FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1092

Date Filmed 7-28-81 Camera No. --- 2

Cameraman DPC

FEDERAL ELECTION COMMISSION

Documents related to conciliation

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 Jonathan M. Levin

date June 18, 1981

FEC 9-21-77

FEDERAL ELECTION COMMISSION

Checking account number on civil penalty check.

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 Jonathan M. Teren

date June 18, 1981

FEC 9-21-77

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 16, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Doris D'antoni, Treasurer
American Party of Florida
Route 2, Box 196
Lithia, Florida 33547

Re: MUR 1092

Dear Mrs. D'antoni:

On June 11, 1981, the Commission accepted the conciliation agreement signed by you on behalf of the American Party of Florida. Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

The Office of General Counsel of the Commission has already received a civil penalty check and Year End Reports in compliance with the terms of the conciliation agreement sent to you on August 21, 1980. 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.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Doris D'antoni, Treasurer
American Party of Florida
Route 2, Box 196
Lithia, Florida 33547

Re: MUR 1092 6/10/81

Dear Mrs. D'antoni:

On 1981, the Commission accepted the conciliation agreement signed by you on behalf of the American Party of Florida. Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

The Office of General Counsel of the Commission has already received a civil penalty check and four pre reports in compliance with the terms of the conciliation agreement sent to you on August 21, 1980. 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.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
conciliation Agreement

RECEIVED
GCC#4700
81 MAY 18 P12:51

BEFORE THE FEDERAL ELECTION COMMISSION
February 18, 1981

81 MAY 18 P4:03

In the matter of)
) MUR 1092
American Party of Florida)

CONCILLIATION AGREEMENT

This matter having been initiated by the Federal Election ommission(hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out it's supervisory responsibilities, and after probable cause to believe having been found that the American Party of Florida ("Respondent") violated 2 U.S.C. S 434 by failing to file completed reports. Reports were filed, but not to the Commission's satisfaction.

NOW, THEREFORE, the Commission and Respondent, having duly entered into conciliation pursuant to 2 U.S.C. S437g(a) (4) (A) (i), do hereby agree as follows:

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

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

III. Respondent enters voluntarily into this aggreement with the commission.

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

1. The American Party National (the National") is a political committee registered pursuant to 2 U.S.C. S 433 (a).

2. The reports of the National indicated transfers by the respondent to the National totalling $1960 in 1977 and $1,083 in 1979.

3. When a committee transfers over $1,000 during a calender year to a political committee, it qualifies as a political committee under 2 U.S.C. S 431 (4), formerly 2 U.S.C. S 431 (d), and is required to file a Statement of Organization pursuant to 2 U.S.C. S 433 (a) and to file complete reports in a timely manner pursuant to 2 U.S.C. S 434.

4. Respondent filed a statement of Organization on June 26, 1979. Hpwever, respondent did not file complete reports in a timely manner for 1977, 1978, and 1979. Reports were filed at the direction of the Reports Analysis Division and rejected by the office of General Counsel because the office of General Counsel determined that the reports were not complete.

5. Onugust 19, 1980, the Commission determined that there was probable cause to believe that Respondent violated 2 U.S.C. S434 and subsequently sent to Respondent a proposed conciliation agreement requiring that Respondent file complete Year End Reports for 1977, 1978, and 1979.

6. On January 8, 1981, the Commission received complete Year End Reports from Respondent for the years 1977, 1978, and 1979.

7. Respondent's reports revealed transfers by Respondent to the National totalling $520 in 1977, $569 in 1978, and $916 in 1979. However, the reports also revealed that Respondent received $4,956 in 1977 and $1,030.61 in 1979.

8. Respondent maintained a single account for federal and non-federal expenditures.

9. When a committee maintains a single account Which supports a political committee and that account receives contrigutions in excess of $1000, it qualifies as a political committee under 2 U.S.C. S 431 (4), formerly 2 U.S.C. S 431 (d), and is required to file a Statement of Organization pursuant to 2 U.S.C. S433 (a) and to file complete reports in a timely manner pursuant to 2 U.S.C. S434.

WHEREFORE: Respondent agrees:

V Respondent violated 2 U.S.C. S 434 by failing to file satisfactory complete reports in a timely manner as described in Paragraph IV above. Reports were filed, which were not accepted.

VI. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of two hundred and fifty dollars, ($250), pursuant to 2 U.S.C. S 431, et seq.

GENERAL CONDITIONS

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. S 437 g(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 agreement thereof has been violtated, 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. This consiliation agreemtne, unless violated, is a complete bar to any further action by the Commission based on the violations stated in Paragraph IV.

XI. It is mutually agreed that respondent shall comply with the requirements set forth in Paragraph VI within thirty (30) days of the date this agreement becomes effective.

May 12, 1981
Date

Charles N. Steele
General Counsel
Federal Election Commission

American Party of Fla
American Party of Florida

BY: Doris Dantzler

ITS: _____

9110103575

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 16, 1981

MEMORANDUM TO: The File of MUR 1092

FROM: Jonathan M. Levin

SUBJECT: Conciliation Agreement in MUR 1092

The conciliation agreement approved by the Commission on June 11, 1981, in settlement of MUR 1092 contains a number of typographical errors. This is due to the fact that the final version received was typed by the Respondent.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1092
American Party of Florida	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 11, 1981, the Commission decided by a vote of 6-0 to take the following action regarding MUR 1092:

1. Approve the conciliation agreement in connection with MUR 1092 as submitted with the General Counsel's Memorandum to the Commission, dated June 8, 1981.

2. CLOSE THE FILE in this matter.

3. Approve the letter as attached to the General Counsel's June 8, 1981 Memorandum to the Commission.

Commissioners Aikens, Harris, McGarry, Reiche, Thomson, and Tiernan voted affirmatively in this matter.

Attest:

6/11/81
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: 6-8-81, 3:54
Circulated on 48 hour vote basis: 6-9-81,11:00

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS /JODY CUSTER

DATE: JUNE 10, 1981

SUBJECT: COMMENTS REGARDING MUR 1092 Memorandum to the Commission, dated 6-8-81; Received in OCS, 6-8-81, 3:54

Attached is a copy of Commissioner Reiche's vote sheet with comments regarding the conciliation agreement in MUR 1092.

ATTACHMENT:
Copy of Vote Sheet

48 HOUR TALLY SHEET

SENSITIVE

FEDERAL ELECTION COMMISSION

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

Date and Time Transmitted: TUESDAY, 6-9-81

11:00

Commissioner McGARRY, AIKENS, TIERNAN, THOMSON, REICHE, HARRIS

RETURN TO OFFICE OF COMMISSION SECRETARY BY: THURSDAY, JUNE 11, 1981,

11:00

MUR No. 1092 Memorandum to the Commission, dated June 8, 1981

(✓) I approve the recommendation

( ) I object to the recommendation

COMMENTS: But I believe the Agreement should be re-typed and re-executed, or, in the alternative, a notation should be made in the file to the effect that the Agreement was typed and prepared by Respondent

Date: 6/9/81 Signature: Frank P. Reiche

A DEFINITE VOTE IS REQUIRED AND ALL SHEETS SIGNED AND DATED. PLEASE RETURN ONLY THE VOTE SHEETS TO THE OFFICE OF THE COMMISSION SECRETARY NO LATER THAN THE DATE AND TIME SHOWN ABOVE.

June 8, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Phyllis A.Kayson

SUBJECT: MUR 1092

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

Attachment

cc: Levin

SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

JUN 8 P3:54

June 8, 1981

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: MUR 1092 Conciliation Agreement

Attached is a conciliation agreement which has been signed by Doris D'antoni, the treasurer of the American Party of Florida ("the Committee"). On March 17, 1981, the Commission approved a conciliation agreement which contained revisions from the original agreement approved by the Commission at the time that probable cause to believe was found. One revision included a change in the pertinent facts because of data revealed in reports sent by the Committee in compliance with the original conciliation proposal. The other revision was an addition stating that compliance with the agreement would bar further Commission action on the violations set out in the agreement. This was included in order to address Mrs. D'antoni's concern that her signature would permit us to continue an action against her and seek further civil penalties.

Consistent with her contention that the reports she filed originally were filed pursuant to instructions from the Reports Analysis Division, Mrs. D'antoni added language to the attached agreement reflecting this contention. The additions appear at the end of the introductory paragraph, in Paragraph IV, fact 4, and in Paragraph V.

The sentence added at the end of the introductory paragraph states, "Reports were filed, but not to the Commission's satisfaction." Paragraph IV, fact 4 now concludes with the sentence, "Reports were filed at the direction of the Reports Analysis Division and rejected by the Office of General Counsel because the Office of General Counsel determined that the reports were not complete." Paragraph V now states, "Respondent

violated 2 U.S.C. § 434 by failing to file satisfactory complete reports in a timely manner as described in Paragraph IV above. Reports were filed, which were not accepted." These additions do not negate the admission of the violation and do not contain any assertion that reports were filed properly prior to conciliation. 1/

The General Counsel recommends the acceptance of this agreement. Because the Committee has now filed complete reports for the years 1977, 1978, and 1979 and has paid the $250 civil penalty provided for in the agreement, the General Counsel also recommends closing the file in this matter.

Recommendations

1. Approve the attached conciliation agreement in connection with MUR 1092.

2. Close the file in this matter.

3. Approve the attached letter.

Attachments

1. Conciliation agreement

2. Check in payment of the civil penalty

3. Proposed letter to the treasurer of the American Party of Florida.

1/ In Paragraph IV, fact 5, wherein it is stated that the Commission made a probable cause to believe determination and required the filing of complete reports, Mrs. D'antoni omitted the phrase, "conforming to the standards for the content of such reports set out in 2 U.S.C. § 434." Mrs. D'antoni, however, stated that this omission was inadvertant. Furthermore, the omission of this phrase has no bearing on the admission of a violation.

3 1 0 1 0 2 3 3 1 3

GCC#4700

81 MAY 18 P12:51

BEFORE THE FEDERAL ELECTION COMMISSION
February 18, 1981

81 MAY 18 P4:03

In the matter of)
) MUR 1092
American Party of Florida)

CONCILLIATION AGREEMENT

This matter having been initiated by the Federal Election ommission(hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out it's supervisory responsibilities, and after probable cause to believe having been found that the American Party of Florida ("Respondent") violated 2 U.S.C. S 434 by failing to file completed reports. Reports were filed, but not to the Commission's satisfaction.

NOW, THEREFORE, the Commission and Respondent, having duly entered into conciliation pursuant to 2 U.S.C. S437g(a) (4) (A) (i), do hereby agree as follows:

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

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

III. Respondent enters voluntarily into this aggreement with the commission.

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

1. The American Party National (the National") is a political committee registered pursuant to 2 U.S.C. S 433 (a).

2. The reports of the National indicated transfers by the respondent to the National totalling $1960 in 1977 and $1,083 in 1979.

Attachment 1 - p. 1 of 4

3. When a committee transfers over $1,000 during a calender year to a political committee, it qualifies as a political committee under 2 U.S.C. S 431 (4), formerly 2 U.S.C. S 431 (d), and is required to file a Statement of Organization pursuant to 2 U.S.C. S 433 (a) and to file complete reports in a timely manner pursuant to 2 U.S.C. S 434.

4. Respondent filed a statement of Organization on June 26, 1979. Hpwever, respondent did not file complete reports in a timely manner for 1977, 1978, and 1979. Reports were filed at the direction of the Reports Analysis Division and rejected by the office of General Counsel because the office of General Counsel determined that the reports were not complete.

5. Onugust 19, 1980, the Commission determined that there was probable cause to believe that Respondent violated 2 U.S.C. S434 and subsequently sent to Respondent a proposed conciliation agreement requiring that Respondent file complete Year End Reports for 1977, 1978, and 1979.

6. On January 8, 1981, the Commission received complete Year End Reports from Respondent for the years 1977, 1978, and 1979.

7. Respondent's reports revealed transfers by Respondent to the National totalling $520 in 1977, $569 in 1978, and $916 in 1979. However, the reports also revealed that Respondent received $4,956 in 1977 and $1,030.61 in 1979.

8. Respondent maintained a single account for federal and non-federal expenditures.

9. When a committee maintains a single account Which supports a political committee and that account receives contrigutions in excess of $1000, it qualifies as a political committee under 2 U.S.C. S 431 (4), formerly 2 U.S.C. S 431 (d), and is required to file a Statement of Organization pursuant to 2 U.S.C. S433 (a) and to file complete reports in a timely manner pursuant to 2 U.S.C. S434.

