern seemed very adamant in his refusal to make the $150 refund.

3. Johnson County committee is still at this point under an obligation to register and report.

4. Johnson County committee may have made an excessive contribution to Evans--even if the committee did register and claim affiliation with the SCC, that would not help as the SCC was not registered at the time of the contribution.

5. Evans' committee may be in violation of the Act, because they may have received an excessive contribution.

6. A refund of $150 from Evans' committee would:

   Bring both committees into compliance with the Act, assuming the Evans' committee is in violation at this time, and;

   Relieve the Johnson County committee of the obligation to register and report.

7. I would like to have some response from JS in the near future. I stated that if nothing else, he should inform us that he requested the refund.

6

In reply please refer to 3SV1/78-44

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

May 31, 1979

Jim Staples, Chairman
Johnson County Democratic Central Committee
50 West Main Street
Greenwood, IN 46142

Dear Mr. Staples:

This letter is prompted by the Commission's interest in assisting committees who wish to comply with the Federal Election Campaign Act. Our review of the receipts reported by Dave Evans for Congress Committee indicates that your organization may have made contributions which total in excess of $1,000 during the calendar year. Enclosed is a copy(s) of the report(s) in which your contribution(s) is listed.

The Act defines "political committee" to mean any organization, or other group of persons which receives contributions or makes expenditures (which includes contributions to Federal candidates and committees supporting Federal candidates), aggregating in excess of $1,000 during a calendar year. It would appear that your organization may qualify as a "political committee" subject to registration, reporting, and contribution limitation requirements of the Act.

If you agree that your organization is a political committee, please submit a Statement of Organization on FEC Form 1, in accordance with 2 U.S.C. 433. In addition, your committee will be required to file disclosure reports in accordance with 2 U.S.C. 434 on FEC Form 3.

If you agree that your organization has made contributions or expenditures which qualify you as a "political committee", but you do not wish to be considered as a "political committee", you must request refund(s) from the candidate(s) and/or political committee(s) to which you have contributed. The contribution of 6/16/78 to Dave Evans for Congress Committee is in addition to a previous contribution of $1,150 (see attached) made by you to that committee on 2/2/77. (Please refer to our letter dated 10/17/78). Thus, the total amount to be refunded is $300. As an alternative, political committees to which you made contributions may transfer all or part of the contributions to accounts which are not used to influence Federal elections. Refunds or transfers must be made in such amounts that the total remaining contributions made by you do not exceed $1,000 during a calendar year.

3

8 0 0 1 0 1 2 5 5 5 1

If you believe that your organization is not a political committee, or that the Commission is otherwise in error, please submit a statement which would clarify this matter for the public record. We have also enclosed relevant informational materials and forms for the registration of and reporting by the political committee. Please examine the enclosed materials.

Please notify the Commission within thirty (30) days from the date on this letter of your decision on this matter. If you have any questions, please contact Pamela Brown, in our Reports Analysis Division at (800)424-9530. Our local number is (202)357-0023.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Certified Mail
Return Receipts Requested

Enclosures

Washington, D.C. 20463

Supporting Lines 14a, [illegible], 14b, 15a, 16a, 17a, and/or 18a of FEC FORM 3

(Use Separate Schedules for each numbered line)

Name of Committee or Candidate in Full

DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each receipt this Period
Friends of Indiana Hospitals (Indiana Hospital Assn.) P.O. Box 55224 Indianapolis, IN 46220	Occupation	5/26/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date [illegible]		
Merchants Committee for Campaign Contributions One Merchants Plaza Indianapolis, IN 46204	Occupation	6/9/78	250.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date [illegible]		
Full Name, Mailing Address and ZIP Code: Johnson County Democratic Central Committee 50 W. Main St. Greenwood, IN 46142	Occupation	6/16/78	1,150.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date [illegible]		
Full Name, Mailing Address and ZIP Code: Home PAC 1000 Connecticut Ave. Suite 704 Washington, D.C. 20036	Occupation	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date [illegible]		
Full Name, Mailing Address and ZIP Code: Credit Union Legislative Action Council 1730 Rhode Island Ave., N.W. #810 Washington, D.C. 20036	Occupation	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date [illegible]		
Full Name, Mailing Address and ZIP Code: I.B.E.W. - C.O.P.E. 1125 - 15th Street, N.W. Washington, D.C. 20005	Occupation	6/30/78	500.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date [illegible]		
Full Name, Mailing Address and ZIP Code: General Aviation Political Action Committee P.O. Box 19121 Washington, D.C. 20036	Occupation	6/30/78	100.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year-To-Date [illegible]		

Total this page (or continuation) $2,000.00

Total to date (this line number only) ..... [illegible]

3501/78-44

SENDER: Complete items 1, 2, and 3
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one)
- Show to whom and date delivered
- Show to whom, date, and address of delivery
- RESTRICTED DELIVERY
  Show to whom and date delivered
- RESTRICTED DELIVERY
  Show to whom, date, and address of delivery $
  (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO
Charles Thomas City Hall CC
EN

3. ARTICLE DESCRIPTION
REGISTERED NO. | CERTIFIED NO. | INSURED NO.
91364 2

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
X James C. Hopes

4. DATE OF DELIVERY
POSTMARK
JUN 2 1978 USPO

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE
CLERK'S INITIALS

PS Form 3811, July 1977
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

12/17

3501/78-44

SENDER: Complete items 1, 2, and 3
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one)
- Show to whom and date delivered
- Show to whom, date, and address of delivery
- RESTRICTED DELIVERY
  Show to whom and date delivered
- RESTRICTED DELIVERY
  Show to whom, date, and address of delivery $
  (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO
Charles City Hall

3. ARTICLE DESCRIPTION
REGISTERED NO. | CERTIFIED NO. | INSURED NO.
91364 2

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
X James C. Hopes

4. DATE OF DELIVERY
6-2-78
POSTMARK
JUN 2 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE
CLERK'S INITIALS

PS Form 3811, July 1977
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

Around March 27, 1979, both the Chairman of the Johnson County Democratic Central Committee and myself were contacted by phone by a Mr. Dave Greevy of your office with respect to this matter. He insisted we were in violation of the law and that the Evans Committee must refund monies to the Johnson County Committee. We ask that he at least give us some type of response to our position as set out in our previous two (2) letters. He indicated that such a response would have to go through a chain of bosses and super bosses and that it would be very difficult. He suggested it would be simpler if we would just "refund the money"!

