



FEDERAL ELECTION COMMISSION

1125 A STREET N.W.  
WASHINGTON, D.C. 20461

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THIS IS THE END OF TAP # 1155

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FEDERAL ELECTION COMMISSION

Reports, Letters, Briefs, Correspondence  
Agreements

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):

- |  |   |
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| <input type="checkbox"/> (1) Classified Information                                | <input type="checkbox"/> (6) Personal privacy                             |
| <input type="checkbox"/> (2) Internal rules and practices                          | <input type="checkbox"/> (7) Investigatory files                          |
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| <input type="checkbox"/> (5) Internal Documents                                    |   |

Signed Judith Shepard  
date 7-22-81

FEC 9-21-77

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: The File  
FROM: Judy Thedford *JT*  
SUBJECT: ERRATA - MUR 1155  
DATE: July 15, 1981

The Errata dated July 2, 1981 and circulated to the Commission contains errors which should be corrected.

Specifically, #3 should have read, "After the Committee..." and not, "After the Commission..." and, the date the Committee refunded the excessive contributions was June 29, 1979, not the 28th.

This memorandum is to serve as a correction of this information.

81040292209



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 16, 1981

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Richard J. Diviney, Treasurer  
Guidera Congress Committee  
4 Turkey Hill Lane  
Westport, Connecticut 06880

RE: MUR 1155

Dear Mr. Diviney:

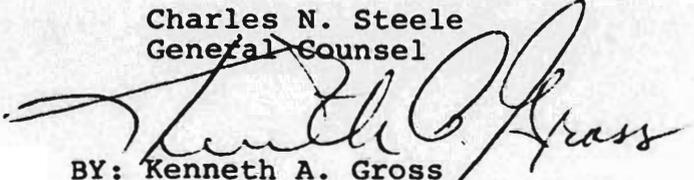
On July 14, 1981, the Commission reviewed this matter for final disposition and determined as a function of its prosecutorial discretion not to file suit against the Guidera Congress Committee. The Commission, however, reminds you that the acceptance of the contributions from the four unregistered committees is a violation of 2 U.S.C. § 441a(f) and that the Commission's probable cause to believe determination in this matter will be made a matter of public record.

The file in this matter will be made part of the public record within 30 days. 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.

If you have any questions, please contact Judy Thedford at (202)523-4057.

Sincerely,

Charles N. Steele  
General Counsel

  
BY: Kenneth A. Gross  
Associate General Counsel

917492209

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 1155  
Guidera Congress Committee )

CERTIFICATION

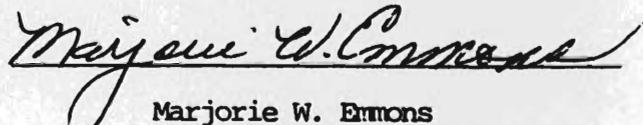
I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 14, 1981, the Commission decided by a vote of 6-0 to take the following actions regarding MUR 1155:

1. Take no further action and close the file against the Guidera Congress Committee.
2. Send the letter, as attached to the General Counsel's June 8, 1981 report, to Richard Diviney, treasurer of the Guidera Congress Committee.

Attest:

7-15-81

Date

  
Marjorie W. Emmons  
Secretary of the Commission

Report signed:	6-30-81
Received in Office of the Commission Secretary:	6-30-81, 3:08
Circulated on 48 hour vote basis:	7- 1-81, 11:00
Objection filed	7-1-81 2:04
Placed on Executive Session Agenda of July 14, 1981	

81040292210



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Richard J. Diviney, Treasurer  
Guidera Congress Committee  
4 Turkey Hill Lane  
Westport, Connecticut 06880

RE: MUR 1155

Dear Mr. Diviney:

On , 1981, the Commission reviewed this matter for final disposition and determined as a function of its prosecutorial discretion not to file suit against the Guidera Congress Committee. The Commission, however, reminds you that the acceptance of the contributions from the four unregistered committees is a violation of 2 U.S.C. § 441~~14~~ and that the Commission's probable cause to believe determination in this matter will be made a matter of public record.

The file in this matter will be made part of the public record within 30 days. 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.

If you have any questions, please contact Judy Thedford at (202)523-4057.

Sincerely,

Charles N. Steele  
General Counsel

*JK*  
*7-16-81*

81040292211

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Guidera Congress Committee ) MUR 1155

CERTIFICATION

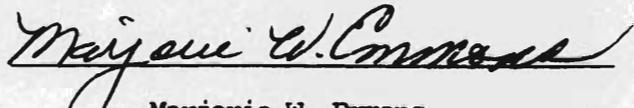
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1. Take no further action and close the file against the Guidera Congress Committee.
2. Send the letter, as attached to the General Counsel's June 8, 1981 report, to Richard Diviney, treasurer of the Guidera Congress Committee.

Attest:

7-15-81

Date

  
Marjorie W. Emmons  
Secretary of the Commission

Report signed:	6-30-81
Received in Office of the Commission Secretary:	6-30-81, 3:08
Circulated on 48 hour vote basis:	7- 1-81, 11:00
Objection filed	7-1-81 2:04
Placed on Executive Session Agenda of July 14, 1981	

81040292212

July 2, 1981

MEMORANDUM TO: Marjorie W. Emmons  
FROM: Phyllis A. Kayson  
SUBJECT: MUR 1155

Please have the attached Errata distributed to  
the Commission for their information. Thank you.

Attachment

cc: Thedford

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**SENSITIVE**



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

81 JUL 2 P4: 00

July 2, 1981

MEMORANDUM TO: The Commission  
FROM: Kenneth A. Gross  
Associate General Counsel *KAG*  
SUBJECT: ERRATA- MUR 1155

The General Counsel's Report on MUR 1155-Guidera Congress Committee dated June 8, 1981, should be corrected to read as follows on page 2:

3. After the Commission received the Commission's notification on May 24, 1979, the excessive contributions were promptly refunded by the Committee on June 28, 1979.