WHEREFORE: Respondent agrees:

V Respondent violated 2 U.S.C. S 434 by failing to file satisfactory complete reports in a timely manner as described in Paragraph IV above. Reports were filed, which were not accepted.

VI. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of two hundred and fifty dollars, ($250), pursuant to 2 U.S.C. S 431, et seq.

GENERAL CONDITIONS

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. S 437 g(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 agreement thereof has been violtated, 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. This consiliation agreemtne, unless violated, is a complete bar to any further action by the Commission based on the violations stated in Paragraph IV.

1 - p. 3 of 4

XI. It is mutually agreed that respondent shall comply with the requirements set forth in Paragraph VI within thirty (30) days of the date this agreement becomes effective.

May 12, 1981
Date

Charles N. Steele
General Counsel
Federal Election Commission

American Party of Fla
American Party of Florida

BY: Doris Dantoni

ITS: _____

31010283317

PEOPLES BANK OF LAKELAND

LAKELAND, FLA. Dec 31 1980

PAY TO THE ORDER OF Federal Elections Commission $ 250.00

Two hundred fifty & 00/100 DOLLARS

AMERICAN PARTY,
STATE OF FLORIDA

Doris Carter

Exhibit 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Doris D'antoni, Treasurer
American Party of Florida
Route 2, Box 196
Lithia, Florida 33547

Re: MUR 1092

Dear Mrs. D'antoni:

On 1981, the Commission accepted the conciliation agreement signed by you on behalf of the American Party of Florida. Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

The Office of General Counsel of the Commission has already received a civil penalty check and Year End Reports in compliance with the terms of the conciliation agreement sent to you on August 21, 1980. 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.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

Attachment 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

8/31

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Doris D'antoni, Treasurer
American Party of Florida
Route 2, Box 143F
Lithia, Florida 33547

Re: MUR 1092

Dear Mrs. D'antoni:

On June 11, 1979, the Commission found reason to believe that your committee violated §§ 433 and 434 of the Federal Election Campaign Act of 1971, as amended ("the Act"), when it failed to register and report after transferring over $1,000 to the American Party National during a calendar year. On June 26, 1979, the Commission received a Statement of Organization. Therefore, on , 1980, the Commission decided to take no further action with respect to the allegation that the Committee violated § 433 of the Act.

However, on the same date, the Commission determined there was probable cause to believe that your committee committed a violation of § 434 of the Act in connection with its failure to file complete reports.

The Commission has a duty to attempt to correct such violations for a period of thirty to ninety days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement. If we are unable to reach an agreement during that period, the Commission may institute civil suit in United States District Court and seek payment of a civil penalty.

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it along with the civil penalty to the Commission within ten days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the U.S. Treasurer.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Jonathan Levin, the staff member assigned to this matter, at 202-523-4039.

Sincerely,

/S/

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION
June 23, 1980

In the Matter of)
) MUR 1092
American Party of Florida)

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, and after probable cause to believe having been found that the American Party of Florida ("Respondent") violated 2 U.S.C. § 434 by failing to file completed reports.

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

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

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. The National is a political committee registered pursuant to 2 U.S.C. § 433(a).

2. Respondent transferred $1,960 to the National in 1977 and $1,038 to the National in 1979.

3. When respondent transferred over $1,000 during a calendar year to the National, it qualified as a political committee under 2 U.S.C. § 431(d), now

2 U.S.C. § 431(4), and was required to file a Statement of Organization pursuant to 2 U.S.C. § 433(a).

4. When respondent qualified as a political committee required to be registered pursuant to 2 U.S.C. § 433, it became obligated to file reports pursuant to 2 U.S.C. § 434.

5. Respondent filed a Statement of Organization on June 26, 1979.

6. Respondent did not file complete reports for 1977, 1978, and 1979 pursuant to 2 U.S.C. § 434 in accordance with its status as a registered political committee.

WHEREFORE, Respondent agrees:

V. Respondent violated 2 U.S.C. § 434 by failing to file complete reports as described in Paragraph IV above.

VI. Respondent will file complete Year End Reports for the calendar years 1977, 1978, and 1979. These reports shall conform to the standards for the content of such reports set out in 2 U.S.C. § 434.

VII. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of two hundred and fifty dollars ($250), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. 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

IX. 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 agreement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

X. 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.

XI. It is mutually agreed that respondent shall comply with the requirements set forth in Paragraphs VI and VII within thirty (30) days of the date this agreement becomes effective.

_____
Date

_____
Charles N. Steele
General Counsel
Federal Election Commission

_____

_____
American Party of Florida

BY: _____

ITS: _____

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1092
American Party of Florida)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission's executive session on August 19, 1980, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1092:

1. Take no further action with respect to the allegation that the American Party of Florida violated 2 U.S.C. §433.

2. Find probable cause to believe that the American Party of Florida violated 2 U.S.C. §434 and proceed to conciliation.

3. Approve the conciliation agreement attached to the General Counsel's July 23, 1980 report.

4. Approve the letter attached to the General Counsel's July 23, 1980 report.

Attest:

8/19/80
Date

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

EXECUTIVE SESSION
August 19, 1980

BEFORE THE FEDERAL ELECTION COMMISSION
July 23, 1980

In the Matter of)
) MUR 1092
American Party of Florida)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter involves the failure of the American Party of Florida ("the Committee") to file a Statement of Organization pursuant to 2 U.S.C. § 433 and reports pursuant to 2 U.S.C. § 434 after transferring over $1,000 to the American Party National ("the National") during a calendar year. A review of the 1977 July 10 Quarterly and Year End Reports filed by the National disclosed transfers from the Committee totalling $1,960 during the year 1977. A review made subsequent to the referral of this matter to the Office of General Counsel (OGC) disclosed transfers by the Committee to the National totalling $1,038 in 1979.

Subsequent to a reason to believe finding, the Commission received a Statement of Organization from the Committee on June 26, 1979.

After the matter was referred to the Office of General Counsel and after OGC sent a letter to the Committee asking it to file its reports, the Commission received incomplete reports from the Committee on January 10 and 14, 1980. On March 13 and again on April 15, 1980, an OGC staff member explained to Mrs. Doris D'antoni, the Committee Treasurer, how to file complete reports. The Committee did not send any further reports.

On June 30, 1980, a letter and brief were sent to Mrs. D'antoni notifying her of the General Counsel's recommendation that the Commission find probable cause to believe that the Committee violated 2 U.S.C. § 434. A letter from Mrs. D'antoni in reply to the brief was received on July 15, 1980.

In her letter, Mrs. D'antoni stated that she had "tried to comply with the directions given to her." She maintained that, after explicitly noting the directions given by the Commission and mailing the reports, she was told "to repeat the same activities on different forms." She also stated that the Committee is no longer active, "having ceased to hold meetings in 1979." She stated further that all of the officers, including her, have resigned, that no one has been elected to replace them "due to the defunct state of the party," and that any future correspondence should be directed to the National, which would now have all of the Committee's records and remaining funds.

II. LEGAL ANALYSIS

Shortly after the Commission's finding of reason to believe that the Committee violated 2 U.S.C. §§ 433 and 434, the Committee filed a Statement of Organization. Therefore, the General Counsel has not recommended a probable cause finding with respect to the allegation that the Committee violated §433 and recommends that the Commission take no further action with respect to this allegation.

With respect to the § 434 allegation, nothing in the respondent's reply letter alters the legal analysis presented in the General Counsel's Brief. (See Attachment 3.) Despite Mrs. D'antoni's

8 1 0 1 0 2 8 5 4 2 7

statements as to her efforts, she did not send amendments and a 1979 Year End Report after the OGC staff member explained to her how to comply. Furthermore, even if the Committee is "no longer active," this does not alter the fact that the Committee was required to report in 1977 and as recently as 1979 and that it still has not complied sufficiently with Commission staff instructions and with § 434 of the Act. Therefore, the General Counsel recommends that the Commission find probable cause to believe that the Committee violated 2 U.S.C. § 434 and proceed to conciliation.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

Despite the fact that an OGC staff member twice gave an explanation to the Committee Treasurer as to how to file complete Year End Reports, the Committee still has not sent in the amendments to the 1977 and 1978 Year End Reports and a Year End Report for 1979. This failure to comply warrants some civil penalty. Therefore, the General Counsel recommends a civil penalty of $250.

IV. RECOMMENDATIONS

1. Take no further action with respect to the allegation that the American Party of Florida violated 2 U.S.C. § 433.

2. Find probable cause to believe that the American Party of Florida violated 2 U.S.C. § 434 and proceed to conciliation.

3. Approve the attached conciliation agreement.

4. Approve the attached letter.

4 August 1980
Date

Charles N. Steele
General Counsel

Attachments

1. Proposed Conciliation Agreement

2. Proposed Letter to Respondent

3. General Counsel's Brief

4. Respondent's Brief

Attachment #1

BEFORE THE FEDERAL ELECTION COMMISSION
June 23, 1980

In the Matter of)
) MUR 1092
American Party of Florida)

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, and after probable cause to believe having been found that the American Party of Florida ("Respondent") violated 2 U.S.C. § 434 by failing to file completed reports.

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

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

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. The National is a political committee registered pursuant to 2 U.S.C. § 433(a).

2. Respondent transferred $1,960 to the National in 1977 and $1,038 to the National in 1979.

3. When respondent transferred over $1,000 during a calendar year to the National, it qualified as a political committee under 2 U.S.C. § 431(d), now

2 U.S.C. § 431(4), and was required to file a Statement of Organization pursuant to 2 U.S.C. § 433(a).

4. When respondent qualified as a political committee required to be registered pursuant to 2 U.S.C. § 433, it became obligated to file reports pursuant to 2 U.S.C. § 434.

5. Respondent filed a Statement of Organization on June 26, 1979.

6. Respondent did not file complete reports for 1977, 1978, and 1979 pursuant to 2 U.S.C. § 434 in accordance with its status as a registered political committee.

WHEREFORE, Respondent agrees:

V. Respondent violated 2 U.S.C. § 434 by failing to file complete reports as described in Paragraph IV above.

VI. Respondent will file complete Year End Reports for the calendar years 1977, 1978, and 1979. These reports shall conform to the standards for the content of such reports set out in 2 U.S.C. § 434.

VII. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of two hundred and fifty dollars ($250), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. 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

IX. 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 agreement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

X. 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.

XI. It is mutually agreed that respondent shall comply with the requirements set forth in Paragraphs VI and VII within thirty (30) days of the date this agreement becomes effective.

_____
Date

_____
Charles N. Steele
General Counsel
Federal Election Commission

_____

_____
American Party of Florida

BY: _____

ITS: _____

Attachment #2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Doris D'antoni, Treasurer
American Party of Florida
Route 2, Box 143F
Lithia, Florida 33547

Re: MUR 1092

Dear Mrs. D'antoni:

On June 11, 1979, the Commission found reason to believe that your committee violated §§ 433 and 434 of the Federal Election Campaign Act of 1971, as amended ("the Act"), when it failed to register and report after transferring over $1,000 to the American Party National during a calendar year. On June 26, 1979, the Commission received a Statement of Organization. Therefore, on , 1980, the Commission decided to take no further action with respect to the allegation that the Committee violated § 433 of the Act.

However, on the same date, the Commission determined there was probable cause to believe that your committee committed a violation of § 434 of the Act in connection with its failure to file complete reports.

The Commission has a duty to attempt to correct such violations for a period of thirty to ninety days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement. If we are unable to reach an agreement during that period, the Commission may institute civil suit in United States District Court and seek payment of a civil penalty.

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it along with the civil penalty to the Commission within ten days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the U.S. Treasurer.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Jonathan Levin, the staff member assigned to this matter, at 202-523-4039.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

Attachment # 3

BEFORE THE FEDERAL ELECTION COMMISSION
June 23, 1980

In the Matter of)
) MUR 1092
American Party of Florida)

GENERAL COUNSEL'S BRIEF

STATEMENT OF THE CASE

This matter involves the failure of the American Party of Florida ("the Committee") to file a Statement of Organization pursuant to 2 U.S.C. § 433 and reports pursuant to 2 U.S.C. § 434 after transferring over $1,000 to the American Party National ("the National") during a calendar year. A review of the 1977 July 10 Quarterly and Year End Reports filed by the National disclosed transfers from the Committee totalling $1,960 during the year 1977. A review made subsequent to the referral of this matter to the Office of General Counsel (OGC) disclosed transfers by the Committee totalling $1,038 in 1979.