I feel this type of interpretation and attempted enforcement of regulations by staff persons is wrong. As I left it with Mr. Greevy, all we ask and have been asking for two (2) years is that someone respond to the position WE have taken.

With respect to the questioned One Thousand Three Hundred Dollar ($1,300) contribution by the Central Indiana Building and Construction Trades PAC to the General Election campaign for Congressman Evans in 1978:

We were not aware that this PAC committee is not a "registered PAC" within the meaning of the Federal Election laws, and accordingly limited to making contributions of One Thousand Dollars ($1,000) per election to any federal candidate. Accordingly, per your recommendation, and as evidence by the enclosed copy of our letter to that committee, we have returned as of this date Three Hundred Dollars ($300).

Sincerely,

Thomas J. Kern

Thomas J. Kern
Legal Advisor

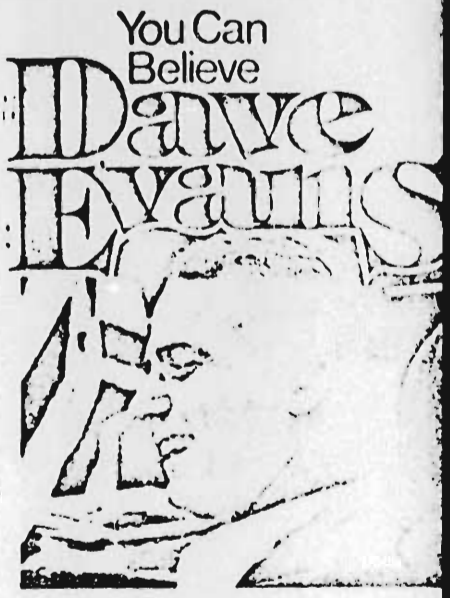
TJK/sb

encl.

Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, Indiana 46241

RECEIVED
FEDERAL ELECTION
COMMISSION

'79 JUN 11 AM 11:



June 7, 1979

Federal Election Commission
1325 "K" Street, N.W.
Washington, D.C. 20463

RE: 4SV1/79-51,53PH

Dear Sirs:

This is in response to your letter of May 30, 1979.

With respect to the proported excess contributions by the Johnson County Democratic Central Committee on June 6, 1978, and again on February 2, 1979:

The issue is, since the Johnson County Democratic Central Committee is not a "registered committee" within the meaning of the Federal Election laws, is it in violation of those laws for the Dave Evans for Congress Committee to accept a contribution from the Committee in excess of One Thousand Dollars ($1,000.00) per election? (Actual contribution was One Thousand One Hundred Fifty Dollars ($1,150.00).)

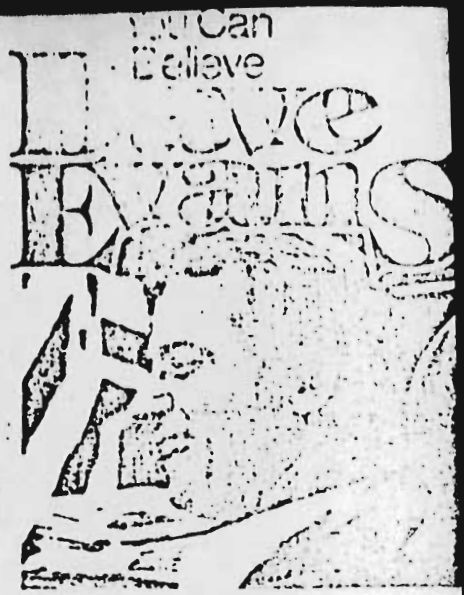
In response to this question being raised with respect to the Committee's contribution to our committee in 1977, we, by letter of January 31, 1978, asserted that our position is as follows:

> "The Johnson County Democratic Central Committee is a part of the formal State Committee structure under the Indiana Democratic Central Committee and; therefore, the contribution received from the Johnson County Democratic Central Committee has been accepted under the provision of Section 1.10.3 of the law." (The right of State Party Committee to give Ten Thousand Dollars ($10,000.00).)

Again, in response to the same question raised by your letter dated January 29, 1979, with respect to the Johnson County Committee's contribution to the Dave Evans for Congress Committee's general election fund in 1978, we responded by letter of February 2, 1979, that our response is the same as set out above.

We have not received responses to our January 31, 1978, or our February 2, 1979, letters.

Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, Indiana 46241



June 7, 1979

Central Indiana Building
and Construction Trades PAC
2635 South Madison Avenue
Indianapolis, IN 46225

Gentlemen:

It has been called to our attention by the Federal Election Commission that you are not a "registered PAC" within the meaning of the Federal Election laws. Accordingly, we are unable to accept contributions from your PAC in access of One Thousand Dollars ($1,000.00) per election. According to our records, you contributed to the Dave Evans for Congress Committee Five Hundred Dollars ($500) on July 7, 1978, and an additional Eight Hundred Dollars ($800.00) on October 20, 1978, both of which contributions were assumed to be for the benefit of Dave's General Election campaign for November, 1978.

In keeping with the direction of the Commission, we are herewith refunding to your PAC the sum of Three Hundred Dollars ($300.00).