The report as circulated incorrectly stated that the contributions were refunded on June 28, 1980.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE  
FROM: MARJORIE W. EMMONS/JODY CUSTER *Jc*  
DATE: JULY 1, 1981  
SUBJECT: OBJECTION - MUR 1155 General Counsel's Report  
dated June 8, 1981; Received in OCS, 6-30-81,  
3:08

The above-named document was circulated on a 48  
hour vote basis at 11:00, July 1, 1981.

Commissioner Reiche submitted an objection at 2:04,  
July 1, 1981.

This matter will be placed on the Executive Session  
Agenda for Tuesday, July 14, 1981. A copy of Commissioner  
Reiche's vote sheet with comments is attached.

Attachment:  
Vote sheet

81040292215

June 30, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Phyllis A. Kayson

SUBJECT: MUR 1155

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

Thank you.

Attachment

cc: Thedford

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June 8, 1981

81 JUN 30 P 3: 08

**SENSITIVE**

In the Matter of )  
 )  
Guidera Congress Committee )

MUR 1155

GENERAL COUNSEL'S REPORT

I. Background/Previous Commission Action:

On March 24, 1981, the Commission found probable cause to believe that the Guidera Congress Committee (the "Committee") violated 2 U.S.C. § 441a(f) by accepting excessive contributions from four unregistered committees. The Committee's treasurer, Richard Diviney, was notified of the Commission's latest decision by letter dated March 27, 1981. The letter also enclosed a conciliation agreement offered to the respondent in settlement of this matter. Mr. Diviney received the letter and conciliation agreement on April 1, 1981.

II. Legal Analysis:

Pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), the Commission shall attempt for a period of at least thirty days to correct a violation of the Act by informal methods of conference, conciliation, and persuasion and to enter into a conciliation agreement with any person involved. As the mandatory thirty days for conciliation has expired and the Committee has not responded, the Office of General Counsel has reviewed this matter for final disposition.

The Office of General Counsel recommends that the Commission take no further action and close the file in this matter. The

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factors upon which this recommendation is based are as follows:

1. The amount of the four excessive contributions were minimal totalling \$1,927.50.
2. The Committee reported the contributions to the Commission.
3. After the Committee received the Commission's notification on May 24, 1979, the excessive contributions were promptly refunded by the Committee on June 29, 1980. The refunds were subsequently reported on the July 10 Quarterly Report.

III. Recommendations:

1. Take no further action and close the file against the Guidera Congress Committee.
2. Send the attached letter to Richard Diviney, treasurer of the Guidera Congress Committee.

30 June 1981  
Date

  
\_\_\_\_\_  
Charles N. Steele  
General Counsel

Attachment:  
Letter

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Richard J. Diviney, Treasurer  
Guidera Congress Committee  
4 Turkey Hill Lane  
Westport, Connecticut 06880

RE: MUR 1155

Dear Mr. Diviney:

On , 1981, the Commission reviewed this matter for final disposition and determined as a function of its prosecutorial discretion not to file suit against the Guidera Congress Committee. The Commission, however, reminds you that the acceptance of the contributions from the four unregistered committees is a violation of 2 U.S.C. § 441b(a) and that the Commission's probable cause to believe determination in this matter will be made a matter of public record.

The file in this matter will be made part of the public record within 30 days. 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.

If you have any questions, please contact Judy Thedford at (202)523-4057.

Sincerely,

Charles N. Steele  
General Counsel

ATTACHMENT I

81040292219

*Shedford*

81 JAN 5 P12:16

QCC#3688

**DATE:** December 31, 1980

**TO:** Charles N. Steele, Esq.  
General Counsel  
Federal Election Commission  
Washington, DC 20463

81 JAN 5 P2:12

COMM. DIV.

**RE:** MUR 1155

**Enclosed herewith please find the following:**

Three (3) copies of Reply Brief in connection with the above captioned.

**BY:** Richard J. Diviney:bhb

**SHERWOOD, GARLICK & COWELL**  
ATTORNEYS AT LAW  
101 POST ROAD EAST  
P. O. BOX 529  
WESTPORT, CONN. 06881

81040292220

BEFORE THE FEDERAL ELECTION COMMISSION

In The Matter of )

MUR 1155

Guidera Congress Committee )

December 31, 1980

REPLY BRIEF

Honorable Commissioners:

The Guidera Congress Committee (Committee) is by law afforded this opportunity to reply to General Counsel's Brief dated December 19, 1980. You are about to vote on whether there exists probable cause to believe that the Committee violated 2 USC 441 a (f), which provides that:

"No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section."

You are already aware of the facts in this case, having found last February reason to believe that a violation may have occurred. In March you had before you the Committee's response, given under oath, to demonstrate that no further action should be taken. (See Exhibit 1) Your lawyer was instructed to proceed with enforcement,

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Referring to the letter of March 10th addressed to Mr. Tiernan (Exhibit I), it was noted that in its prior correspondence the Commission expressed "an interest in assisting candidates and committees who wish to comply with the Act." The "assistance" was there when needed, especially when questions came up or forms were confusing. The FEC was of help, and that help was appreciated. There were times when your staff needed the Committee's assistance, to verify or correct amounts reported for contributions and expenditures, to complete items of information, and to clarify some transactions appearing in the Committee's periodic reports. This assistance was always promptly provided. When the FEC staff pointed to a possible violation of the contribution limitations with respect to the Town Committee contributions, the Committee attempted to confirm or refute the FEC determination. When it became clear that neither could be done for lack of adequate information, the contributions were refunded. Seven months later the Committee received your notice of "reason to believe a violation may have occurred." This came as both a surprise and a shock, especially after reading the enforcement provisions of the Act (2 USC 437g). Clearly, Congress gave the Commission the necessary powers "to prevent and to correct violations of the act." Since the Committee had reported the Town Committee contributions as already received, the Commission could not prevent the alleged violation. However, the Commission could, and your staff did, correct the alleged violation by recommending that the Committee refund the amounts determined to be excessive. A response to your request for an explanation of how and why these gifts were accepted was provided in the March 10, 1980 letter to Mr. Tiernan. Despite the fact that the alleged violation was corrected, your general counsel is now engaged in this "civil prosecution", albeit at the agency level, to extract an admission to an alleged U. S. Code violation and payment of a \$500 fine.