The National has been a political committee within the meaning of former 2 U.S.C. § 431(d), amended and re-codified at 2 U.S.C. § 431(4), registered with the Commission since 1975. While it has not had any federal activity since 1976, its debts and obligations, some of them stemming from 1976, have not been completely extinguished. Therefore, the National has continued to report in accordance with the requirements of 2 U.S.C. § 434.

The Commission found reason to believe that the Committee violated §§ 433 and 434 on June 11, 1979. On June 21, Ms. Shirley

Carroll, a spokesperson for the Committee, stated by phone that the 1977 transfers were merely payments of "assessments" to the National. A RAD analyst told her about AO 1979-14 in which the Commission advised that the American Party of Georgia, a committee in a similar situation, had to register and report. On June 26, the Commission received a Statement of Organization from the Florida Committee.

On September 21, 1979, Mrs. Carroll stated that she had to contact the National headquarters to obtain the necessary records and that, therefore, it would "take her awhile to comply." As of November 27, no reports had been filed and the matter was referred to the Office of General Counsel.

On December 20, the Commission directed OGC to send a letter to the committee asking it to file its reports. On January 10, 1980, the Commission received a report from the Committee covering activity for 1977, and, on January 14, the Commission received a report covering 1978 activity and a 3a postcard for 1979.

The $1,960 in transfers in 1977 was listed as dues to the National on the "Detailed Summary of Receipts and Expenditures" but the transfers constituting this total were not itemized by date, amount, and purpose on an "Itemized Expenditure" schedule. The receipts total is also listed as $1,960. The report does not include an "Itemized Receipt" schedule but does contain a written statement to the effect that the funds were raised by "hat passing" and that, "to [the Treasurer's] personal knowledge," no contribution exceeded $100.

The 1978 reports also do not contain an itemization of receipts and expenditures. It merely states that $900 was received and that $900 was expended 1/ and repeats the 1977 reports statements as to "hat passing."

An OGC staff member called the Committee Treasurer, Mrs. Doris D'antoni, on March 13 and explained the deficiencies in the Committee's reports and the need to file a 1979 Year End Report. The Treasurer stated that she would correct these deficiencies. Upon further inquiry as to when the completed reports would be received, the staff member was informed by Mrs. D'antoni that she was confused as to how to file correctly. On April 15, 1980, the staff member explained again how to complete the reports. As of this time, we have not received the amended reports.

II LEGAL ANALYSIS

The Committee registered as a political committee pursuant to 2 U.S.C. § 433 on June 26, 1979. As a registered political committee, it is obligated to file reports in a timely and complete manner in accordance with the provisions of 2 U.S.C. § 434. The Committee has filed Year End Reports for 1977 and 1978. However, after two phone calls in which an OGC staff member explained to

---

1/ The National's 1979 October 10 Quarterly Report discloses a $900 transfer from the Committee on July 1.

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the Committee Treasurer how to comply with the requirements of 2 U.S.C. § 434, the Committee still has not conformed the report for 1977, the year in which the transfers triggering this matter were made, to the requirements of § 434.

Despite the explanations made to the Treasurer, the Committee has also failed to file complete reports for 1978 and 1979 in compliance with § 434. Under § 433(d) of the Act as it existed during the years 1977, 1978, and 1979, and § 102.4(a) of the Commission Regulations in effect during the above years, a political committee that has no outstanding debts and obligations and that "determines that it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000 shall file a notice of termination on FEC Form 3, FEC Form 6, or a letter" with "a final report of receipts and disbursements." 11 C.F.R. § 102.4(a). 2/ While the Committee reported transferring only $900 in 1978 and may have received no more than that amount, the Committee's transfers in 1979 exceeded $1,000. Therefore, the Committee, if it filed a termination notice in lieu of reporting receipts and expenditures for 1978, 3/ would

---

2/ The Act and Regulations in effect presently provide that "only a committee which will no longer receive any contributions or make any disbursements that would otherwise qualify it as a political committee may terminate, provided that such committee has no outstanding debts and obligations." 11 C.F.R. § 102.3(a).

3/ On the front page of its 1977 Form 3, the box next to "Termination Report" was checked but the words "for 1977" were added. It appears that the Committee did not intend to use this report for purposes of terminating its registered status, but checked the box and added the words to indicate that this was a Year End Report.

have had to re-register and report for 1979. In the alternative, the Committee would have remained registered and therefore, would be obligated to report for 1978 as well as for 1977 and 1979.

In light of the facts presented, the General Counsel recommends that the Commission find probable cause to believe that the American Party of Florida violated 2 U.S.C. § 434 and proceed to conciliation.

III. GENERAL COUNSEL'S RECOMMENDATION

Find probable cause to believe that the American Party of Florida violated 2 U.S.C. § 434.

6/20/80
Date

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Kenneth A. Gross
Acting General Counsel

RECEIVED

Route 2, Box 196
Lithia, Florida 33547
July 7, 1980

80 JUL 15 PM 3:20

Attachment #4

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

Dear Mr. Steele:

I am in receipt of your letter dated June 26, 1980 stating that the American Party of Florida is in violation of the Federal Election Regulations.

The American Party of Florida is no longer active, having ceased to hold meetings in 1978.

I have resigned as Treasurer and I am forwarding all records and remaining funds to the national office and would suggest that any further correspondence be directed at and to them.

I have tried to comply with the directions given me, however, after both Mrs. Correll and I noted explicitly the directions given to us by the office of the Federal Elections Commission, and mailing these to your office, I was contacted and told to repeat the same activities on different forms. I believe that I have made a sincere effort to comply

I am therefore no longer the treasurer and no longer the person you need to deal with To my knowledge all officers of the State of Florida American Party have resigned and none have been elected to replace them due to the defunct state of the party. Any further correspondence will therefore need to take place with the National office, if they wish to continue political party status.

Sincerely,

Doris D'Antoni

Doris D'Antoni

Enclosures: 10 Copies Secretary of the Commission, Federal Elections Commission
3 Copies Office of General Counsel
National American Party

80 JUL 15 P4:11

RECEIVED

Route 2, Box 196
Lithia, Florida 33594
'80 JUL 15 PM 3:20
July 7, 1980

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

Dear Mr. Steele:

I am in receipt of your letter dated June 26, 1980 stating that the American Party of Florida is in violation of the Federal Election Regulations.

The American Party of Florida is no longer active, having ceased to hold meetings in 1979.

I have resigned as Treasurer and I am forwarding all records and remaining funds to the national office and would suggest that any further correspondence be directed at and to them.

I have tried to comply with the directions given me, however, after both Mrs. Correll and I noted explicitly the directions given to us by the office of the Federal Elections Commission, and mailing these to your office, I was contacted and told to repeat the same activities on different forms. I believe that I have made a sincere effort to comply.

I am therefore no longer the treasurer and no longer the person you need to deal with. To my knowledge all officers of the State of Florida American Party have resigned and none have been elected to replace them due to the defunct state of the party. Any further correspondence will therefore need to take place with the National office, if they wish to continue political party status.

Sincerely,

Doris D. Antoni

Doris D. Antoni

Enclosures: 10 Copies Secretary of the Commission, Federal Elections Commission
3 Copies Office of General Counsel
National American Party

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Route 2, Box 196
Lithia, Florida 33547
July 7, 1980

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

Dear Mr. Steele:

I am in receipt of your letter dated June 26, 1980 stating that the American Party of Florida is in violation of the Federal Election Regulations.

The American Party of Florida is no longer active, having ceased to hold meetings in 1979.

I have resigned as Treasurer and I am forwarding all records and remaining funds to the national office and would suggest that any further correspondence be directed at and to them.

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I am therefore no longer the treasurer and no longer the person you need to deal with. To my knowledge all officers of the State of Florida American Party have resigned and none have been elected to replace them due to the defunct state of the party. Any further correspondence will therefore need to take place with the National office, if they wish to continue political party status.

Sincerely,

Doris D. Antoni

Doris D. Antoni

Enclosures: 10 Copies Secretary of the Commission, Federal Elections Commission
3 Copies Office of General Counsel
National American Party

8 0 0 1 0 3 3 5 1 2

Route 2, Box 196
Lithia, Florida 33547

RETURN RECEIPT REQUESTED

CERTIFIED
P19 7207812
MAIL

The Federal Elections Commission
Charles N. Steele
General Counsel
Washington, D. C. 20463

Route 2 Box 196
Lithia, Florida 33547

RETURN RECEIPT REQUESTED

CERTIFIED
P19 7207809
MAIL

The Federal Elections Commission
Office of the General Counsel
Washington, D. C. 20463

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 26, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Doris D'antoni, Treasurer
American Party of Florida
Rte. 2, Box 143F
Lithia, Florida 33547

Re: MUR 1092

Dear Mrs. D'antoni:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on June 11, 1979, found reason to believe that your committee violated sections 433 and 434 of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

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

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety, days to settle this matter through a conciliation agreement. This does not preclude settlement of this matter through informal conciliation prior to a finding of probable cause to believe, if you so desire.

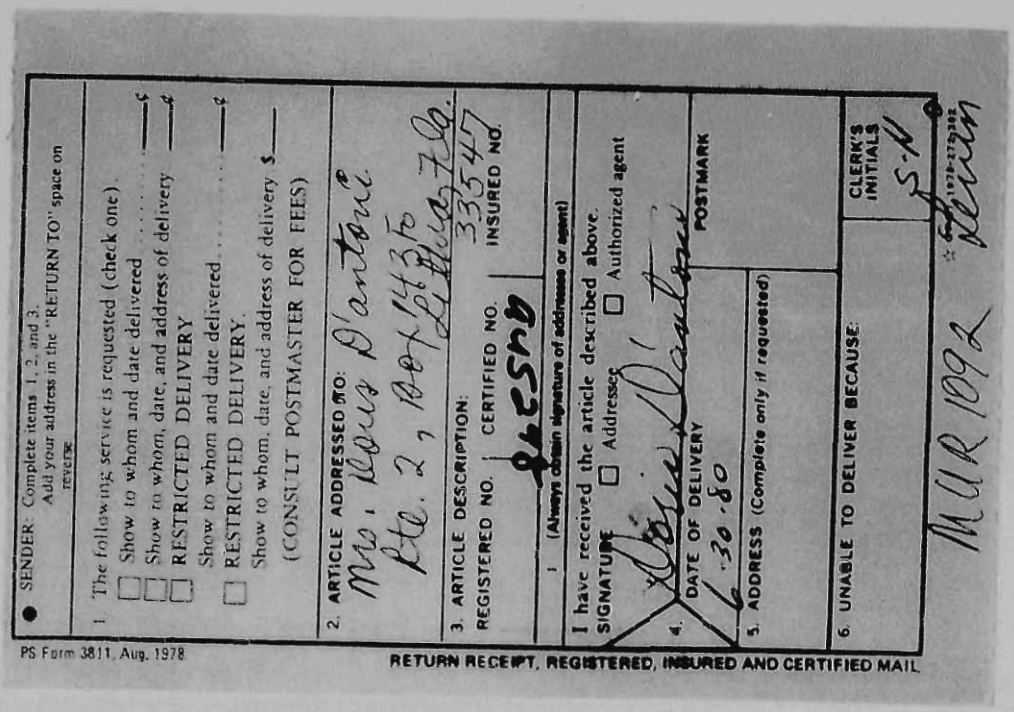
Should you have any questions, please contact Jonathan Levin, the staff member assigned to this matter, at 202-523-4060.

Sincerely,

Charles N. Steele
General Counsel

By: Ken Gross
Acting General Counsel

Enclosure
Brief


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: Mrs. Doris D'antoni Rte. 2, Box 143 Lithia Fla.
3. ARTICLE DESCRIPTION: REGISTERED NO. | CERTIFIED NO. | INSURED NO. 33547
(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
4. DATE OF DELIVERY 6-30-80
POSTMARK
5. ADDRESS (Complete only if requested)
6. UNABLE TO DELIVER BECAUSE:
CLERK'S INITIALS S-N
MUR 1092
PS Form 3811, Aug. 1978
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

June 27, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Gatt

SUBJECT: MUR 1092

Please have the attached Brief distributed to the Commission on an informational basis. Please return the original to this office. Thank you.