Your continued support of Congressman Evans and his reelection campaigns is appreciated.

Sincerely,

Thomas J. Kern
Legal Advisor

TJK/sb

encl.

Memo to the File:

Greevy
6/22/79
Meeting: Scall, Bowen, Sims, Greevy

Met this day with Lester Scall on two matters:

1. Possible non-compliance of subordinate party committees(unregistered) with respect to 11 CFR 110.7(c)(2)(iii). Alva Smith prepared a draft SV to be sent to these committees, numbering perhaps 250. Scall stated that he would review the letter and get back to us.

2. Johnson County Democratic Central Committee/Dave Evans for Congress. After reviewing the situation with Scall, I stated that I did not think that it would be worthwhile, in terms of gaining compliance, for this Division to pursue RTB with respect to these possible violations. This suggestion was based upon the fact that the Evans committee had requested specific information from the Clerk and the Commission, as outlined in his letter of 6/7/79.

Scall indicated that he was in agreement with this. He stated that we should prepare a referral for OGC at this time, as this would permit his Office to answer these questions, and perhaps gain compliance, prior to advancing to the next stage of compliance.

It appeared that the fact that we had been in phone contact with both parties also bore upon his decision.

9

JOHNSON COUNTY DEMOCRATIC CENTRAL COMMITTEE

CHAIRMAN:
JIM STAPLES
50 W. MAIN STREET
GREENWOOD, IN 46142
PHONE 888-0684

SECRETARY:
DIANE McNEELY
R.R. 1, BOX 123C
TRAFALGAR, IN
PHONE 878-4835

VICE-CHAIRLADY:
CALLIE MORRIS
R.R. 1, BOX 164
FRANKLIN, IN 46131
PHONE 422-5385

TREASURER:
DIANE MOORE
193 TERRACE COURT
FRANKLIN, IN 46131
PHONE 736-9371

COMMISSION
'79 JUL 5 PM 12:00

June 28, 1979

Mr. Orlando B. Potter
Staff Director
Federal Election Commission
1325 D Street N.W.
Washington, D.C. 20463

RE: 3SV1/78-44

Dear Sir:

In response to your letter of May 31, 1979, I have, as you suggested, requested Tom Kern, Legal Advisor for the Dave Evans for Congress Committee, to refund the necessary money in order for us to have given less than $1,000 to Congressman Evans in each of two years. For various reasons, he has not.

I have also discussed this matter with members of the Indiana Democratic State Central Committee. They tell me that the necessary papers have been filed so that we, the Johnson County Democratic Central Committee, is a part of the formal state committee structure under the Indiana Democratic State Central Committee; and therefore, the contribution received from our committee to the Evans Committee was accepted under the provision of Section 1.10.3 of the law.

I hope this finally concludes this matter.

Sincerely,
Jim Staples
Johnson County Democratic Chairman

12

D 912
RAD 91-190
MUR 1069

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

DATE 10/24/79

ANALYST Susan Kaltenbaugh SK

TO: OGC

TEAM CHIEF Peter Kell, Jr. SK for PK

THROUGH: STAFF DIRECTOR

COMPLIANCE REVIEW Carroll Bowen CB

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE/COMMITTEE: DAVE EVANS FOR CONGRESS COMMITTEE IN/06

TREASURER: Ray Clements

ADDRESS: P.O. Box 41709-B
Indianapolis, Indiana 46241

AFFILIATE(S): Not pertinent to the allegations

ALLEGATION(S):	CITE:	ATTACHMENT(S)
The Committee has accepted four contributions from two unregistered committees in excess of FECA limitations.	2 U.S.C.441(a)(1)(a)	2 3 4 5

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE:

10/24/78

ATTACHMENT

1

0 4 0 0 2 5 5 6 0

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM 10/1/77 TO 3/31/79

TOTAL RECEIPTS $ 199,934.45 TOTAL EXPENDITURES $ 177,937.41

CASH ON HAND $ 26,597.03 DEBTS $ 0

HISTORY:

RESULTS OF REVIEW: ATTACHMENT

Please see Page Two.

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: ATTACHMENT

Telecon: 3/27/79 David Greevy to Jim Staples 11
Telecon: 3/27/79 David Greevy to Tom Kern 12
Telecon: 3/28/79 David Greevy to Jim Staples 13

REASON(S) FOR REFERRAL: ATTACHMENT

An adequate response was received on 6/12/79, in which $300 was refunded to Central Indiana Bldg. & Const. Trades Pac. This exceeds the Division threshold for review by OGC. 10

The contribution from Johnson County Democratic Central Committee has not been refunded to date.

OTHER PENDING ACTIONS INITIATED BY RAD: ATTACHMENT

OTHER RELEVANT INFORMATION:

See referral for Johnson County Democratic Central Committee.

Mur 466 (closed 1/4/78) generated by Audit

RESULTS OF REVIEW	ATTACHMENT
SV1 on Year End 1977 report dated 1/29/79	6
SV1 on July 10, October 10 & 10 day Pre-Primary reports dated 5/30/79	7
Response to Clerk of the House dated 1/31/78 for Year End 1977 report	8
Response to SV1 dated 2/2/79 for Year End 1977 report	9
Response to SV1 dated 6/7/79 for July 10, October 10 & 10 day Pre-Primary reports	10

The Committee has not refunded the excessive $300 transfer from the Johnson County Democratic Central Committee. They allege that Johnson County is part of the State Central Committee's structure, and therefore the transfer was legitimate. However, the Indiana Democratic Central Committee was not even registered at the time of the first excessive transfer.