The image of an FEC "prompted by an interest in assisting . . . etc." has vanished and is now replaced by a police power, able not only to summon alleged violators of the act, but to also judge them and impose fines.

Underlying the issue of whether a 2 USC 441 a (f) violation occurred in this case is a question of statutory construction or interpretation. Does the word "knowingly" modify the word "accept" in 441 a (f) or does it modify the phrase "in violation of the provisions of this section"?

The Committee searched for legal authority in cases, rulings, opinions, regulations and advisory publications for an answer, and could find none. The Committee asked Mr. Steele to share his research, and by letter of September 10, 1980 he responded as follows:

"The Commission's interpretation of a Section 441 a (f) violation is that the receiving entity knowingly accepted the contribution in question, not that it was aware of the illegality of the accepted contributions."

Mr. Steele argues that the word "knowingly" modifies the verb "accepted". This interpretation is inconsistent with the generally accepted meaning of the words "knowingly" and "accept" and when applied to 441 a (f) produces an illogical result.

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Black's Law Dictionary defines terms and phrases commonly used in

American and English jurisprudence. As found on Page 26 of Black's Law Dictionary (1957 Edition) the term "accept" means to receive with approval or satisfaction; to receive with intent to retain. *Morris V. State*, 102 Ark. 513, 145 S. W. 213, 214; admit and agree to, exceed to or consent to, receive with approval. The term "acceptance" is defined as the act of a person to whom a thing is offered or tendered by another whereby he receives the thing with the intention of retaining it, such intention being evidenced by a sufficient act. *Aetna Inv. Corporation V. Chandler Landscape and Floral Co.*, 227 Mo. app. 17, 50 S. W. 2d 195, 197.

Webster's Third New International Dictionary, (1966 Unabridged Edition) defines

"accept" on Page 10 at 2a "to receive with consent (something given or offered)."

Black's defines the term "knowingly" to mean with knowledge, consciously, intelligently, willfully, intentionally. *Atkinson V. The State*, 133 Ark 341, 202 S. W. 709, 710; *People V. Calvert*, 93 Cal. app. 568, 269 P. 69, 971. The word (knowingly) imports a perception of facts requisite to make up crime; *Commonwealth V. Altenhaus* 317 Mass. 270, 57 N. E. 2d 921, 922; knowledge of act or thing done as well as evil intent or bad purpose; *Erby V. State* 181 Tenn. 647, 184 S.W. 2d 14, 16; A knowledge that facts exist which bring the act or omission within the provisions of the code. (emphasis added) *People V. Forbath*, 5 Cal. app. 2d supp. 767, 42 P. 2d 108, 109.

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There is a maxim of statutory construction "expressio unius est exclusio alterius." Where a statute prohibits doing something under certain conditions it carries with it an implied exclusion or allowance that the same thing may be done under other conditions. Applying this maxim to Mr. Steele's interpretation, the statute which prohibits the "knowing acceptance" of contributions in violation of the Act, would allow a candidate or committee to "unknowingly accept" a contribution which may violate the Act. If a committee can "knowingly accept" a campaign contribution, it must be true that a committee can "unknowingly accept" a campaign contribution. A committee which unknowingly accepted a contribution would be unaware of the gift, it could not therefore report the gift to the FEC, and it could not use the gift for campaign expenses. The reason why this sounds so absurd is because, by definition, one cannot unknowingly accept anything. The verb "to accept" has as an inseparable element and precondition, knowledge or cognition or understanding (a process of the mind). So the term "knowingly" as used in the statute cannot modify the word "accept" and it is therefore either superfluous or it modifies the phrase "in violation of the provisions of this section."

General Counsel cites American Timber & Trading Co. V. First National Bank of Oregon 334 F. Supp. 888 as authority for the meaning of the term "knowingly." The American Timber case involved a usury statute which prohibited the charging of interest greater than allowed by 12 USC 85, and "when knowingly done" imposed a forfeiture of all interest as well as double damages. The Court applied the Criminal Law definition of "knowingly" as handed down in U. S. v. International Minerals, 402 U. S. 558 The American Timber Court found:

"Here, it is agreed that the (Defendant) bank knew that its computation of interest on the 360-day year would result in a borrower paying more in one year than the maximum legal rate when computed on a calendar year . . . clearly, then, the bank understood full well the different financial implications between using the 360-day year in the later case and the 365-day year in the former." American Timber (Supra)

How can the criminal law "knowledge" standard be justifiably applied to the enforcement of an alleged 441 a (f) violation when the Committee, after consulting FEC advisory opinion AO 1978-9 and its State Party Committee, accepted Town Committee contributions in good faith and without knowledge that in doing so an alleged violation could occur? Clearly, the "knowingly accept" interpretation produces an unjustly harsh result by establishing a strict or absolute liability standard. The U. S. Supreme Court in the International Minerals case (Supra at 560) noted that strict or absolute liability is not imposed in United States v. Freed, 401 U. S. 601 which dealt with the possession of hand grenades, nor in Boyce Motor Lines, Inc. v. United States 342 U. S. 337 involving the interstate transportation of dangerous or deleterious devices or products or obnoxious waste materials. The interstate commerce cases require knowledge of the shipment of the dangerous materials, but not knowledge of the regulation. Is there a more serious public harm to be avoided or a greater common good to be promoted by imposing absolute liability upon those who receive contributions supporting candidates for Federal office? It is evident that Congress was concerned only with knowing violations of the contribution limitations in 441 a (f) for that is what the law quite clearly says.

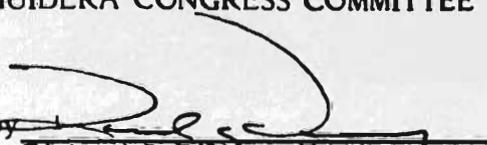
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General Counsel does not distinguish in his brief 2 USC 441 a (f) and 2 USC 441 f. In the later section, Congress provided that "no person shall knowingly accept a contribution made by one person in the name of another person." Both sections contain the same phrase "knowingly accept" and applying Mr. Steele's interpretation to the later section, a person may "knowingly accept" a contribution while unaware that it was made by one person in the name of another, and be in violation of 441 f if that form of gift is thereafter proved. Congress clearly did not intend such a result as to a 441 f violation, nor, using the same statutory language the result which General Counsel would have you reach in this case.