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RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

80 JUN 27 P 1: 52

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 26, 1980

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: MUR 1092

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on June 27, 1980. Following receipt of the respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments
1. Brief
2. Letter to respondent

BEFORE THE FEDERAL ELECTION COMMISSION
June 23, 1980

In the Matter of)
) MUR 1092
American Party of Florida)

GENERAL COUNSEL'S BRIEF

STATEMENT OF THE CASE

This matter involves the failure of the American Party of Florida ("the Committee") to file a Statement of Organization pursuant to 2 U.S.C. § 433 and reports pursuant to 2 U.S.C. § 434 after transferring over $1,000 to the American Party National ("the National") during a calendar year. A review of the 1977 July 10 Quarterly and Year End Reports filed by the National disclosed transfers from the Committee totalling $1,960 during the year 1977. A review made subsequent to the referral of this matter to the Office of General Counsel (OGC) disclosed transfers by the Committee totalling $1,038 in 1979.

The National has been a political committee within the meaning of former 2 U.S.C. § 431(d), amended and re-codified at 2 U.S.C. § 431(4), registered with the Commission since 1975. While it has not had any federal activity since 1976, its debts and obligations, some of them stemming from 1976, have not been completely extinguished. Therefore, the National has continued to report in accordance with the requirements of 2 U.S.C. § 434.

The Commission found reason to believe that the Committee violated §§ 433 and 434 on June 11, 1979. On June 21, Ms. Shirley

Carroll, a spokesperson for the Committee, stated by phone that the 1977 transfers were merely payments of "assessments" to the National. A RAD analyst told her about AO 1979-14 in which the Commission advised that the American Party of Georgia, a committee in a similar situation, had to register and report. On June 26, the Commission received a Statement of Organization from the Florida Committee.

On September 21, 1979, Mr. Carroll stated that she had to contact the National headquarters to obtain the necessary records and that, therefore, it would "take her awhile to comply." As of November 27, no reports had been filed and the matter was referred to the Office of General Counsel.

On December 20, the Commission directed OGC to send a letter to the committee asking it to file its reports. On January 10, 1980, the Commission received a report from the Committee covering activity for 1977, and, on January 14, the Commission received a report covering 1978 activity and a 3a postcard for 1979.

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The 1978 reports also do not contain an itemization of receipts and expenditures. It merely states that $900 was received and that $900 was expended 1/ and repeats the 1977 reports statements as to "hat passing."

An OGC staff member called the Committee Treasurer, Mrs. Doris D'antoni, on March 13 and explained the deficiencies in the Committee's reports and the need to file a 1979 Year End Report. The Treasurer stated that she would correct these deficiencies. Upon further inquiry as to when the completed reports would be received, the staff member was informed by Mrs. D'antoni that she was confused as to how to file correctly. On April 15, 1980, the staff member explained again how to complete the reports. As of this time, we have not received the amended reports.

II LEGAL ANALYSIS

The Committee registered as a political committee pursuant to 2 U.S.C. § 433 on June 26, 1979. As a registered political committee, it is obligated to file reports in a timely and complete manner in accordance with the provisions of 2 U.S.C. § 434. The Committee has filed Year End Reports for 1977 and 1978. However, after two phone calls in which an OGC staff member explained to

---

1/ The National's 1978 October 10 Quarterly Report discloses a $900 transfer from the Committee on July 1.

the Committee Treasurer how to comply with the requirements of 2 U.S.C. § 434, the Committee still has not conformed the report for 1977, the year in which the transfers triggering this matter were made, to the requirements of § 434.

Despite the explanations made to the Treasurer, the Committee has also failed to file complete reports for 1978 and 1979 in compliance with § 434. Under § 433(d) of the Act as it existed during the years 1977, 1978, and 1979, and § 102.4(a) of the Commission Regulations in effect during the above years, a political committee that has no outstanding debts and obligations and that "determines that it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000 shall file a notice of termination on FEC Form 3, FEC Form 6, or a letter" with "a final report of receipts and disbursements." 11 C.F.R. § 102.4(a). 2/ While the Committee reported transferring only $900 in 1978 and may have received no more than that amount, the Committee's transfers in 1979 exceeded $1,000. Therefore, the Committee, if it filed a termination notice in lieu of reporting receipts and expenditures for 1978, 3/ would

---

2/ The Act and Regulations in effect presently provide that "only a committee which will no longer receive any contributions or make any disbursements that would otherwise qualify it as a political committee may terminate, provided that such committee has no outstanding debts and obligations." 11 C.F.R. § 102.3(a).

3/ On the front page of its 1977 Form 3, the box next to "Termination Report" was checked but the words "for 1977" were added. It appears that the Committee did not intend to use this report for purposes of terminating its registered status, but checked the box and added the words to indicate that this was a Year End Report.

have had to re-register and report for 1979. In the alternative, the Committee would have remained registered and therefore, would be obligated to report for 1978 as well as for 1977 and 1979.

In light of the facts presented, the General Counsel recommends that the Commission find probable cause to believe that the American Party of Florida violated 2 U.S.C. § 434 and proceed to conciliation.

III. GENERAL COUNSEL'S RECOMMENDATION

Find probable cause to believe that the American Party of Florida violated 2 U.S.C. § 434.

6/20/80
Date

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Kenneth A. Gross
Acting General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 25, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Doris D'antoni, Treasurer
American Party of Florida
Rte. 2, Box 143F
Lithia, Florida 33547

Re: MUR 1092

Dear Mrs. D'antoni:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on June 11, 1979, found reason to believe that your committee violated sections 433 and 434 of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

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

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety, days to settle this matter through a conciliation agreement. This does not preclude settlement of this matter through informal conciliation prior to a finding of probable cause to believe, if you so desire.

Should you have any questions, please contact Jonathan Levin, the staff member assigned to this matter, at 202-523-4060.

Sincerely,

Charles N. Steele
General Counsel

By: Ken Gross
Ken Gross
Acting General Counsel

Enclosure
Brief

31040235555

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY

DATE: JUNE 18, 1980

SUBJECT: MUR 1092 - Interim Investigative Report #3, dated 6-13-80; Signed 6-16-80, Received in OCS 6-16-80, 4:00

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 11:00, June 17, 1980.

There were no objections to the Interim Investigative Report at the time of the deadline; however, Commissioner Reiche submitted a comment on his vote sheet. A copy is attached.

ATTACHMENT:
Copy of Vote Sheet

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION

80 JUN 17 P2:21

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

DATE AND TIME OF TRANSMITTAL TUESDAY, 6-17-80
11:00

Commissioner FRIEDERSDORF, AIKENS, TIERNAN, McGARRY, REICHE, HARRIS

RETURN TO THE OFFICE OF COMMISSION SECRETARY BY: WEDNESDAY, JUNE 18, 1980
11:00

MUR No. 1092 - Interim Investigative Report #3 dated 6-13-80: Signed 6-16-80

( ) I object to the recommendation in the attached report.

COMMENTS: Believe we should proceed.

Date 6/17/80 Signature Frank P. Reiche

OBJECTIONS, SIGNED AND DATED, MUST BE RECEIVED IN THE COMMISSION SECRETARY'S OFFICE NO LATER THAN THE DATE AND TIME SHOWN ABOVE OR THE MATTER WILL BE DEEMED APPROVED. PLEASE RETURN ALL PAPERS TO THE OFFICE OF THE SECRETARY TO THE COMMISSION.

3 1 0 1 1 0 2 3 3 3 7

June 16, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1092

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

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RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

80 JUN 16 P4: 00

BEFORE THE FEDERAL ELECTION COMMISSION
June 13, 1980

In the Matter of)
) MUR 1092
American Party of Florida)

INTERIM INVESTIGATIVE REPORT # 3

On June 11, 1979, the Commission found reason to believe that the American Party of Florida (the Committee) violated 2 U.S.C. §§ 433 and 434 when it failed to register and report after transferring $1,960 to the American Party National during the calendar year 1977. The Committee filed a Statement of Organization on June 26, 1979. On December 20, 1979, the Commission directed the Office of General Counsel (OGC) to send a letter to the Committee asking it to file its overdue reports.

In mid-January, 1980, the Reports Analysis Division received insufficiently itemized reports for 1977 and 1978 and only a 3a postcard for 1979. An OGC staff member called the Committee Treasurer, Mrs. Doris D'antoni, on March 13 and explained the deficiencies in the Committee's reports. Upon further inquiry as to when the completed reports would be received, the staff member was informed by the Mrs. D'antoni that she was confused as to how to file correctly. On April 15, 1980, the staff member re-explained how to complete the reports. As of this time, we have not received the amended reports and are preparing a report for the Commission.

16 June 1980
Date

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY

DATE: APRIL 22, 1980

SUBJECT: MUR 1092 - Interim Investigative Report #2 dated 4-16-80; Signed 4-18-80; Received in OCS 4-18-80, 4:00

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 11:00, April 21, 1980.

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

April 18, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1092

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

31020183251

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

80 APR 18 P4:00

BEFORE THE FEDERAL ELECTION COMMISSION
April 16, 1980

In the Matter of	)	
	)	MUR 1092
American Party of Florida	)	

INTERIM INVESTIGATIVE REPORT #2

On June 11, 1979, the Commission found reason to believe that the American Party of Florida (the Committee) violated 2 U.S.C. §§433 and 434 when it failed to register and report after transferring $1,960 to the American Party National during the calendar year 1977. The Committee filed a Statement of Organization on June 26, 1979. On December 20, 1979, the Commission directed the Office of General Counsel (OGC) to send a letter to the Committee asking it to file its overdue reports.

In mid-January, 1980, the Reports Analysis Division received insufficiently itemized reports for 1977 and 1978 and only a 3a postcard for 1979. An OGC staff member called the Committee Treasurer, Mrs. Doris D'antoni, on March 13 and explained the deficiencies in the Committee's reports. The Treasurer stated that she would correct these deficiencies and attempt to send the reports within two weeks.

8 1 7 0 2 3 3 5 2

No reports were received and the staff member called the Treasurer again on April 10. The Treasurer stated that she was confused as to how to file correctly and requested that, at a set time during which the reports would be in front of her, the staff member re-explain how to complete the reports. This was done on April 15.

We expect the completed reports in two weeks and, at that time, we will report to the Commission with appropriate recommendations.

16 April 1980
Date

Charles N. Steele
General Counsel

8 1 0 4 0 0 2 3 3 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY

DATE: MARCH 19, 1980

SUBJECT: MUR 1092 - Interim Investigative Report #1 dated 3-14-80: Signed 3-17-80: Received in OCS 3-17-80, 2:48

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 11:00, March 18, 1980.

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

31020223364

March 17, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1092

Please have the attached Interim InvestReport distributed to the Commission. Thank you.

BEFORE THE FEDERAL ELECTION COMMISSION
March 14, 1980

MAR 17 P2:48

In the Matter of)
) MUR 1092 (79)
American Party of Florida)

INTERIM INVESTIGATIVE REPORT #1

On December 21, 1979, the Commission directed the staff of the Office of General Counsel (OGC) to send a letter to the American Party of Florida (the Committee) asking it to submit its overdue reports. Reason to believe that the Committee had violated 2 U.S.C. §§433 and 434 had already been found at the Reports Analysis Division (RAD) level on June 11, 1979.

On January 10, 1980, RAD received a report from the Committee covering activity for 1977, and on January 14, we received a report covering 1978 activity and a 3a postcard for 1979. However, the Committee's reports omitted some forms and the Committee has not yet filed the 1979 Year End Report. On March 13, an OGC staff member phoned the Committee treasurer, Ms. Doris D'Antoni, to explain to her how to correct these matters. We expect a response within two weeks and will report to the Commission upon its receipt.

17 March 1980
Date

Charles N. Steele
General Counsel

3 1 7 1 0 2 3 3 3 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 21, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Doris D'Antoni, Treasurer
American Party of Florida
620 Hennessee Street
Lakeland, FL 33806

Re: MUR 1092

Dear Ms. D'Antoni:

On June 11, 1979, the Commission found reason to believe that your committee had violated section 433 and 434 of the Federal Election Campaign Act of 1971, as amended ("the Act"). On June 26, we received your Statement of Organization in compliance with section 433, but we have not yet received the reports necessary for your compliance with section 434. We remind you of the need to proceed immediately to file the late reports. In connection with this, we acknowledge the expressed desire of Ms. Shirley Carroll, a spokesperson for your committee, to adhere to the reporting requirements of the Act. Furthermore, we are enclosing AO 1979-14 which had been referred to before in discussions between our Reports Analysis Division and Ms. Carroll. This opinion dealt with a situation identical to yours and explains in greater detail the requirements under the Act.

The matter has been referred to the Office of General Counsel where it has been numbered MUR 1092. Please refer to this number in all future correspondence.

As reason to believe has already been found that your committee may have violated the Act, and as the Commission is under a mandate to investigate this matter, we ask that you submit your overdue reports and any other response that you may wish to make within ten days of your receipt of this letter.