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

HOUSE

MITTEE	DOCUMENT	RECEIPTS PRIMARY	RECEIPTS GENERAL	EXPENDITURES PRIMARY	EXPENDITURES GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
E EVANS FOR CONGRESS COMMITTEE								ID# C00013177
1977	STATEMENT OF ORGANIZATION- AMENDMENT					7APR77	1	77HSE/122/0014
	STATEMENT OF ORGANIZATION- AMENDMENT					21APR77	1	77HSE/122/26[illegible]
	STATEMENT OF ORGANIZATION- AMENDMENT					25APR77	1	77HSE/122/2[illegible]
	STATEMENT OF ORGANIZATION- AMENDMENT					27MAY77	3	77HSE/122/52[illegible]
	MISCELLANEOUS TRANSACTION FROM F.E.C.					31MAY77	1	77HSE/123/00[illegible]
	STATEMENT OF ORGANIZATION- AMENDMENT					7OCT77	1	77HSE/125/2766
	STATEMENT OF ORGANIZATION- AMENDMENT					17NOV77	1	77HSE/127/1077
1978	48 HOUR CONTRIBUTION NOTICE					24OCT78	1	78HSE/151/2192
	MISCELLANEOUS TRANSACTION TO F.E.C.					26OCT78	1	78HSE/151/2876
	48 HOUR CONTRIBUTION NOTICE					27OCT78	1	78HSE/152/0636
	48 HOUR CONTRIBUTION NOTICE					30OCT78	1	78HSE/154/1272
	48 HOUR CONTRIBUTION NOTICE					1NOV78	1	78HSE/154/2497
	48 HOUR CONTRIBUTION NOTICE					1NOV78	1	78HSE/154/2332
	48 HOUR CONTRIBUTION NOTICE					2NOV78	2	78HSE/154/3657
	48 HOUR CONTRIBUTION NOTICE					2NOV78	1	78HSE/154/3834
	48 HOUR CONTRIBUTION NOTICE					2NOV78	1	78HSE/154/4469
	48 HOUR CONTRIBUTION NOTICE					6NOV78	1	78HSE/155/0024
1977	APRIL 10 QUARTERLY	6,853		1,828		1JAN77 -31MAR77	7	77HSE/122/0018
	APRIL 10 QUARTERLY - AMENDMENT	0		0		1JAN77 -31MAR77	1	79FEC 121/4805
	JULY 10 QUARTERLY	12,929		3,273		31MAR77 -30JUN77	11	77HSE/123/2489
	JULY 10 QUARTERLY - AMENDMENT	0		0		30JUN77	1	79FEC/121/4803
	OCTOBER 10 QUARTERLY	5,711		4,519		1JUL77 -30SEP77	8	77HSE/125/35[illegible]
	REQUEST FOR ADDITIONAL INFORMATION					1JUL77 -30SEP77	3	78FEC/064/39[illegible]
	OCTOBER 10 QUARTERLY - AMENDMENT					1JUL77 -30SEP77	1	78HSE/130/1[illegible]
	YEAR END REPORT	4,501		1,295		1OCT77 -31DEC77	5	78HSE/128/05[illegible]
	REQUEST FOR ADDITIONAL INFORMATION					31DEC77	1	79FEC/121/2143
	YEAR END REPORT - AMENDMENT					2/8/78	1	78HSE/129/2319
	YEAR END REPORT - AMENDMENT						1	79HSE/162/1663
	COMP AMEND						1	77HSE/124/2844
	COMP AMEND					1JAN77 -30JUN77	5	77HSE/124/2859
	COMP AMEND	20,725		7,101		1JAN77 -30JUN77	3	77HSE/125/0176
1978	APRIL 10 QUARTERLY	20,859		7,544		1JAN78 -31MAR78	14	78HSE/133/2011
	10 DAY PRE-PRIMARY	5,230		150		1APR78 -16APR78	5	78HSE/134/4533
	REQUEST FOR ADDITIONAL INFORMATION					1APR78 -16APR78	2	79FEC/128/2832
	30 DAY POST-PRIMARY	6,635		8,361		17APR78 -22MAY78	7	78HSE/137/3083
	JULY 10 QUARTERLY		3,533		3,183	23MAY78 -30JUN78	7	78HSE/141/4357
	REQUEST FOR ADDITIONAL INFORMATION					23MAY78 -30JUN78	2	78FEC/096/0709
	JULY 10 QUARTERLY - AMENDMENT					23MAY78 -30JUN78	1	78HSE/159/3195
	REQUEST FOR ADDITIONAL INFORMATION					23MAY78 -30JUN78	2	79FEC/128/2830
	OCTOBER 10 QUARTERLY		66,596		27,632	1JUL78 -30SEP78	26	78HSE/146/4475
	OCTOBER 10 QUARTERLY - AMENDMENT					30SEP78	1	78HSE/154/4992

REQUEST FOR ADDITIONAL INFORMATION					30SEP78	3	79FEC/126/3222
REQUEST FOR ADDITIONAL INFORMATION				1JUL78	-30SEP78	3	79FEC/128/2107
10 DAY PRE-GENERAL		26,126	81,652	10CT78	-23OCT78	14	78HSE/153/0200
30 DAY POST-GENERAL		31,769	25,187	24OCT78	-27NOV78	18	78HSE/156/0619
30 DAY POST-GENERAL	- AMENDMENT	31,769	25,187	24OCT78	-27NOV78	2	79HSE/165/1981
30 DAY POST-GENERAL	- AMENDMENT	31,769	25,187	24OCT78	-27NOV78	2	79HSE/165/2837
YEAR END REPORT		1,581	9,145	28NOV78	-31DEC78	4	79HSE/161/0976