The clear intent of 2 USC 441 a (f) is to prohibit intentional violations of the contribution and expenditure limitations. Congress obviously recognized that the contribution limitations might be exceeded accidentally or inadvertently by persons acting in good faith, for otherwise the word "knowingly" would not have been used.

Respectfully submitted,

GUIDERA CONGRESS COMMITTEE

By 

Richard J. Diviney, Treasurer

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

80 DEC 21 12

December 22, 1980

MEMORANDUM TO: The Commission

FROM: Charles N. Steele *CS*  
General Counsel

SUBJECT: MUR 1155

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 December 22, 1980. Following receipts 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

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compliance with state party expenditure limitations. Furthermore, Mr. Diviney pointed out that all correspondence from the Commission prior to the reason to believe notification of February 28, 1980, was "prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended." Mr. Diviney noted that the Committee promptly refunded the excessive contributions, that he cooperated fully with all Commission requests, and that he had established a system to insure that political committees did not exceed the contribution limitations of the Act. Mr. Diviney stated his deep concern over the Commission's reason to believe finding which he interprets as a "knowing and willful" determination

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The Guidera Congress Committee reported receiving the following contributions in connection with the 1978 general election from four unregistered committees:

<u>Contributing Committee</u>	<u>Date</u>	<u>Amount</u>
(1) Waterbury Republican Town Committee	10-4-78	\$ 90
	10-20-78	1,900
	TOTAL	<u>\$1,990</u>
(2) Ridgefield Republican Town Committee	10-10-78	\$ 100
	10-12-78	500
	10-17-78	500
	10-24-78	125
	2-14-79	62.50
	TOTAL	<u>\$1,287.50</u>
(3) Weston Republican Campaign Fund	10-18-78	\$ 750
	11-2-78	400
	TOTAL	<u>\$1,150</u>
(4) Middlebury Republican Finance Committee	10-31-78	\$ 500
	10-31-78	1,000
	TOTAL	<u>\$1,500</u>

The Committee was notified by a letter dated May 21, 1979, that these entries indicated that a violation of the Act may have been committed. Subsequently, the Committee stated its intent to refund the excessive contributions in letters dated June 20 and 29, 1979, and reported the refund on its 1979 July 10 Quarterly Report.

Pursuant to 2 U.S.C. § 441a(a)(1)(A), an unregistered committee is subject to the contribution limitation of \$1,000 per election. Therefore, the Guidera Congress Committee violated 2 U.S.C. § 441a(f) for accepting excessive contributions totalling \$1,927.50 (Waterbury Republican Town Committee - \$990, Ridgefield Republican Town Committee - \$287.50, Weston Republican Campaign Fund - \$150, and Middlebury Republican Finance Committee - \$500).

Mr. Diviney's response dated March 10, 1980, made references to state party expenditures and raised questions of affiliation between the unregistered committees and the state republican committee of Connecticut, and of the possibility of the contributions in question being coordinated party expenditures. With regard to the question of affiliation, the Connecticut Republican Federal Campaign Committee ("CRFCC"), a multicandidate committee, does not list any affiliates. Furthermore, if one presumes the four unregistered committees

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to be affiliated, pursuant to 2 U.S.C. § 441a(a)(5), with the CRFCC, the CRFCC has violated 2 U.S.C. § 441a(a)(2)(A) by contributing in excess of \$5,000 per election to the Guidera Congress Committee (\$2,000 on 10/21/79 from CRFCC and \$5,927.50 from the four unregistered committees).

It also appears that the contributions from the four unregistered committees were not coordinated party expenditures pursuant to 2 U.S.C. § 441a(d), 11 CFR § 110.7. The Guidera Congress Committee reported as contributions the \$5,927.50 from the four unregistered committees. AO 1975-120 states that "a direct donation of money to a candidate ... is not the same as an expenditure 'in connection with the general election campaign' of a candidate. In one case, the candidate acquires exclusive use of the monies in question; in the other, the state party, although it may consult with the candidate as to how to expend the funds, has control over how the monies are used." Thus, as the \$5,927.50 was a direct donation of money to the Guidera Congress Committee, it could not count as a coordinated party expenditure. Additionally, 441a(d) expenditures are not reported by the recipient committee.

Further, CRFCC, did not report the \$5,927.50 as coordinated party expenditures. Of the \$12,000 coordinated party expenditures reported by CRFCC, only \$2,000 was reported as expenditures on behalf of Guidera.

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Mr. Diviney has also raised as an issue in this matter, the interpretation of 2 U.S.C. § 441a(f). Specifically, Mr. Diviney interprets the phrase "knowingly accepted" as indicative of a knowingly and willful violation.

2 U.S.C. § 441a(f) provides that political committees shall not "knowingly accept" contributions in violation of the contribution limitations. The Office of General Counsel interprets this to mean that the recipient of the contributions knew of the receipt of the contributions, not that the recipient knew that by receiving the contributions a violation of the Act would occur.

Thus, the Act does not require that the Guidera Congress Committee knew its conduct was illegal. Rather, it is only necessary to show that the Guidera Congress Committee accepted the contributions which form the basis of the 2 U.S.C. § 441a(a) violation. As was stated in American Timber and Trading Co. v. First National Bank of Oregon, 334 F.Supp 888 (D.Ore. 1971), aff'd. and remanded, 511 F.2d 980 (9th Cir. 1971), cert. denied, 421 U.S. 921 (1971):

The word "knowingly" ordinarily means that the act or omission was intentional. It is not necessary that the actor intended to break the law. It is enough that he intended the act. One may be ignorant of the law, and yet be found to have violated its demands. United States v. International Minerals & Chemicals Corp., 402 U.S. 558 . . . (1971).

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Furthermore, 2 U.S.C. § 441a(f) is distinct from other sections of the Act which require a person to have "knowingly and willfully" committed a violation before the Commission may take action or before criminal penalties may be imposed. (See 2 U.S.C. § 437g(a)(5)(B), (C), and (6)(C), and 2 U.S.C. § 437g(c), and 2 U.S.C. § 437g(d)).