If you have any questions, please contact Jonathan Levin, the staff member assigned to this matter, at 202-523-4060.

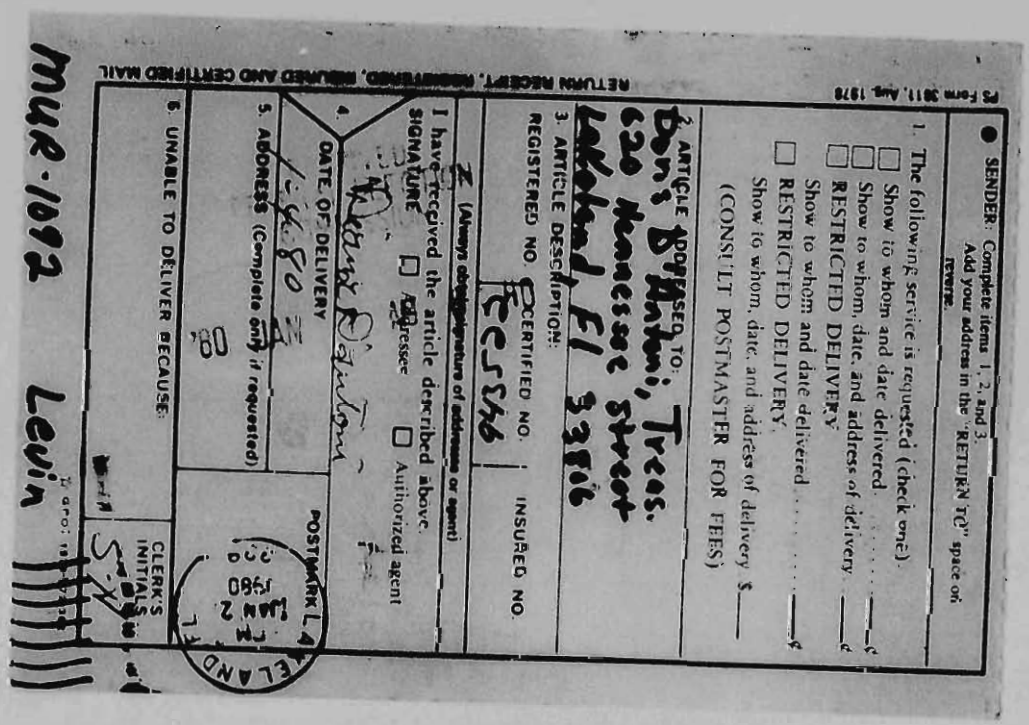
This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

Charles N. Steele
General Counsel

Enclosure



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.

Dated: May 3, 1979.

[¶5401] AO 1979-14: Registration Status of State Branch of National Party

[A state branch of a national party must register as a political committee if it transfers more than $1,000 to the national party. Answer to H. K. Hawkins, State Chairman, American Party of Georgia, P. O. Box 428, Riverdale, Georgia 30274.]

This is in response to your letter of March 5, 1979, requesting an advisory opinion on behalf of the American Party of Georgia concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the registration and reporting of the American Party of Georgia. Specifically, you ask whether or not the American Party of Georgia is subject to the registration and reporting requirements of the Act.

The American Party (National) is registered and reporting as a political committee with the Commission. It appears that the National does not maintain separate federal and nonfederal accounts, but rather has opted, pursuant to 11 CFR 102.6(b)(2), to establish a single committee with a single account. A review of reports*/ filed with the Commission indicates that the American Party National received funds in excess of $1,000 from the American Party of Georgia in both 1977 and 1978.

The Act defines "political committee" to mean, in part, any committee or association which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000. 2 U.S.C. §431(d). A "contribution" includes funds received by one political committee which are transferred to such committee from another political committee or other source. 2 U.S.C. §431(e)(3). An "expenditure" includes the transfer of funds by a political committee to another political committee. 2 U.S.C. §431(f)(3).

The Commission has previously held that where a State Party is a "political committee" under the Act and maintains a single account for the purpose of making contributions to or expenditures on behalf of both Federal and nonFederal candidates, any district committee which transfers in excess of $1,000 to the State Party in any calendar year would qualify as a political committee subject to registration and reporting under the Act. See Advisory Opinion 1978-91 [¶5394], copy enclosed.

Your request presents an analogous situation. Hence the Commission concludes that since the American Party National is a political committee with a single account, if the American Party of Georgia transfers to the American Party National in excess of $1,000 in any calendar year, the Georgia committee qualifies as a political committee and is subject to the registration and reporting requirements of the Act. See 2 U.S.C. §§433 and 434. If as you suggest in your letter, the American Party National has not met the definition of a "political committee" required to register and report under the Act, it could officially terminate its reporting status pursuant to §102.4 of Commission regulations. In the event that the American Party National is not required to be registered and thus terminates, funds transferred by the American Party of Georgia to the American Party National after such termination would not thereafter create "political committee" status for the Georgia committee.

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.

Dated: May 14, 1979.

*/ Year end reports filed by the American party show receipts of $1,666 from the American Party of Georgia in 1977 and $1,225 in 1978. A report filed by the American Party of Georgia for 1977 indicates expenditures of $1,666 to the American Party in that year.

[¶5402] AO 1979-11: Use of Excess Campaign Funds

[Campaign funds misplaced during a previous campaign and recently discovered may be used to pay office expenses. Answer to Senator Birch Bayh.]

This responds to your letter of March 28, 1979, requesting an advisory opinion on behalf of your principal campaign committee, the Hoosiers for Birch Bayh Committee ("the Committee") concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the status of a contribution recently made to the Committee.

You explain in your letter that in 1968, the Lake County Democratic Campaign Committee ("LCDCC") organized a fundraising event in your honor to raise contributions for your 1968 Senate campaign. The proceeds of the fundraiser were donated in 1968 by bank cashier's check to your 1968 campaign committee, but you state that apparently the check was "never received or deposited" by your 1968 campaign committee; in any event, the check "never cleared the account" of LCDCC. The funds remained in the bank's possession in the account of LCDCC until recently when the LCDCC treasurer was notified by bank officials that the funds would soon escheat to the State. The treasurer, who has since stated that records of contributors to the fundraiser do not exist, then drew another check in the same amount, $3,044.07, and forwarded it to your current principal campaign committee. You indicate that the Committee intends to use the funds only for the purpose of defraying your nonreimbursable office expenses pursuant to Rule XLVI of the U.S. Senate's Code of Official Conduct, and you ask specifically whether it is permissible under the Act for the Committee to retain these funds for non-campaign related spending.

Under 2 U.S.C. §439a and Part 113 of Commission regulations a holder of Federal office may use excess campaign contributions to defray "any ordinary and necessary expenses incurred by him in connection with his duties as a holder of Federal office". The source of these funds and the purposes for which they are spent must however be reported either in an office account report which you file pursuant to 11 CFR 113.4 or in a report filed by the Committee under 2 U.S.C. §434 and Part 104 of Commission regulations.

In the specific factual circumstances you present regarding the source of these funds and the restricted purposes for which they will be expended, the Commission concludes that the Committee may regard the funds from LCDCC as excess campaign funds from 1968 and may spend them to defray office expenses pursuant to 11 CFR 113.2(a).

The funds from LCDCC should be characterized for reporting purposes as a miscellaneous receipt under 2 U.S.C. §434(b)(7) rather than as a contribution or a transfer from LCDCC. Furthermore, the Committee should clearly state the described nature of the receipt and the Committee's intended restricted use of the funds; that is, payment of your nonreimbursable office expenses incurred in connection with your duties as a holder of Federal office. See Advisory Opinions 1977-50 [¶5275] and 1977-11 [¶5243], copies enclosed. Committee disbursements from the LCDCC funds should also be disclosed giving the same details required for "expenditures", with express reference made to the fact that the reported disbursement is being made (in an accounting sense) from the funds given by LCDCC. See 2 U.S.C. §434(b)(9) and 11 CFR 104.2(b)(9).

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

12/21/79

Doris D'Antoni, Treasurer
American Party of Florida
620 Hennessee Street
Lakeland, FL 33806

Re: MUR 1092

Dear Ms. D'Antoni:

On June 11, 1979, the Commission found reason to believe that your committee had violated section 433 and 434 of the Federal Election Campaign Act of 1971, as amended ("the Act"). On June 26, we received your Statement of Organization in compliance with section 433, but we have not yet received the reports necessary for your compliance with section 434. We remind you of the need to proceed immediately to file the late reports. In connection with this, we acknowledge the expressed desire of Ms. Shirley Carroll, a spokesperson for your committee, to adhere to the reporting requirements of the Act. Furthermore, we are enclosing AO 1979-14 which had been referred to before in discussions between our Reports Analysis Division and Ms. Carroll. This opinion dealt with a situation identical to your and explains in greater detail the requirements under the Act.

The matter has been referred to the Office of General Counsel where it has been numbered MUR 1092. Please refer to this number in all future correspondence.

As reason to believe has already been found that your committee may have violated the Act, and as the Commission is under a mandate to investigate this matter, we ask that you submit your overdue reports and any other response that you may wish to make within ten days of your receipt of this letter.

If you have any questions, please contact Jonathan Levin, the staff member assigned to this matter, at 202-523-4060.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

(s)

Charles N. Steele
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1092
American Party of Florida	)	
	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on December 20, 1979, the Commission authorized by a vote of 6-0 the sending of the letter attached to First General Counsel's Report dated December 14, 1979 regarding the above-captioned matter.

Voting for this determination were Commissioners Aikens, Friedersdorf, Harris, McGarry, Reiche, and Tiernan.

Attest:

12/20/79
Date

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

Received in Office of the Commission Secretary: 12-14-79, 11:25
Circulated on 48 hour vote basis: 12-17-79, 11:00

3 1 0 4 0 2 8 5 3 7 2

December 14, 1979

MEMORANDUM TO: Marjorie W. Emmons

FROM: Jane Colgrove

SUBJECT: MUR 1092

Please have the attached First General Counsel's Report on MUR 1092 distributed to the Commission on a 48 hour tally basis.

Thank you.

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FEDERAL ELECTION COMMISSION

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY OGC TO COMMISSION DEC 14 1979

MUR NO. 1092 (79)
STAFF MEMBER(S) J. Levin

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENT'S NAME: American Party of Florida

RELEVANT STATUTE: 2 U.S.C. §§434

INTERNAL REPORTS CHECKED: Public Records

FEDERAL AGENCIES CHECKED: None

GENERATION OF MATTER

On November 27, 1979, the American Party of Florida (the Florida Committee) was referred to the Office of General Counsel by the Reports Analysis Division (RAD) for failure to report in violation of 2 U.S.C. §434.

EVIDENCE

A review of the 1977 July 10 Quarterly and Year End Reports filed by the National American Party disclosed that the Florida Committee transferred a total of $1,960.00 to the National American Party during the calendar year 1977. On April 9, 1979, the new treasurer of the Florida Committee was sent a notice stating that a surface violation letter had been sent to the old treasurer on October 17, 1978. (A copy of the earlier letter was enclosed.) When no response was received, the Commission, on June 11, 1979, found reason to believe that the Florida Committee had violated sections 433 and 434 of the Act.

On June 21, Ms. Shirley Carroll, a spokesperson for the Florida Committee stated by phone that the transfers were merely for assessment purposes. Our RAD analyst told her about AO 1979-14 in which the Commission advised that the American Party of Georgia, a committee in a similar situation, had to register and report. On June 26, we received a Statement of Organization from the Florida Committee.

On September 21, Ms. Carroll stated that she first had to contact the National headquarters to obtain the necessary records and that, therefore, it would "take her awhile to comply." As of October 18 Ms. Carroll was still waiting for these records. No reports have been filed as of yet.

PRELIMINARY LEGAL ANAYLSIS

The transfer in excess of $1,000 by the unregistered committee triggered the registration and reporting requirements of 2 U.S.C. §§433 and 434. The state committee has complied with section 433, but has yet to comply with section 434. In view of the facts presented, we recommend sending a letter to the state committee acknowledging the filing of the Statement of Organization and its spokesperson's intent to file the reports, and reminding it of the need to file the past reports and to file reports timely in the future.

RECOMMENDATION

Approve the attached letter.