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 2[illegible]N79
PAGE 2

HOUSE

COMMITTEE DOCUMENT		RECEIPTS PRIMARY	RECEIPTS GENERAL	EXPENDITURES PRIMARY	EXPENDITURES GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
REQUEST FOR ADDITIONAL INFORMATION							2	79FEC/118/1701
REQUEST FOR ADDITIONAL INFORMATION						28NOV78 -31DEC78	3	79FEC/126/2485
YEAR END REPORT (1977)	- AMENDMENT					31DEC78	1	79HSE/162/1664
YEAR END REPORT	- AMENDMENT		1,581		9,145	28NOV78 -31DEC78	2	79HSE/165/1979
YEAR END REPORT	- AMENDMENT		1,581		9,145	28NOV78 -31DEC78	2	79HSE/165/2810
	TOTAL	63,661	129,605	28,970	146,799		192	TOTAL PAGES

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 25JUN79
PAGE

HOUSE

COMMITTEE DOCUMENT	RECEIPTS PRIMARY	RECEIPTS GENERAL	EXPENDITURES PRIMARY	EXPENDITURES GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
DAVE EVANS FOR CONGRESS COMMITTEE							ID# C00013177
1979 APRIL 10 QUARTERLY	6,528		1,975		1JAN79 -31MAR79	7	79HSE/164/1366
APRIL 10 QUARTERLY - AMENDMENT					1JAN79 -31MAR79	1	79HSE/165/1983
REQUEST FOR ADDITIONAL INFORMATION for 10 day General					23OCT79	2	79FEC/126/3226
REQUEST FOR ADDITIONAL INFORMATION for 30 General						2	79FEC/126/1444

Schedule A
July 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Itemized Receipts, Contributions, Ticket Purchases, Loans, Rebates, and Transfers for Line Numbers 15, 16, 17 and/or 18 of FEC Form 3

(see instructions on back)

Page 1 of 1 for
LINE NUMBER 18(b)
(Use separate schedule(s) for each numbered line)

Name of Candidate or Committee in full

DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, mailing address and ZIP code	Principal place of business	Occupation / Check if Contributor is self-employed / Aggregate Year-to-date	Date (month, day, year)	Amount of each receipt this period
Morgan Co. Democratic Central Committee R.R. #7, Box 610 Martinsville, IN 46151 Attn: Reba Phillips Chairman	Morgan County Indiana	☐ Check if Contributor is self-employed Aggregate Year-to-date ▶ $ 750.00	10/7/77	750.00
Johnson Co. Democratic Central Committee 50 W. Main St. Greenwood, IN 46142 Attn: Jim Staples, Chairman	Johnson County Indiana	☐ Check if Contributor is self-employed Aggregate Year-to-date ▶ $ 1,150.00	12/2/77	1,150.00
Hendricks Co. Democratic Central Comm. R.R. #3, Box 585 Plainfield, IN 46168	Hendricks County Indiana	☐ Check if Contributor is self-employed Aggregate Year-to-date ▶ $ 450.00	12/9/77	450.00
Full Name, mailing address and ZIP code	Principal place of business	Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ▶ $	Date (month, day, year)	Amount of each receipt this period
Full Name, mailing address and ZIP code	Principal place of business	Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ▶ $	Date (month, day, year)	Amount of each receipt this period
Full Name, mailing address and ZIP code	Principal place of business	Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ▶ $	Date (month, day, year)	Amount of each receipt this period

Subtotal of receipts this page (optional) ▶ $

Total this period (last page this line number only) ▶ $ 2,350.00

Page

Supporting Lines 14b, [illegible], 16b, 16c, 16d, 17b, and/or 18a of FEC FORM 13

(Use separate schedules for each numbered line)

Name of Candidate or Committee in Full

DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Friends of Indiana Hospitals (Indiana Hospital Assn.) P.O. Box 50214 Indianapolis, IN 46220	Check if Contributor is self-employed; Aggregate Year-To-Date $ 300.00	5/26/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other			
Merchants Committee for Campaign Contributions One Merchants Plaza Indianapolis, IN 46204	Check if Contributor is self-employed; Aggregate Year-To-Date $ 250.00	6/9/78	250.00
Receipt for: ☐ Primary ☐ General ☐ Other			
Johnson County Democratic Central Committee 50 N. Main St. Greenwood, IN 46142	Check if Contributor is self-employed; Aggregate Year-To-Date $ 1,150.00	6/16/78	1,150.00
Receipt for: ☐ Primary ☐ General ☐ Other			
House PAC 1000 Connecticut Ave. Suite 704 Washington, D.C. 20036	Check if Contributor is self-employed; Aggregate Year-To-Date $ 300.00	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other			
Credit Union Legislative Action Council 1730 Rhode Island Ave., N.W. #810 Washington, D.C. 20036	Check if Contributor is self-employed; Aggregate Year-To-Date $ 300.00	6/30/78	300.00
Receipt for: ☐ Primary ☐ General ☐ Other			
I.B.E.W. - C.O.P.E. 1125 - 15th Street, N.W. Washington, D.C. 20005	Check if Contributor is self-employed; Aggregate Year-To-Date $ 500.00	6/30/78	500.00
Receipt for: ☐ Primary ☐ General ☐ Other			
General Aviation Political Action Committee P.O. Box 19121 Washington, D.C. 20036	Check if Contributor is self-employed; Aggregate Year-To-Date $ 100.00	6/30/78	100.00
Receipt for: ☐ Primary ☐ General ☐ Other			
Subtotal of receipts this page (optional)			$ 2,900.00
Total (enter on this line number only)			$

7801142359

SCHEDULE A
REVISED
Jan. 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Line Number 15 (i)

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full
Dave Evans For Congress Committee