Thus, the position of the Office of General Counsel is that since the Guidera Congress Committee knew of the receipt of contributions from the Waterbury Republican Town Committee, the Ridgefield Republican Town Committee, the Weston Republican Campaign Fund and the Middlebury Republican Finance Committee, and since contributions from those committees exceeded 2 U.S.C. § 441a(a) limits, the Guidera Congress Committee violated 2 U.S.C. § 441a(f).

III. General Counsel's Recommendation:

It is recommended that the Commission find probable cause to believe that the Guidera Congress Committee violated 2 U.S.C. § 441a(f).

19 Dec 6 - 1980  
Date

  
Charles N. Steele  
General Counsel

81040292236



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 22, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Richard J. Diviney, Treasurer  
Guidera Congress Committee  
4 Turkey Hill Lane  
Westport, CT 06880

RE: MUR 1155

Dear Mr. Diviney:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities and information supplied by you, the Federal Election Commission, on February 26, 1980, found reason to believe that your committee may have violated the Federal Election Campaign Act of 1971, as amended, specifically 2 U.S.C. § 441a(f) and instituted an investigation of this matter.

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

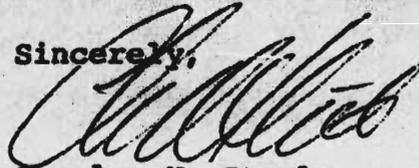
Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the 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.

91040292237

Should you have any questions, please contact Judy  
Thedford, at 202/523-4057.

Sincerely,



Charles N. Steele  
General Counsel

Enclosure  
Brief

81040292238



# Guidera CONGRESS

P.O. BOX 1035  
WESTON, CT. 06883

P.O. BOX 2838  
WATERBURY, CT. 06723

067  
13 MAR 980

GCCT 724

March 10, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

006933

Mr. Robert O. Tiernan, Chairman  
Federal Election Commission  
1325 K Street N.W.  
Washington, DC 20463

Re: MUR 1155

Dear Mr. Tiernan:

Your letter of February 28 informing me that the Commission has reason to believe that I knowingly and willfully violated the Act by accepting excessive contributions from four local party committees is the most discouraging and distressing news since we lost the congressional race by a very narrow margin. All of the contributions in question, except for \$62.50, were received at the height of our campaign activity immediately preceding the general election. During that twenty-three day period, we received and processed \$45,489.07 of campaign contributions, using the recommended bookkeeping system to insure full compliance with the contribution limitations of the Act as I understood them to be at the time.

Shortly after the July 15th nominating convention, I spoke with the State Party Chairman and his Treasurer for the purpose of clarifying the handling of party organization contributions and coordinating our respective fund-raising plans and expectations. At that time, my understanding of the party organization contribution limitation was that all party organization contributions, whether from State Central, District level or Town Committees would be counted against the special State Party Expenditure Limitation for House Candidates as determined by your Commission. In order to avoid exceeding this limitation, I was asked to report to State Central all contributions received from the district level and town committees, and I did so. This procedure was later confirmed to my satisfaction after reading your advisory opinion (AO 1978-9) dealing with questions raised by the Iowa Republican Committees. The Commission's opinion was, after discussing the congressional intent to promote party participation at the local level, that it "will avoid rulings which unjustifiably discourage party activity at the local level. Furthermore, Congress has articulated in other parts of the Act a desire to place the fewest restrictions and administrative burdens on those groups that are least likely to need them, i.e., local political organizations which are either primarily involved in State and/or local elections or which are active in cam-

A COPY OF OUR REPORT IS FILED WITH THE FEDERAL ELECTION COMMISSION  
AND IS AVAILABLE FOR PURCHASE FROM THE FEDERAL ELECTION COMMISSION WASH. DC

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Mr. Robert O. Tiernan  
March 10, 1980  
Page 2

paigns for federal office, but on a very limited or seasonal basis. Consequently, the Commission has broad discretion to waive all reporting requirements for essentially local groups even though they may have made expenditures to influence federal campaigns in excess of \$1,000 and would otherwise be liable to report as political committees." Since State Central had asked me to report all district level and town committee contributions, both dollar and in-kind contributions, I understood that these would be counted against the special State party limitation for house candidates and not be subject to a separate limitation for either district level or town committee organizations. The July 10th notification from State Central as well as an example of my periodic report is enclosed.

It is clear that the town committees involved in this matter were unaware, as was I, that they must qualify as a multi-candidate committee in order to support my candidate. The Commission, of course, sent notification of that determination to each committee, including my own, in May, 1979. The alleged violation was then immediately corrected by this Committee in accordance with the Commission's recommendation by refunding the "excessive contributions" to the respective committees.

All correspondence which I have received from the Commission prior to your letter of February 29 was "prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended." The timely reports which I have filed, my immediate response to questions, recommendations and requests for additional information by the Commission, and this letter, is the best evidence I can provide of my intention and willingness to cooperate with the Commission and comply in every respect with the provisions of the Act.

I have established a system and procedure to insure that party organization contributions, considered as separate political committees, do not exceed a \$1,000 maximum or \$5,000 for a registered multi-candidate committee. The multi-candidate committee index as published by the Commission is being used to verify the status of each party organization contributor.

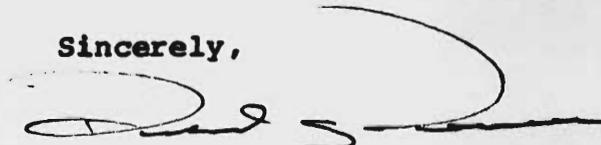
Your indication that the Commission has reason to believe that a knowing and willful violation of the Act has been committed is of grave concern to me, my Committee and to Mr. Guidera. This is not the path we have chosen to follow. I can assure you of

310402240

Mr. Robert O. Tiernan  
March 10, 1980  
Page 3

our intention to continue to fully cooperate with the Commission in completing the Committee's work, and trust that this matter can be resolved informally.