ATTACHMENTS

Referral from RAD
Proposed letter to the American
Party of Florida

Enclosure

8 1 0 4 0 1 2 3 3 7 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Doris D'Antoni, Treasurer
American Party of Florida
620 Hennessee Street
Lakeland, FL 33806

Re: MUR 1092

Dear Ms. D'Antoni:

On June 11, 1979, the Commission found reason to believe that your committee had violated section 433 and 434 of the Federal Election Campaign Act of 1971, as amended ("the Act"). On June 26, we received your Statement of Organization in compliance with section 433, but we have not yet received the reports necessary for your compliance with section 434. We remind you of the need to proceed immediately to file the late reports. In connection with this, we acknowledge the expressed desire of Ms. Shirley Carroll, a spokesperson for your committee, to adhere to the reporting requirements of the Act. Furthermore, we are enclosing AO 1979-14 which had been referred to before in discussions between our Reports Analysis Division and Ms. Carroll. This opinion dealt with a situation identical to your and explains in greater detail the requirements under the Act.

The matter has been referred to the Office of General Counsel where it has been numbered MUR 1092. Please refer to this number in all future correspondence.

As reason to believe has already been found that your committee may have violated the Act, and as the Commission is under a mandate to investigate this matter, we ask that you submit your overdue reports and any other response that you may wish to make within ten days of your receipt of this letter.

If you have any questions, please contact Jonathan Levin, the staff member assigned to this matter, at 202-523-4060.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

Charles N. Steele
General Counsel

81010183377

In reply please refer to: SSV1/78-99

(2)

FEDERAL ELECTION COMMISSION

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

October 17, 1978

Mr. Clyde Adams, Chairman
American Party of Florida
2435 Holly Lane
Lake Park, FL 33410

Dear Mr. Adams:

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 American Party 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 Alva Smith 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

8 1 0 4 0 2 8 5 3 7 9

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 4 of 4 for
LINE NUMBER 18a
(Use separate schedule(s) for each numbered line)

Name of Candidate or Committee in full
American Party

Full Name, mailing address and ZIP code	Date (month, day, year)	Amount of each receipt this period
American Party of Nebraska, Roger Bowker, Ch. Box 81163 Lincoln, NE 68501	12-1	$112.50
Principal place of business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ▶ $ 225.00		
Full Name, mailing address and ZIP code	Date (month, day, year)	Amount of each receipt this period
American Party of Virginia, C. Mason Gardner, Ch. 14318 Lee Hwy. Gainesville, VA 22065	12-2	224.00
Principal place of business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ▶ $ 224.00		
Full Name, mailing address and ZIP code	Date (month, day, year)	Amount of each receipt this period
American Party of Florida, Clyde Adams, Ch. 2435 Holly Ln. Lake Park, Fl 33410	12-2	535.00
Principal place of business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ▶ $ 1060.00		
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) ▶ $ 1021.50

Total this period (last page this line number only) ▶ $ 9729.00

Page

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976
l Election Commission
K Street, N.W.
gton, 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 2 of ____ for
LINE NUMBER 18a
(Use separate schedule(s) for each numbered line)

Name of Candidate or Committee in full
American Party

Full Name, mailing address and ZIP code	Date (month, day, year)	Amount of each receipt this period
American Party of KY, Wasley Krogdahl, CH. 3493 Castleton Way, N. Lexington, KY 40502	4-25 5-31 6-27	112.50 112.50 112.50
Principal place of business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ▶ $ 636.50		
Full Name, mailing address and ZIP code American Party of Florida, Clyde Adams, CH 2435 Holly LN. Lake Park, FL 33410	5-4 5-18 5-27	220.00 300.00 755.00
Principal place of business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ▶ $ 1275.00		
Full Name, mailing address and ZIP code American Party of Kansas, Charles Ijams, CH 2807 Fairway Topeka, KS 66611	5-26	225.00
Principal place of business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ▶ $ 225.00		
Full Name, mailing address and ZIP code American Party of Georgia, James Bearden, CH 830 Pixley Dr. Riverdale, GA 30274	5-20 5-31	557.57 308.43
Principal place of business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ▶ $ 866.00		
Full Name, mailing address and ZIP code American Party of Louisiana, Charles A. McGowen, CH 407 Ernest St. New Iberia, LA 70560	6-10	112.50
Principal place of business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ▶ $ 112.50		
Full Name, mailing address and ZIP code Constitution Party of New York, Paul Kerin, CH Box 532 Windham, NY 12496	5-26	[illegible]
Principal place of business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ▶ $ [illegible]		

Subtotal of receipts this page (optional) ▶ $ 3041.00

Total this period (last page this line number only) ▶ $

In reply please refer to 35V2[illegible]99

(3)

FEDERAL ELECTION COMMISSION

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

February 1, 1979

Clyde Adams, Chairman
American Party of Florida
2435 Holly Lane
Lake Park, FL 33410

Dear Mr. Adams:

On October 17, 1978, you were notified that you may have made contributions to a political committee which raised problems under 2 U.S.C. 433 and 434.

As of this date, however, we have received no response from you. Your failure to respond gives the Commission reason to believe that you may have committed a violation of 2 U.S.C. 433 and 434.

The Commission will take no action against you until you have had a reasonable opportunity to respond to this letter. This response should be mailed to the Commission within fifteen (15) days from the date of this letter.

If you have responded to the above or you require additional information, please contact Alva Smith, our Reports Analyst assigned to you on our toll free number (800)424-9530. Our local number is 523-1474.

Sincerely,

John W. McGarry

Commissioner

Certified Mail:
Return Receipt Requested

(4)

MEMORANDUM: FOR FILES

RE: TELECON

FROM: Amer Cont of Florida, Clyde Adams

DATE: 9/7/79

NAME OF COMMITTEE:

Subject 3809/78-99

Mr Adams called stating he was at home on leave of the Amer Cont of FL since 9/8. The new address is Mrs Carie O'Neal, 630 Hermosa St, Sebastian, FL 32306. I requested records be sent to that office.

2435 Holly Lane
Lake Park,
Florida 33410
Feb. 15, 1979

John W. McGarry, Commissioner
Federal Elections Commission
1325 K Street N.W.
Washington, D. C. 20463

Re: 3SV2/78-99

Dear Commissioner:

In regard to your letter dated February.1, 1979 requesting information about the American Party of Florida. I discussed the matter by telephone with Alma Smith and she requested information in writing.

I resigned the chairmanship of the American Party of Florida on September 22, 1978. I do not have records of assessments paid to the national headquarters. These records are kept by the American Party State Treasurer whose address follows:

Mrs. Doris D'Antoni
620 Hennessee Street
Lakeland, Florida 33806

Mrs. D'Antoni can verify the assessments reported to your office from our national headquarters.

Sincerely,

Clyde D. Adams

CDA:ja

(6)

FEDERAL ELECTION COMMISSION

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

April 9, 1979

Mrs. Doris D'Antoni, Treasurer
American Party of Florida
620 Hennessee Street
Lakeland, Florida 33806

Dear Mrs. D'Antoni:

On October 17, 1978, Mr. Clyde Adams, former chairman of the American Party of Florida was sent the attached letter. He informed us on February 15, 1979, that you have assumed the position of treasurer of the committee.

Please examine the letter of October 17, 1978, and act in accordance with its recommendations. Please notify the Commission within thirty (30) days from the date of this letter of your decision on this matter. If you have any questions, or require additional information, please contact Alva Smith, our Reports Analyst assigned to you on our toll free number (800)424-9530. Our local number is 523-1474.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Certified Mail
Return Receipt Requested

Enclosures

In reply please refer to: 35V27[illegible]

(7)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 11, 1979

Doris D'Antoni, Treasurer
American Party of Florida
620 Hennessee Street
Lakeland, FL 33806

Dear Ms. D'Antoni:

On April 9, 1979, you were notified that you may have made contributions to a political committee which raised problems under 2 U.S.C. 433 and 434.

As of this date, however, we have received no response from you. Your failure to respond gives the Commission reason to believe that you may have committed a violation of 2 U.S.C. 433 and 434.

The Commission will take no action against you until you have had a reasonable opportunity to respond to this letter. This response should be mailed to the Commission within fifteen (15) days from the date of this letter.

If you have responded to the above or you require additional information, please contact Alva Smith, our Reports Analyst assigned to you on our toll free number (800)424-9530. Our local number is (202)357-0023.

Sincerely,

Max L. Friedersdorf

Commissioner

Certified Mail:
Return Receipt Requested

DATE: 6/21/79

TIME: 2:30

COMMITTEE: American Party of Florida

PERSON SPOKEN TO: Shirley Carrell and Doris D'Antoni who was listening on the extension withou informing me until the end of the conversation. 813-686-0366

FEC'R: A. Smith

SUBJECT: M letter 3SV1/78-99

Ms. Carroll repeated the same information that all the other American Parties have stated. The transfers are for assessment purposes,etc...
I explained the situation. Told her about the AOR submitted from the American Party of Georgia and the AO that states that the Amer Party of Georgia must register and report therefore all Amer Parties must register and report. I told her how to report and what forms to use. She requested a copy of the National Party reports for 78 and 79 so she may be able to report. She stated that all contributions were collected in a hat so she has no idea who contributed what. I told her to do the best she can , but get the form 1 in as soon as possible.I will also send her a copy of the AO and additional form 3's.

FEC Form 1
July 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Statement of Organization For a Political Committee

Supporting any candidate(s) for federal office and anticipating contributions or expenditures in excess of $1,000 in any calendar year in support of such candidate(s).
(See Reverse Side For Instructions.)

'79 JUN 12 16

Note: *Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain separat records with respect to each election.*

1(a) Name of Committee (in full) ☐ Check if name or address is changed
The American Party of Florida

(b) Address (number and street)
620 Hennessee Street

(c) City, State and ZIP code
Lakeland, Florida

2 Identification Number
35V1/78-99

3 Date
6/21/79

4 Is this an amended statement ☐ Yes ☒ No
If "YES" FILL IN ONLY THOSE LINES ON WHICH THERE HAS BEEN A CHANGE

5 Check one:

☐ (a) This committee has been designated as the principal campaign committee for N/A (Name of Candidate)
a candidate for N/A (Federal office sought) in the N/A (Year of election) Election
to be held in the State of N/A (State in which election is held)

(THE PRINCIPAL CAMPAIGN COMMITTEE WILL FORWARD TO THE COMMISSION A COPY OF THE STATEMENT OF ORGANIZATION FC EACH AFFILIATED COMMITTEE REQUIRED TO FILE WITH IT.)

☐ (b) This committee is supporting only one candidate, and is authorized by N/A (Name of Candidate)
to receive contributions and make expenditures with respect to the _____ (General, Primary, Runoff, etc) Election(s)
held in _____ (Year of election in State), and will file all reports and statements with the candidate's principal campaign committee, _____ (Full name of principal campaign committee)

(ATTACH A COPY OF CANDIDATE'S WRITTEN AUTHORIZATION.) (FEC FORM 2a)

☐ (c) This committee supports only one candidate N/A (Name of Candidate) but is not an authorized committee.

☐ (d) This committee supports more than one Federal candidate and is not a party committee.

☒ (e) This committee is a State (National, State, county, city) committee of the American (Democratic, Republican, etc.) Party.

6 Names of affiliated and/or connected organizations	Mailing address and ZIP code	Relationship

If the registering political committee has identified a "connected organization" above, please indicate type of organization:
☐ Corporation ☐ Labor organization ☐ Membership organization ☐ Trade association ☐ Cooperative
☐ Corporation without capital stock ☐ Other (please specify)

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriat section above when information is continued on separate page(s).

7903129425 4

FEC Form 1
July 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Statement of Organization Form Committee

(Page 2)

Name of Committee American Party of Florida

7 Area, Scope and Jurisdiction of Committee:

(a) Will this committee operate in more than one State? ☐ Yes ☒ No
(b) Will it operate on a statewide basis in one State? ☒ Yes ☐ No
(c) Will it primarily support candidates seeking State or local office? ☒ Yes ☐ No
(d) Will it support or does it anticipate supporting directly or indirectly, candidates for Federal office in excess of $1,000 in a calendar year? If you consider rat assessments indirect support ☒ Yes ☐ No

8 (a) List by name, address, office sought, and party affiliation, any candidate for Federal office that this committee is supporting. N/A

Full name(s) of candidate(s)	Mailing address and ZIP code	Office sought	Party

(b) List by name, address, office sought, and party affiliation, any candidate(s) for any other public office(s) that this committee is supporting (unless the committee is supporting the entire ticket of a party as indicated in line 9)

Full name(s) of candidate(s)	Mailing address and ZIP code	Office sought	Party

9 If this committee is supporting the entire ticket of a party, give name of party ▶ American Party

10 Identify by name, address and position, the person in possession of committee books and records.

Full name	Mailing address and ZIP code	Title or position
Doris D'anton	620 Wennessee Lakeland, Fla 33801	State Treasurer

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate page(s).