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Central Indiana Bldg. Trades PAC 2635 Madison Ave. Indianapolis, IN 46225 Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self employed Aggregate Year To Date $ 500.	7/7/78	500.00
AVCO Corp PAC 1275 King St. Greenwich, Conn. 06830 Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self employed Aggregate Year To Date $ 100	7/7/78	100.00
Ford Civic Action Fund c/o Dearborn Bk & Tr Co. One Village Plaza Tower Dearborn, Michigan 48124 Receipt for: ☐ Primary ☑ General ☐ Other	☐ Check if Contributor is self employed Aggregate Year To Date $ 500	7/14/78	500.00
Telephone Education Comm. Org 2626 Pennsylvania Ave NW Washington, D.C. 20037 Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self employed Aggregate Year To Date $ 100	7/14/78	100.00
American Telephone PAC 195 Broadway, Rm. 1038 New York, N.Y. 10007 Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self employed Aggregate Year To Date $ 100	7/14/78	100.00
Indiana Bell PAC INBELLPAC 240 N. Meridian St. Indianapolis, IN 46204 Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self employed Aggregate Year To Date $ 200	7/14/78	200.00
Panhandle Eastern System PAC P. O. Box 1642 Houston, Texas 77001 Receipt for: ☐ Primary ☑ General ☐ Other	☐ Check if Contributor is self employed Aggregate Year To Date $ 250	7/14/78	250.00
SUBTOTAL of Receipts this page (optional)			$
TOTAL of Receipts this page (last page only)			$

7 9 0 1 1 1 5 1 4 8 4

FEC FORM 3A
Rev. 1/78
Federal Election Commission
8 K Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 4 of 4 for Line Number 15b

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full
DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each receipt this Period
Food Industry Good Govt. Comm. 1750 K. St. N. W. Suite 700 Washington, D.C. 20006 Receipt for: ☐ Primary ☐ General ☐ Other	Same Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $ 200.00	10/20/78	100.00
American Federation of Teachers Comm. on Polit. Educ 11 Dupont Circle N. W. Washington, D. C. 20036 Receipt for: ☐ Primary ☐ General ☐ Other	Same Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $	10/20/78	1000.00
Maintenance of Way Polit League 12050 Woodward Ave Detroit Michigan 48203 Receipt for: ☐ Primary ☐ General ☐ Other	Same Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $	10/20/78	200.00
Action Committee For Rural Elect. 2000 Florida Ave. N. W. Washington D. C. 20009 Receipt for: ☐ Primary ☐ General ☐ Other	same Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $ 600.00	10/20/78	300.00
Eli Lilly PAC 307 E. McCarty Indianapolis, IN 46206 Receipt for: ☐ Primary ☐ General ☐ Other	Same Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $ 500.00	10/20/78	200.00
Central Indiana Bldg. & Const. Trades PAC 2625 S. Madison Indianapolis, IN Receipt for: ☐ Primary ☐ General ☐ Other	Same Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $ 1,000.00	10/20/78	800.00
Full Name, Mailing Address and ZIP Code Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business Occupation ☐ Check if Contributor is self-employed Aggregate Year-To-Date . . . $	Date (month, day, year)	Amount of each receipt this Period

Total of this page (or this continuation) . . . . . $

In reply please refer to 4SVI/78-16JE

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

29 January 1979

IN/06 C00013177

Mr. Ray Clements, Treasurer
Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, Indiana 46241

Dear Mr. Clements:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. During review of the 1977 Year End Report of Receipts and Expenditures, we noticed an entry indicating that you may have received a contribution which exceeds the limits set forth in the Act. A copy of that portion of your report is attached so that a review of your records can be made.

The Act precludes individuals and political committees, other than multicandidate committees, from making political contributions to a candidate for Federal election in excess of $1,000 per election. The Act defines a multicandidate committee as one which has been registered for a period of not less than six months; has received contributions from more than fifty persons; and has made contributions to five or more candidates for Federal office. The committee listed as the source of the contribution in question does not presently qualify as a multicandidate committee and we have notified them accordingly. We have recommended that the source committee notify you if it is confirmed that the contribution was in excess of the limits.

The Commission recommends that if you find the contribution you received was in excess of the limits set forth in the Act you return the amount in excess of $1,000 to the donor. This return should be reported immediately by letter and should be reflected as a contribution refund on your next report of receipts and expenditures. If you find that the entry in question is incomplete or incorrect, please submit a statement which would clarify this particular matter for the public record. You may do so by amending your original report by letter.

Please notify the Commission within fifteen (15) days from the date of this letter of the determination made on this matter. If you have any questions concerning this matter, please do not hesitate to contact Penny Harms ~~Jim Eastwood~~ (800)424-9530, our Reports Analyst assigned to you. Our local telephone number is 523-4172.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

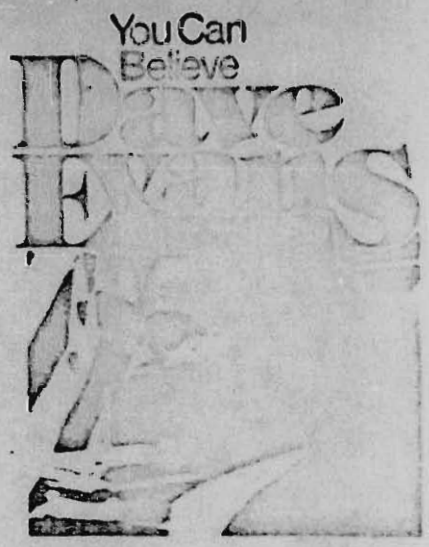
Certified Mail

Return Receipt Requested

P 004 022 557

FEB 3 1979
REGULAR MAIL

Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, Indiana 46241



February 2, 1979

Mr. Orlando B. Potter
Staff Director
Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

031551

RE: MUR 176-16 JE

Dear Sir:

In response to yours of January 29, 1979, attached is a copy of our response to that same question raised with respect to a like contribution by that same Committee to our Committee last year. The explanation remains the same.