Sincerely,



Richard J. Diviney, Treasurer  
4 Turkey Hill Lane  
Westport, Connecticut 06880

RJD:vlf

STATE OF CONNECTICUT )  
COUNTY OF FAIRFIELD )

ss. Westport

March 10, 1980

I, Richard J. Diviney, being first duly sworn, say that the statements set forth above are true to the best of my knowledge, information and belief, so help me God.



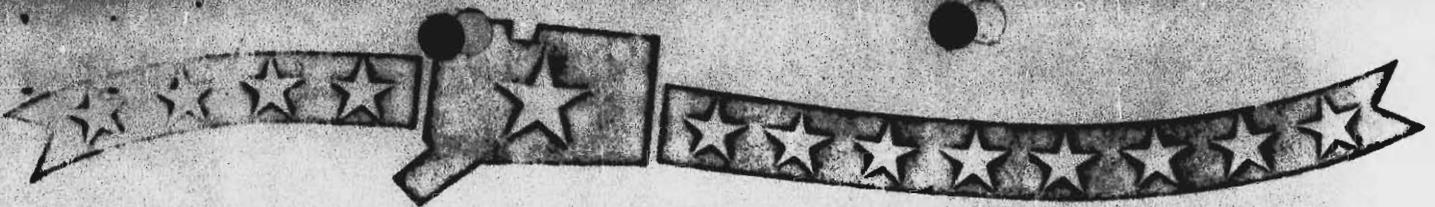
Richard J. Diviney

Subscribed and sworn to before me  
this 10th day of March, 1980.

  
Victoria L. Figlewski, Notary Public

My Commission Expires: 3/31/84

91040292241



# Connecticut Republicans

Frederick K. Biebel, *State Chairman*  
Mrs. Jeanne R. Nelson, *Vice Chairman*  
Mrs. Lillian Ludlam, *Secretary*  
William H. T. Bush, *Treasurer*  
Donald J. Schmidt, *Deputy Chairman*  
Members of National Committee  
John Alsop  
Mrs. Mary E. Boatwright

July 10, 1978

To: All Congressional Candidates  
From: Frederick K. Biebel, State Chairman

*Fred*

IMPORTANT NOTICE FOR ALL CONGRESSIONAL CANDIDATES

This is to inform you that I am requesting your treasurer to notify me at Connecticut Republicans, One High Street, Hartford, Connecticut 06103, every two weeks, concerning the total amount of contributions you receive from each town within your congressional district, including the congressional district organization itself, the womens clubs, or any on-going political organizational committee.

As you know, I must keep accurate accounting of this money which shall be deducted to see what we are permitted to contribute to you during your entire campaign, which is limited to \$5,000 per primary, \$5,000 after primary, plus \$11,000 coordinating expenses.

In a manner of explanation, this simply means that with all your political entities, including the State Central Committee, your campaign can't receive any more than \$21,000 from the state level.

FKB:jas

JUL 17 1978

81040292242



# Guidera CONGRESS

P.O. BOX 1035  
WESTON CT. 06883

August 22, 1978

Mr. Frederick K. Biebel  
State Chairman  
Connecticut Republicans  
One High Street  
Hartford, Conn. 06103

Dear Mr. Biebel:

Per your notice of July 10th, listed below are contributions received.

6-21	Easton Republican Town Committee	155.00
7-26	GOP 5	100.00
8-17	New Canaan Women's Republican Committee	500.00
8-15	Prospect Town Committee	25.00

Very truly yours,

Richard J. Diviney  
Treasurer

RJD:jld

EXAMPLE OF PERIODIC REPORT TO STATE CENTRAL

A COPY OF OUR REPORT IS FILED WITH THE FEDERAL ELECTION COMMISSION  
AND IS AVAILABLE FOR PURCHASE FROM THE FEDERAL ELECTION COMMISSION WASH. DC

81040292243

81040292244



**Guidera**  
**CONGRESS**

P.O. BOX 2838  
WATERBURY, CT 06723



*Return Receipt Requested*



Mr. Robert O. Tiernan, Chairman  
Federal Election Commission  
1325 K Street N.W.  
Washington, DC 20463

81040292245

*Theford* MUR 1155

PS Form 3811, Apr. 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one)

Show to whom and date delivered . . . . .

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: Lucille Slason,  
Treasurer - Waterbury Republican  
Town Committee, 36 Norris Street  
Waterbury, Connecticut 06705

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<u>944077</u>	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE  Addressee  Authorized agent

4. R.A. Albanese Lucille Slason  
DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS  
AK

Slason

☆GPO: 1977-0-248-585



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 28, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Lucille Slason, Treasurer  
Waterbury Republican Town  
Committee  
36 Norris Street  
Waterbury, Connecticut 06705

Re: MUR 1155

Dear Ms. Slason:

On May 23, 1979, the Commission notified you that your committee may have made contributions which total in excess of \$1,000 to the Guidera Congress Committee. Such activity appeared to qualify the Waterbury Republican Town Committee as a "political committee" and subject to registration, reporting and contribution limitation requirements of the Federal Election Campaign Act of 1971, as amended ("the Act").

The Commission on February 26, 1980, determined that substantial compliance had been achieved with respect to the violation of the \$1,000 contribution limitation as the excessive portion of your contributions has been refunded to you by the Guidera Congress Committee and subsequently reported to the Commission. Accordingly, the Commission voted to terminate its inquiry into the above matter.

If you have any questions, please contact Judy Thedford at (202) 523-5071.

Sincerely,

  
Charles N. Steele  
General Counsel

8104027246

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Lucille Slason, Treasurer  
Waterbury Republican Town  
Committee  
36 Norris Street  
Waterbury, Connecticut 06705

Re: MUR 1155

Dear Ms. Slason:

An May 23, 1979, the Commission notified you that your committee may have made contributions which total in excess of \$1,000 to the Guidera Congress Committee. Such activity appeared to qualify the Waterbury Republican Town Committee as a "political committee" and subject to registration, reporting and contribution limitation requirements of the Federal Election Campaign Act of 1971, as amended ("the Act").

The Commission on *February 26*, 1980, determined that substantial compliance had been achieved with respect to the violation of the \$1,000 contribution limitation as the excessive portion of your contributions has been refunded to you by the Guidera Congress Committee and subsequently reported to the Commission. Accordingly, the Commission noted to terminate its inquiry into the above matter.