7 9 0 3 1 2 9 4 2 5 5

FEC Form 1
July 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Statement of Organization [redacted]a Committee

(Page 3)

Name of Committee

11 List by name, address and position, other principal officers of the committee (include chairman, treasurer, secretary, assistant treasurer, assistant secretary, members of finance committee):

Full name	Mailing address and ZIP code	Title or position
Bernie Robinson	St Augustine Fla	Chairman
Dick Lawrence	2112 Grant, Melbourne Fla. 32901	Vice Chairman
Priscilla Cruger	Bushnell, Fla	Secretary

12 Does this committee plan to stay in existence beyond the current calendar year? ..... ☒ Yes ☐ No
If "Yes" for how long? ..... Indefinitely ..... ▶

13 In the event of dissolution, what disposition will be made of residual funds? according to by laws never have any funds left.

14 List all banks or other repositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds:

Name of bank, repository, etc.	Mailing address and ZIP code
Peoples Bank of Lakeland	Lakeland, Florida.

15 List all election reports required to be filed by this committee with States and local jurisdictions, together with the names, addresses, and positions of the recipients of the reports (other than reports filed with Secretaries of State pursuant to USC 439(a)):

Report title	Dates required	Name and position of recipient	Mailing address and ZIP code

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate page(s).

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

(Signature of Treasurer) (Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g or §441j (see instructions)

For further information contact: ▶ Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

4993129256

(9)

DATE: 1-31-77

TIME: 3:06

COMMITTEE: Green Party of Florida

PERSON SPOKEN TO: Shirley Cornell & Doris D'Antoni

REC'R: A. Smith

SUBJECT: reporting

Cornell called requesting reporting info. I explained that reports for covering 4-1-77 through 12-31-77 must be filed. However, if no other transfers were made that report may be marked for termination. Cornell stated that transfers were made in 78 + 79. I stated that reports will have to be filed for these years. If the receipts and expenditures does not exceed $1000 in a quarter a 3a postcard may be sent. Cornell must first contact the national headquarters to request ~~info concerning~~ their reports. It will therefore take her a while to comply.

813-737-3775

(10)

DATE: ~~11/5~~ 10-18-72

TIME: 11:15

COMMITTEE: American Party of Florida

PERSON SPOKEN TO: Doris D'Antoni

REC'D: Osmick

SUBJECT:

Ms D'Antoni is still waiting for information from the Headquarters. She will submit the reports once that info is received.

8 1 0 1 0 2 9 5 3 0 2

D D-642
RAD 9L-209

REPORTS ANALYSIS REFERRAL UPDATE

*ORIGIN: RAD

DATE 11-27-79

ANALYST Wade McArthur

TO: Office of General Counsel
ATTENTION:

TEAM CHIEF Peggy Sims

THROUGH: STAFF DIRECTOR

COMPLIANCE REVIEW CB

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

MUR No. Not Yet Assigned

DATE OF ORIGINAL REFERRAL 11-27-79

**PURPOSE: ADDITIONAL INFORMATION

Attached please find a copy of an RFAI sent to the American Party of Florida regarding its Statement of Organization. No response to the RFAI has been received.

OUTCOME: (if applicable)

*Commission unit which initiated original Referral (e.g. AUDIT RAD OGC).
**INFORMATION, or RESULTS OF RAD ACTION, as appropriate.

FEDERAL ELECTION COMMISSION

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

SEP 28 1979

Ms. Doris D'antoni, Treasurer
American Party of Florida
620 Hennessee Street
Lakeland, Florida 33801

Dear Ms. D'antoni:

This letter is prompted by our interest in assisting committees who wish to comply with the Federal Election Campaign Act.

During review of your Statement of Organization, we noted that you omitted certain information. Attached is an itemization of the information requested.

While we recognize the difficulties you may have experienced in filling out the registration forms, we must ask that you supply the Commission with the missing information within fifteen (15) days from the date of this letter. If you have any questions, please do not hesitate to contact Ms. Alva Smith in our Reports Analysis Division on the toll free number (800)424-9530. Our local number is (202)523-4048.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Attachment
FEC Form 11

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

TO: American Party of Florida

DATE: SEP 28 1979

I.D. NO.: C00110767

REQUEST FOR ADDITIONAL INFORMATION FOR YOUR STATEMENT OF ORGANIZATION OF A POLITICAL COMMITTEE, PURSUANT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED.

A review of the statement indicates that additional information is needed in order to be considered complete. Please return a copy of this form with your amended submission(s).

Please provide the required information as indicated below (X):

X Signature X omitted ___ incorrect
11 CFR 104.12(a) requires each person having the responsibility to file a report to sign the original report. Please resubmit a signed copy of your report.

___ Question 5 – Complete information for: (a) ___, (b) ___, (c) ___, (d) ___, (e) ___.
11 CFR 102.2(a)(1) requires the identity of not only the name and address of your committee but the type of committee. Please amend your statement accordingly.

X Question 6 – Name(s) of Affiliated Committee(s) (IF NONE, SO STATE.)
___ 11 CFR 102.2(b)(1)(i) requires the Principal Campaign Committee to disclose the name and address of all authorized committees of its candidates. Please amend your statement to reflect this information.

___ 11 CFR 102.2(b)(1)(i) further requires the authorized committees to only disclose the name of their Principal Campaign Committee designated by the candidate. Please amend your statement to reflect this information.

___ Name, address, state and party affiliation of individual candidates supported by the committee.

___ Name, address and position of the committee's custodian of books and accounts.

___ Name, address and position of principal officers of the committee ___ omitted ___ inadequate.
2 U.S.C. 432(a) requires each political committee to have a Chairman and a Treasurer. 11 CFR 102.7 further stipulates that the Treasurer and Chairman are not to be the same individuals, and that no contributions may be accepted or expenditures made when there is a vacancy in either office. Please amend your statement to identify the appropriate officers.

___ Name(s), location(s) of bank(s), repository(ies).
2 U.S.C. 433(b)(9) requires a listing of all banks, safety deposit boxes or other repositories used by the committee be disclosed. Please amend your statement to identify all repository(ies) authorized by the candidate for your use.

___ Other: _____

Your initial submission(s), together with this request for additional information, has been made available for public inspection. The Commission urges you to file the additional submission(s) promptly. If you have any questions regarding this request, please call the Reports Analysis Division toll-free at (800) 424-9530. The local Washington, D.C. telephone numbers are (202) 523-4048 (Senate) or 523-4172 (House).

Senate filers should file their submission(s) with the Secretary of the Senate, Office of Public Records, 119 D Street, N.E., Washington, D.C. 20510. House filers should file their submission(s) with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, D.C. 20515.

FEC FORM 11
Revised Sept. 1978

PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS PRIMARY	RECEIPTS GENERAL	EXPENDITURES PRIMARY	EXPENDITURES GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
AMERICAN PARTY OF FLORIDA								ID# C00110767
	1979 REQUEST FOR ADDITIONAL INFORMATION					28SEP79	3	79FEC/136/5138

S/O

RT/3

C00110767 AMERICAN PARTY OF FLORIDA
1 N 79/06/26 4 79031294254

RQ 1 78/10/17 / / - / / 4 78030904067
RQ 1 79/04/09 / / - / / 5 79031232186

FILER ID OR (END TO EXIT) C00031112
TRANSACTION TYPE

NR

3 1 0 1 0 3 7 0 RAD 54 9K-209

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

DATE November 27th, 1979 ANALYST Alva Smith

TO Office of General Counsel TEAM CHIEF Bobby Werfel

THROUGH STAFF DIRECTOR COMPLIANCE REVIEW Carroll Bowen

FROM ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE COMMITTEE American Party of Florida

TREASURER Doris D'Antoni

ADDRESS 620 Hennessee Street
Lakeland, FL 33806

AFFILIATE(S)
N/A

ALLEGATION(S)	CITE	ATTACHMENT(S)
Failure to report as a political committee.	2 U.S.C. 434	

DATE INITIATED: October 17, 1978

MANNER IN WHICH REVIEW WAS INITIATED: ATTACHMENT

[X] Normal review [ ] Other:
[ ] Special Project:

REPORTS All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM N/A TO N/A

TOTAL RECEIPTS $ N/A TOTAL EXPENDITURES $ N/A

CASH ON HAND $ N/A DEBTS $ N/A

HISTORY

RESULTS OF REVIEW	ATTACHMENT
3SV1/78-99, sent October 17, 1978	2
3SV2/78-99, sent February 1, 1979	3
3SV1/78-99, sent April 9, 1979	6
3SV2/78-99, sent June 11, 1979 (Certified card not received.)	7

COMMUNICATIONS WITH CANDIDATE COMMITTEE	ATTACHMENT
Telecon-Adams and Smith, February 9, 1979	4
Telecon-Correll, D'Antoni and Smith, June 21, 1979	8
Telecon-Correll, D'Antoni and Smith, September 21, 1979	9
Telecon-D'Antoni and Smith, October 18, 1979	10

REASON(S) FOR REFERRAL ATTACHMENT

Inadequate response to 3SV2/78-99

Form 1, Statement of Organization, was filed. However, no Report of Receipts and Expenditures has been received by the FEC.

OTHER PENDING ACTIONS INITIATED BY RAD ATTACHMENT

None

OTHER RELEVANT INFORMATION

Letter to the Commission, date received, February 22, 1979 5
A) 79-14 was sent to the American Party of Florida 6/21/79.
Currently, the National American Party is still filing the required reports with the Commission.
Memo to file, 10/31/79 11

RAD Form 1

In reply please refer to: 3SV1/78-99

(2)

FEDERAL ELECTION COMMISSION

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

October 17, 1978

Mr. Clyde Adams, Chairman
American Party of Florida
2435 Holly Lane
Lake Park, FL 33410

Dear Mr. Adams:

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 American Party 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.

(30) days from the date
if you have any questions.
Division at (800)424-9530.

Peter

er

3 1 0 4 0 1 3 3 1 0 0

Schedule A
1976
Federal Election Commission
[illegible] Street, N.W.
Washington, D.C. 20463

Contributions, Ticket Purchases, Loans, Rebates, and Transfers for Line Numbers 15, 16, 17 and/or 18 of FEC Form 3

(see instructions on back)

LINE NUMBER

(Use separate schedule(s) for each numbered line)

Name of Candidate or Committee in full

American Party

Full Name, mailing address and ZIP code	Occupation	Date (month, day, year)	Amount of each receipt this period
American Party of Nebraska, Roger Bowker, Ch. Box 31153 Lincoln, [illegible] 68501		12-1	[illegible]
Principal place of business	☐ Check if Contributor is self-employed Aggregate Year-to-date ▶ $ [illegible]		
American Party of Virginia, C. Mason Gardner, Ch. 14213 Lee Hwy. [illegible]		12-2	[illegible]
Principal place of business	☐ Check if Contributor is self-employed Aggregate Year-to-date ▶ $ [illegible]		
American Party of Florida, Clyde Adams, Ch. 2135 Holly Ln. [illegible]		12-2	[illegible]
Principal place of business	☐ Check if Contributor is self-employed Aggregate Year-to-date ▶ $ [illegible]		
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) ▶ $

edule A
976
al Election Commission
Street, N.W.
gton, D.C. 20463

Itemized Receipts, Contributions, Ticket Purchases, Loans, Rebates, and Transfer; for Line Numbers 15, 16, 17 and/or 18 of FEC Form 3

(see Instructions on back)

Page 2 of ____ for
LINE NUMBER 18a
(Use separate schedule(s) for each numbered line)

Name of Candidate or Committee in full
American Party

Full Name, mailing address and ZIP code	Date (month, day, year)	Amount of each receipt this period
American Party of KY, Wasley Krogdahl, CH. 3493 Castleton Way, N. Lexington, KY 40502	4-25 5-31 6-27	112.50 112.50 112.50
Principal place of business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ▶ $ 638.50		
Full Name, mailing address and ZIP code American Party of Florida, Clyde Adams, CH 2435 Holly LN. Lake Park, FL 33410	5-4 5-18 5-27	220.00 300.00 755.00
Principal place of business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ▶ $ 1275.00		
Full Name, mailing address and ZIP code American Party of Kansas, Charles Ijams, CH 2807 Fairway Topeka, KS 66611	5-26	225.00
Principal place of business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ▶ $ [illegible]		
Full Name, mailing address and ZIP code American Party of Georgia, James Bearden, CH 830 Pixley Dr. Riverdale, GA 30274	5-20 5-31	557.57 308.43
Principal place of business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ▶ $ [illegible]		
Full Name, mailing address and ZIP code American Party of Louisiana, Charles A. McGowen, CH 407 Ernest St. New Iberia, LA 70560	6-10	112.50
Principal place of business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ▶ $ [illegible]		
Full Name, mailing address and ZIP code Constitution Party of New York, Paul Kerin, CH Box 532 Windham, NY 12496	5-26	[illegible]
Principal place of business / Occupation / ☐ Check if Contributor is self-employed / Aggregate Year-to-date ▶ $ [illegible]		

Subtotal of receipts this page (optional) ▶ $ 3944.00

Total this period (last page this line number only) ▶ $

SEND 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
Plum
Plum Beach, FL

3. ARTICLE DESCRIPTION
REGISTERED NO. | CERTIFIED NO. | INSURED NO.
943731

(Always obtain signature of addressee or agent)

I have received the article described above
SIGNATURE: Addressee / Authorized agent
Clyde D. Adams

4. DATE OF DELIVERY | POSTMARK
FEB 1 1980

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE | CLERK'S INITIALS

RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

10/17

U.S.G.P.O. 1977—0—249-895

In reply please refer to 35V2[illegible]-99

(3)

FEDERAL ELECTION COMMISSION

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

February 1, 1979

Clyde Adams, Chairman
American Party of Florida
2435 Holly Lane
Lake Park, FL 33410

Dear Mr. Adams:

On October 17, 1978, you were notified that you may have made contributions to a political committee which raised problems under 2 U.S.C. 433 and 434.