As ever,

Thomas J. Kern
Legal Advisor

TJK/sb

enclosure

1979 FEB -8 PM 12:35
FEDERAL ELECTION COMMISSION

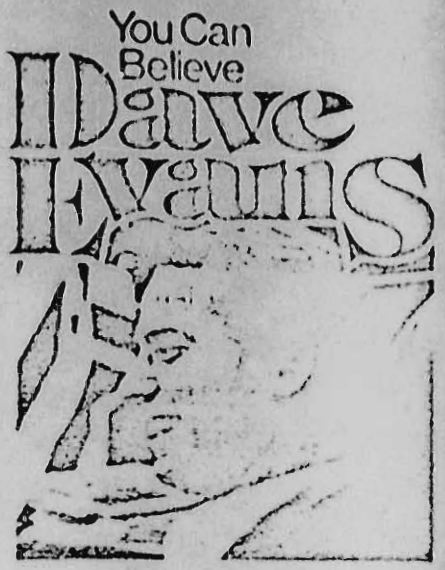
Dave Evans for Congress Committee
501 National Avenue
Indianapolis, Indiana 46227
(317) 788-4556

IN-06

3 amend YE

REGULAR MAIL

C00013177



January 31, 1978

JAN 31 1978

Office of the Clerk
U.S. House of Representatives
Washington, D.C. 20515

Attn: Mr. John Overstreet

RE: I.D. #031551

Dear John,

This is in response to your letter of January 27, 1978, relative to the contribution of $1,150.00 from the Johnson County Democratic Central Committee reported in our report for the fourth quarter period ended December 31, 1977.

The Johnson County Democratic Central Committee is a part of the formal state committee structure under the Indiana Democratic Central Committee and; therefore, the contribution received from the Johnson County Democratic Central Committee has been accepted under the provision of Section 1.10.3 of the law.

Sincerely,

Ray Clements

RAY CLEMENTS
Treasurer

RC:dr
cc: Secrttary of State, Larry Conrad

7 8 0 1 1 2 2 0 5 5 7 5

Telecon:

Dug Greevy with Jim Staples
Johnson County Democratic Central Committee
3SV1/78-44
3/27/79

Talked with JS today. Phone: 317-888-0684.

I told him why his response of 11/10/78 was inadequate. I further stated that his committee, if made for the primary election, may be excessive because the contribution

committee may not be affiliated with the SCC.

He asked what he should do, and I suggested that he request a refund in the amount of $150 from Evans, as that was the only Fed. activity the committee had. He said that he would do that, and that we would be notified very shortly.

Telecon:

Dug Greevy with Tom Kern
Dave Evans for Congress Committee (legal advisor to)
317-882-2953
Companion SV--4SV1/78-16JE
3/27/79

TK called today stating:

1. Jim Staples called him regarding my conversation with him of this morning.
2. He responded to the same question to the Clerk of the House on 1/31/78.
3. Clerk of the House requested no additional information.
4. FEC therefore should be satisfied with the response.

5. He refused to provide a refund in the amount of $150 until he is formally notified why such a refund should be made.

I told him why the letter was sent out to the Johnson County Committee. I stated that the contribution to his committee may or may not be within the limitations, based upon any affiliation which the Johnson Committee has with a qualified committee, but that the Johnson County committee would have to register and report unless a refund was received.

He said that he did not understand why such a small and inactive committee needed to be registered with the Commission. I once again gave him the definition of political committee.

I told him that I would check with the House Team to ascertain what disposition had been taken of the letter received by him regarding the SV above.

Telecon:

Greevy with Jim Staples
Johnson County Democratic Central Committee
3/28/79

Called JS today to inform him that:

1. Kern talked with me yesterday.

2. Kern seemed very adamant in his refusal to make the $150 refund.

3. Johnson County committee is still at this point under an obligation to register and report.

4. Johnson County committee may have made an excessive contribution to Evans--even if the committee did register and claim affiliation with the SCC, that would not help as the SCC was not registered at the time of the contribution.

5. Evans' committee may be in violation of the Act, because they may have received an excessive contribution.

6. A refund of $150 from Evans' committee would:

   Bring both committees into compliance with the Act, assuming the Evans' committee is in violation at this time, and;

   Relieve the Johnson County committee of the obligation to register and report.

7. I would like to have some response from JS in the near future. I stated that if nothing else, he should inform us that he requested the refund.

00040257

13

EVANS 6/30

In reply please refer to 4SV1/79-51,53PH

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

30 May 1979

Ray Clements, Treasurer
Dave Evans for Congress Committee
P.O. Box 41709-B
Indianapolis, IN 46241

Dear Mr. Clements:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. During review of the October 10 Quarterly, 10 Day Pre-Primary and July 10 Quarterly Reports of Receipts and Expenditures, we noticed entries indicating that you may have received contributions which exceed the limits set forth in the Act. A copy of those portions of your reports are attached so that a review of your records can be made.

The Act precludes individuals and political committees, other than multicandidate committees, from making political contributions to a candidate for Federal election in excess of $1,000 per election. The Act defines a multicandidate committee as one which has been registered for a period of not less than six months; has received contributions from more than fifty persons; and has made contributions to five or more candidates for Federal office. The committees listed as the sources of the contributions in question do not presently qualify as multicandidate committees and we have notified them accordingly. We have recommended that the source committees notify you if it is confirmed that the contributions were in excess of the limits.

The Commission recommends that if you find the contributions you received were in excess of the limits set forth in the Act you return the amounts in excess of $1,000 to the donors. These returns should be reported immediately by letter and should be reflected as contribution refunds on your next report of receipts and expenditures. The contribution of 6/6/78 from Johnson County Democratic Central Committee (see attached) is in addition to a previous contribution of $1,150 from that committee on 2/2/77. (Please refer to our letter of 1/29/79). Thus, the total amount to be refunded is $300. If you find that the entries in question are incomplete or incorrect, please submit a statement which would clarify this particular matter for the public record. You may do so by amending your original report by letter.