If you have any questions, please contact Judy Thedford at (202) 523-5071.

Sincerely,

Charles N. Steele  
General Counsel

*CS*  
*2-26-80*

31747292247



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 28, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Richard J. Diviney  
Guidera Congress Committee  
4 Turkey Hill Lane  
Westport, CT 06880

RE: MUR 1155

Dear Mr. Diviney:

The Federal Election Commission previously notified you in a letter dated June 21, 1979, that certain entries in the Guidera Congress Committee reports indicated that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

Upon further review of the information available to the Commission and information supplied by you, the Commission determined, on February 26, 1980, that there is reason to believe that you may have violated 2 U.S.C. §441a(f). A report on the Commission's finding is attached for your information. You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe, if you so desire.

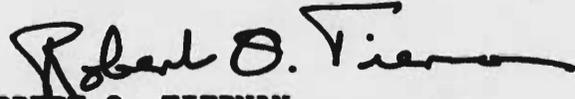
81040292218

Mr. Richard J. Diviney  
Page Two

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Judy Thedford at (202) 523-5071.

Sincerely,



ROBERT O. TIERNAN  
Chairman

81040292249

Enclosure  
Notification

REGISTERED, INSURED AND CERTIFIED MAIL

The following article is requested:

Show to addressee only

Show to addressee and authorized agent

RESTRICTED DELIVERY  
Show to addressee and authorized agent

RESTRICTED DELIVERY  
Show to addressee and authorized agent of delivery only  
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: **Richard J. Diviney  
Children Congress Committee  
Turkey Hill Lane  
Westport, Connecticut 06880**

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	944072	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE  Addressee  Authorized agent

4. DATE OF DELIVERY  
3-4-80

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

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WESTPORT  
CT  
APR 4 1980

Diviney

FORM 1877-0-240-565

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE \_\_\_\_\_

MUR NO. 1155  
STAFF MEMBER(S) & TEL. NO.  
Theford (202) 523-5071

RESPONDENT \_\_\_\_\_

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

BACKGROUND

A Reports Analysis review of the reports filed by Guidera Congress Committee ("the Committee") revealed that the Committee accepted excessive contributions totalling \$1,927.50 from four unregistered committees in violation of 2 U.S.C. § 441a(f).

FACTUAL BASIS AND LEGAL ANALYSIS

The Guidera Congress Committee reported receiving the following contributions in connection with the 1978 general election from four unregistered committees:

<u>Contributing Committee</u>	<u>Date</u>	<u>Amount</u>
(1) Waterbury Republican	10-4-78	\$ 90
Town Committee	10-28-78	\$1,900
	TOTAL	\$1,990

31040292250

<u>Contributing Committee</u>	<u>Date</u>	<u>Amount</u>
(2) Ridgefield Republican Town Committee	10-10-78	\$ 100
	10-12-78	\$ 500
	10-17-78	\$ 500
	10-24-78	\$ 125
	2-14-79	\$ 62.50
	TOTAL	<u>\$1,287.50</u>
(3) Weston Republican Campaign Fund	10-18-78	\$ 750
	11-2-78	\$ 400
	TOTAL	<u>\$1,150</u>
(4) Middlebury Republican Finance	10-31-78	\$ 500
	10-31-78	\$1,000
	TOTAL	<u>\$1,500</u>

The Committee was notified by a letter dated May 21, 1979 that these entries indicated that a violation of the Act may have been committed. Subsequently, the Committee stated its intent to refund the excessive contributions in letters dated June 20 and 29, 1979 and reported the refund on its 1979 July 10 Quarterly Report.

Pursuant to 2 U.S.C. § 441a(a)(1)(A), an unregistered committee is subject to the contribution limitation of \$1,000 per election. Therefore, it appears that the Guidera Congress Committee has violated 2 U.S.C. § 441a(f) for accepting excessive contributions totalling \$1,927.50. After Commission notification, the excessive contributions were refunded; however, the violation was committed at the time the contribution was accepted.

The Office of the General Counsel recommended finding reason to believe that the Committee violated 2 U.S.C. § 441a(f).

Based on the foregoing analysis, the Federal Election Commission:

(1) Found reason to believe that the Guidera Congress Committee may have violated 2 U.S.C. § 441a(f); and

(2) Approved sending the letter and notification.

31040292251

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Richard J. Diviney  
Guidera Congress Committee  
4 Turkey Hill Lane  
Westport, Connecticut 06880

Re: MUR 1155

Dear Mr. Diviney:

The Federal Election Commission previously notified you in a letter dated June 21, 1979, that certain entries in the Guidera Congress Committee reports indicated that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

Upon further review of the information available to the Commission and information supplied by you, the Commission determined, on \_\_\_\_\_, 1980: that there is reason to believe that you may have violated 2 U.S.C. § 441a(a)-(1)-(A). A report on the Commission's finding is attached for your information. You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

31702252

Mr. Richard J. Diviney,  
Page Two

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Judy Thedford at (202) 523-5071.

Sincerely,

Enclosure  
Notification

3101022253

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 1155  
Guidera Congress Committee )  
Waterbury Republican Town Committee )

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on February 26, 1980, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1155:

1. Find reason to believe that Guidera Congress Committee may have violated 2 U.S.C. §441a(f).
2. Take no action with respect to Waterbury Republican Town Committee's violation of 2 U.S.C. §441a(a) (1) (A).
3. Send the letters and notification attached to the General Counsel's First Report in this matter.

Attest:

31040292254  
2/26/80

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary to the Commission



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY *me*

DATE: FEBRUARY 20, 1980

SUBJECT: OBJECTION - MUR 1155 - First General  
Counsel's Report dated 2-15-80;  
Received in OCS 2-15-80, 2:44

The above-named document was circulated on a 48 hour vote basis at 11:00, February 19, 1980.

Commissioner Reiche submitted an objection at 7:35, February 20, 1980, thereby placing MUR 1155 on the Executive Session Agenda for Tuesday, February 26, 1980.