As of this date, however, we have received no response from you. Your failure to respond gives the Commission reason to believe that you may have committed a violation of 2 U.S.C. 433 and 434.

The Commission will take no action against you until you have had a reasonable opportunity to respond to this letter. This response should be mailed to the Commission within fifteen (15) days from the date of this letter.

If you have responded to the above or you require additional information, please contact Alva Smith, our Reports Analyst assigned to you on our toll free number (800)424-9530. Our local number is 523-1474.

Sincerely,

John W. McGarry

Commissioner

Certified Mail:
Return Receipt Requested

3 1 0 4 0 1 3 5 4 7 4

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

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

4. X [illegible]

DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

2435 [illegible]

6. UNABLE TO DELIVER BECAUSE

33716

INITIALS

RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

USPO FEB 6 1975

(4)

MEMORANDUM: FOR FILES

RE: TELECON

FROM: Amer Party of Florida, Clyde Adams

DATE: 3/7/79

NAME OF COMMITTEE:

Subject 3802/78-79

Mr. Adams called stating he was not been [illegible] [illegible] of the Amer Party of FL since 9/8. The new treasurer is Mrs Doris Overton, 610 Hemlock St, Sarasota FL 33581 & requested to send data to her office.

8 1 7 1 0 1 1 1 4 0 6

FEDERAL ELECTION COMMISSION

CORRESPONDENCE CONTROL SLIP

Do Not Separate From Document

For[redacted]sion Use	Suspense No.[redacted]
Name and Address of Sender	
Subject of Correspondence	
Date Received	Suspense Date
Referred to	Action (Optional)
1.	
2.	
3.	
4.	
5.	
Answer Date	File Designation
Special Instructions: not for PR inadequate to 35U2	

FEC Form 17 (Revised March 1977)

GPO 913-946

(3)

2435 Holly Lane
Lake Park,
Florida 33410
Feb. 15, 1979

John W. McGarry, Commissioner
Federal Elections Commission
1325 K Street N.W.
Washington, D. C. 20463

Re: 3SV2/78-99

Dear Commissioner:

In regard to your letter dated February.1, 1979 requesting information about the American Party of Florida. I discussed the matter by telephone with Alma Smith and she requested information in writing.

I resigned the chairmanship of the American Party of Florida on September 22, 1978. I do not have records of assessments paid to the national headquarters. These records are kept by the American Party State Treasurer whose address follows:

Mrs. Doris D'Antoni
620 Hennessee Street
Lakeland, Florida 33806

Mrs. D'Antoni can verify the assessments reported to your office from our national headquarters.

Sincerely,

Clyde D. Adams

CDA:ja

John W. McGarry Commissioner
Federal Elections Commission
1325 K Street N.W.
Washington, D. C. 20463

In reply please refer to MUR 178-99

(6)

FEDERAL ELECTION COMMISSION

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

April 9, 1979

Mrs. Doris D'Antoni, Treasurer
American Party of Florida
620 Hennessee Street
Lakeland, Florida 33806

Dear Mrs. D'Antoni:

On October 17, 1978, Mr. Clyde Adams, former chairman of the American Party of Florida was sent the attached letter. He informed us on February 15, 1979, that you have assumed the position of treasurer of the committee.

Please examine the letter of October 17, 1978, and act in accordance with its recommendations. Please notify the Commission within thirty (30) days from the date of this letter of your decision on this matter. If you have any questions, or require additional information, please contact Alva Smith, our Reports Analyst assigned to you on our toll free number (800)424-9530. Our local number is 523-1474.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Certified Mail
Return Receipt Requested

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

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

4. Willie M. Hewitt
DATE OF DELIVERY
1-12
POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE
CLERK'S INITIALS

In reply please refer to: 38V2778-77

(7)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 11, 1979

Doris D'Antoni, Treasurer
American Party of Florida
620 Hennessee Street
Lakeland, FL 33806

Dear Ms. D'Antoni:

On April 9, 1979, you were notified that you may have made contributions to a political committee which raised problems under 2 U.S.C. 433 and 434.

As of this date, however, we have received no response from you. Your failure to respond gives the Commission reason to believe that you may have committed a violation of 2 U.S.C. 433 and 434.

The Commission will take no action against you until you have had a reasonable opportunity to respond to this letter. This response should be mailed to the Commission within fifteen (15) days from the date of this letter.

If you have responded to the above or you require additional information, please contact Alva Smith, our Reports Analyst assigned to you on our toll free number (800)424-9530. Our local number is (202)357-0023.

Sincerely,

Max L. Friedersdorf

Commissioner

Certified Mail:
Return Receipt Requested

(8)

DATE: 6/21/79

TIME: 2:30

COMMITTEE: American Party of Florida

PERSON SPOKEN TO: Shirley Carrell and Doris D'Antoni who was listening on the extension withou informing me until the end of the conversation. 813-686-0366

FEC'R: A. Smith

SUBJECT: M letter 3SV1/78-99

Ms. Carroll repeated the same information that all the other American Parties have stated. The transfers are for assessment purposes,etc...
I explained the situation. Told her about the AOR submitted from the American Party of Georgia and the AO that states that the Amer Party of Georgia must register and report therefore all Amer Parties must register and report. I told her how to report and what forms to use. She requested a copy of the National Party reports for 78 and 79 so she may be able to report. She stated that all contributions were collected in a hat so she has no idea who contributed what. I told her to do the best she can , but get the form 1 in as soon as possible.I will also send her a copy of the AO and additional form 3's.

DATE: 9-21-77

TIME: 3:00

COMMITTEE: Amer Party of Florida

PERSON SPOKEN TO: Shirley Cowell & Doris D'Antoni

REC'R: A. Smith

SUBJECT: reporting

(9)

Cowell called regarding reporting info. I explained that reports for covering 4-1-77 through 12-31-77 must be filed. However, if no other transfers were made that report may be marked for termination. Cowell stated that transfers were made in 75, 76, 79. I stated that reports will have to be filed for those years. If the receipts and expenditures does not exceed $1000 in a quarter a 3a postcard may be sent. Cowell must first contact the National Headquarters to request ~~info concerning~~ the reports. It will therefore take her a while to comply.

813-737-3775

(10)

DATE: ~~11/5~~ 10-18-72

TIME: 11:15

COMMITTEE: American Party of Florida

PERSON SPOKEN TO: Doris D'Antoni

FEC'R: OBrien

SUBJECT:

Ms D'Antoni is still waiting for information from the Headquarters. She will submit the reports once that info is received.

MEMO TO FILE
RE: Meeting with Harvey Hawkins, Chairman of the American Party of Georgia and Vice Chariman of the National American Party.
TIME: 9:00 am
DATE:10/31/79
Those present from FEC;
Les Scall, OGC
Kevin McFadden, Audit
Lisa Stolaruk, RAD
Bobby Werfel, RAD
Myself, Alva Smith, RAD

Mr. Hawkins opened the meeting by asking; What steps should be taken to alleviate the problems of the state committees having to register and report because of past and present transfers of assessment fees to the national headquarters?

Lisa recommended that for future activity the national headquarters may;
1. establish a non-federal account in which all assessment fees are to be received or
2. terminate if there were no debts or obligations. (The question of debt settlement was discussed. It appears that Hawkins will not take that route. He stated that all debts can possibly be taken care of from individual contributions. As far as obligations are concern, he is not sure how they will be handled.)

If the first option is chosen, administrative expenditures between the federal and non-federal accounts must be allocated.

If the American Party dose anticipate federal activity in '80 for a presidential candidate, a convention committee must be established and will be required to register and report.

I explained that presently the national headquarters may;
1. establish a non-federal account and transfer the funds from the state committee which are in excess of $1000 to the non-federal account,
2. refund the excessive amount to the state committees,
3. or the state committees must register and report.

In conclusion, Hawkins will submit an AOR outlining what course the American Party intends to take, as per Les Scall's recommendation.

Hawkins was given a list of committee that have transferred in excess of $1000. They are;
-American Party of Mississippi
Florida
Indiana
California
Iowa.

Hawkins brought up questions concering reporting. One question asked deals with affiliation. In a response to an RFAI, Hawkins stated that the American

D 342
RAD 96-209

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

DATE November 27th, 1979

ANALYST Alva Smith

TO: Office of General Counsel

TEAM CHIEF Bobby Werfel

THROUGH STAFF DIRECTOR

COMPLIANCE REVIEW Carroll Bowen 3/85

FROM ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE COMMITTEE American Party of Florida

MUR 1092

TREASURER Doris D'Antoni

ADDRESS 620 Hennessee Street
Lakeland, FL 33806

AFFILIATE(S)
N/A

ALLEGATION(S)	CITE	ATTACHMENT(S)
Failure to report as a political committee.	2 U.S.C. 434	

DATE INITIATED: October 17, 1978

MANNER IN WHICH REVIEW WAS INITIATED:

[X] Normal review [ ] Other:

[ ] Special Project:

ATTACHMENT

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM N/A TO N/A

TOTAL RECEIPTS $ N/A TOTAL EXPENDITURES $ N/A

CASH ON HAND $ N/A DEBTS $ N/A

HISTORY:

RESULTS OF REVIEW

	ATTACHMENT
3SV1/78-99, sent October 17, 1978	2
3SV2/78-99, sent February 1, 1979	3
3SV1/78-99, sent April 9, 1979	6
3SV2/78-99, sent June 11, 1979 (Certified card not received.)	7

COMMUNICATIONS WITH CANDIDATE COMMITTEE:

	ATTACHMENT
Telecon-Adams and Smith, February 9, 1979	1
Telecon-Correll, D'Antoni and Smith, June 21, 1979	8
Telecon-Correll, D'Antoni and Smith, September 21, 1979	9
Telecon-D'Antoni and Smith, October 18, 1979	10

REASON(S) FOR REFERRAL: ATTACHMENT

Inadequate response to 3SV2/78-99

Form 1, Statement of Organization, was filed. However, no Report of Receipts and Expenditures has been received by the FEC.

OTHER PENDING ACTIONS INITIATED BY RAD: ATTACHMENT

None

OTHER RELEVANT INFORMATION:

Letter to the Commission, date received, February 22, 1979 5

A) 79-14 was sent to the American Party of Florida 6/21/79.

Currently, the National American Party is still filing the required reports with the Commission.

Memo to file, 10/31/79 11

RAD Form 1

Party is not affiliated with any other committee. In defining affiliation, Hawkins discovered that the congressional district committees in Georgia are affiliated with the American Party of Georgia. He wanted to know, if he does disclose this infromation will the district committees be required to register and report? I stated only if the committees transfer in excess of $1000 to the American Party of Georgia.

Secondly, Hawkins asked if a 3a postcard was submitted for the Q1 '79 will he have to report through the year. I explained that reports for the Q2 and Q3 do not have to be filed, if the receipts and expenditures do not exceed $1000 per quarter. A year end report, however, must be filed disclosing that activity for the entire year.

FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1092

Date Filmed 7-28-81 Camera No. --- 2

Cameraman DPC

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