Please notify the Commission within fifteen (15) days from the date of this letter of the determination made on this matter. If you have any questions concerning this matter, please do not hesitate to contact Penny Harms (800)424-9530, our Reports Analyst assigned to you. Our local telephone number is (202)523-4172.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Certified Mail
Return Receipt Requested

Enclosures

EG [illegible]

PS Form 3811, Apr. 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one):
   - ☐ Show to whom and date delivered c
   - ☐ Show to whom, date, and address of delivery c
   - ☐ RESTRICTED DELIVERY. Show to whom and date delivered c
   - ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery $ ____ (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	[illegible]	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

Margaret A. McGowan

4. DATE OF DELIVERY | POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS

[illegible]

☆GPO 1977-0-[illegible]

Clemens

DAVE EVANS

Due 6/30

...s Committee

...Indiana 46241

FEDERAL ELECTION COMMISSION

79 JUN 11 AM 11:

79 JUN 12 AM 11:17

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

JUN 8 1979

June 7, 1979

031551

Federal Election Commission
1325 "K" Street, N.W.
Washington, D.C. 20463

RE: 4SV1/79-51,53FH

Dear Sirs:

This is in response to your letter of May 30, 1979.

With respect to the proported excess contributions by the Johnson County Democratic Central Committee on June 6, 1978, and again on February 2, 1979:

The issue is, since the Johnson County Democratic Central Committee is not a "registered committee" within the meaning of the Federal Election laws, is it in violation of those laws for the Dave Evans for Congress Committee to accept a contribution from the Committee in excess of One Thousand Dollars ($1,000.00) per election? (Actual contribution was One Thousand One Hundred Fifty Dollars ($1,150.00).)

In response to this question being raised with respect to the Committee's contribution to our committee in 1977, we, by letter of January 31, 1978, asserted that our position is as follows:

> "The Johnson County Democratic Central Committee is a part of the formal State Committee structure under the Indiana Democratic Central Committee and: therefore, the contribution received from the Johnson County Democratic Central Committee has been accepted under the provision of Section 1.10.3 of the law." (The right of State Party Committee to give Ten Thousand Dollars ($10,000.00).)

Again, in response to the same question raised by your letter dated January 29, 1979, with respect to the Johnson County Committee's contribution to the Dave Evans for Congress Committee's general election fund in 1978, we responded by letter of February 2, 1979, that our response is the same as set out above.

We have not received responses to our January 31, 1978, or our February 2, 1979, letters.

10

DAVE EVANS

Around March 27, 1979, both the Chairman of the Johnson County Democratic Central Committee and myself were contected by phone by a Mr. Dave Greevy of your office with respect to this matter. He insisted we were in violation of the law and that the Evans Committee must refund monies to the Johnson County Committee. We ask that he at least give us some type of response to our position as set out in our previous two (2) letters. He indicated that such a response would have to go through a chain of bosses and super bosses and that it would be very difficult. He suggested it would be simpler if we would just "refund the money"!

I feel this type of interpretation and attempted enforcement of regulations by staff persons is wrong. As I left it with Mr. Greevy, all we ask and have been asking for two (2) years is that someone respond to the position WE have taken.

With respect to the questioned One Thousand Three Hundred Dollar ($1,300) contribution by the Central Indiana Building and Construction Trades PAC to the General Election campaign for Congressman Evans in 1978:

We were not aware that this PAC committee is not a "registered PAC" within the meaning of the Federal Election laws, and accordingly limited to making contributions of One Thousand Dollars ($1,000) per election to any federal candidate. Accordingly, per your recommendation, and as evidence by the enclosed copy of our letter to that committee, we have returned as of this date Three Hundred Dollars ($300).

Sincerely,

Thomas J. Kern

Thomas J. Kern
Legal Adviser

TJK/sb

encl.

Committee
46208-0
Indianapolis, Indiana 46241

June 7, 1979

Central Indiana Building
and Construction Trades PAC
2635 South Madison Avenue
Indianapolis, IN 46221

Gentlemen:

It has been called to our attention by the Federal Election Commission that you are not a "registered PAC" within the meaning of the Federal Election laws. Accordingly, we are unable to accept contributions from your PAC in access of One Thousand Dollars ($1,000.00) per election. According to our records, you contributed to the Dave Evans for Congress Committee Five Hundred Dollars ($500) on July 7, 1978, and an additional Eight Hundred Dollars ($800.00) on October 20, 1978, both of which contributions were assumed to be for the benefit of Dave's General Election campaign for November, 1978.

In keeping with the direction of the Commission, we are herewith refunding to your PAC the sum of Three Hundred Dollars ($300.00).

Your continued support of Congressman Evans and his reelection campaigns is appreciated.

Sincerely,

Thomas J. Kern
Legal Advisor

TJK/sb

encl.

SCHEDULE B
REVISED
January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Transfers Out, Contributions In-Kind, Loans, Loan Repayments and Refunds Made)
Supporting Lines 20a, 21a, and 22a, 22b, and 22c of FEC FORM 3

Page 1 of 1 for
Line Number 21 (a)

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full
DAVE EVANS FOR CONGRESS COMMITTEE

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
22 Central Indiana Building Trades Political Action Committee 2348 South Madison Avenue Indianapolis, IN 46227	Refund of $300.00 from 1978 General Election Contribution Expenditure for: ☐ Primary ☐ General ☒ Other	6/7/79	$300.00
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period
SUBTOTAL of expenditures this page (optional)			$
TOTAL this period (last page this line number only)			$ 300.00

9 0 0 0 1 3 2 5 8 1 5

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1067

Date Filmed 12/17/80 Camera No. --- 2

Cameraman SPC

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