Attached is a copy of Commissioner Reiche's vote sheet with his comments.

ATTACHMENT:  
Copy of Vote Sheet

B 1 0 1 0 2 7 2 2 5 5

February 15, 1980

MEMORANDUM TO: Marjorie W. Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 1155

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

31740292256

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL  
BY OGC TO THE COMMISSION 2-15-80

80 FEB 15 P 2:44  
MUR # 155  
STAFF MEMBER(S) J. Thedford

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

RESPONDENT'S NAME: Guidera Congress Committee  
Waterbury Republican Town Committee

RELEVANT STATUTE: 2 U.S.C. § 441a(a)(1)(A)  
2 U.S.C. § 441a(f)

INTERNAL REPORTS CHECKED: Guidera Congress Committee by Reports Analysis  
Division  
FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

A Reports Analysis review of the reports filed by Guidera Congress Committee ("the Committee") revealed that the Committee accepted excessive contributions totalling \$1,927.50 from four unregistered committees in violation of 2 U.S.C. § 441a(f); and that the Waterbury Republican Town Committee ("WRTC"), an unregistered committee, may have violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive contribution to the Guidera Congress Committee. The three other unregistered committees which also contributed to the Guidera Congress Committee were not referred to the Office of the General Counsel.

FACTUAL AND LEGAL ANALYSIS

A. Guidera Congress Committee

The Guidera Congress Committee reported receiving the following contributions in connection with the 1978 general election from four unregistered committees:

<u>Contributing Committee</u>	<u>Date</u>	<u>Amount</u>
(1) Waterbury Republican Town Committee	10-4-78 10-28-78	\$ 90 1,900
	TOTAL	<u>\$1,990</u>

<u>Contributing Committee</u>	<u>Date</u>	<u>Amount</u>
(2) Ridgefield Republican Town Committee	10-10-78	\$ 100
	10-12-78	500
	10-17-78	500
	10-24-78	125
	2-14-79	62.50
	TOTAL	\$1,287.50
(3) Weston Republican Campaign Fund	10-18-78	\$ 750
	11-2-78	400
	TOTAL	\$1,150
(4) Middlebury Republican Finance	10-31-78	\$ 500
	10-31-78	1,000
	TOTAL	\$1,500

The Committee was notified by a letter dated May 21, 1979 that these entries indicated that a violation of the Act may have been committed. Subsequently, the Committee stated its intent to refund the excessive contributions in letters dated June 20 and 29, 1979 and reported the refund on its 1979 July 10 Quarterly Report.

Pursuant to 2 U.S.C. § 441a(a)(1)(A), an unregistered committee is subject to the contribution limitation of \$1,000 per election. Therefore, it appears that the Guidera Congress Committee has violated 2 U.S.C. § 441a(f) for accepting excessive contributions totalling \$1,927.50. After Commission notification, the excessive contributions were refunded; however, the violation was committed at the time the contributions were accepted.

It is recommended that the Commission find reason to believe that the Committee may have violated 2 U.S.C. § 441a(f).

B. Waterbury Republican Town Committee

In connection with the above-cited review of Guidera Congress Committee's reports, the Reports Analysis Division notified the Waterbury Republican Town Committee ("WRTC") on May 23, 1979, that their financial activity, specifically the contributing of \$1,990 to the Guidera Congress Committee, appeared to qualify it as a political committee as defined by 2 U.S.C. § 431(4)(A) and to subject it to the registration, reporting, and limitation requirements of the Act. A Reports Analysis letter requested the WRTC to review its financial activity and to comply with the requirements of the Act if it concludes that it was a "political committee."

810402258

The WRTC did not respond to the May 23, 1979 letter; however, the Reports Analysis Division closed its file upon receipt of information that the \$990 had been refunded to WRTC from Guidera Congress Committee.

The referral alleged that the WRTC may have violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive contribution to a federal candidate.

In view of the limited extent of the violation and the fact that the improper contributions were refunded and reported, the Office of the General Counsel recommends taking no action and closing the file with respect to Waterbury Republican Town Committee's violation of 2 U.S.C. § 441a(a)(1)(A).

III. Recommendation

(1) Find reason to believe that Guidera Congress Committee may have violated 2 U.S.C. § 441a(f).

(2) Take no action with respect to Waterbury Republican Town committee's violation of 2 U.S.C. § 441a(a)(1)(A).

(3) Send attached letters and notification.

Attachments

Proposed Letter and Notification  
Referral

81010202259



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Lucille Slason, Treasurer  
Waterbury Republican Town  
Committee  
36 Norris Street  
Waterbury, Connecticut 06705

Re: MUR 1155

Dear Ms. Slason:

On May 23, 1979, the Commission notified you that your committee may have made contributions which total in excess of \$1,000 to the Guidera Congress Committee. Such activity appeared to qualify the Waterbury Republican Town Committee as a "political committee" and subject to registration, reporting and contribution limitation requirements of the Federal Election Campaign Act of 1971, as amended ("the Act").

The Commission on \_\_\_\_\_, 1980, determined that substantial compliance had been achieved with respect to the violation of the \$1,000 contribution limitation as the excessive portion of your contributions has been refunded to you by the Guidera Congress Committee and subsequently reported to the Commission. Accordingly, the Commission voted to terminate its inquiry into the above matter.

If you have any questions, please contact Judy Thedford at (202) 523-5071.

Sincerely,

Charles N. Steele  
General Counsel

31040202250



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Richard J. Diviney  
Guidera Congress Committee  
4 Turkey Hill Lane  
Westport, CT 06880

RE: MUR 1155

Dear Mr. Diviney:

The Federal Election Commission previously notified you in a letter dated June 21, 1979, that certain entries in the Guidera Congress Committee reports indicated that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

Upon further review of the information available to the Commission and information supplied by you, the Commission determined, on 1980, that there is reason to believe that you may have violated 2 U.S.C. §441a(f). A report on the Commission's finding is attached for your information. You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe, if you so desire.

9170202251

Mr. Richard J. Diviney  
Page Two

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Judy Thedford at (202) 523-5071.

Sincerely,

Enclosure  
Notification

81040292262

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE \_\_\_\_\_

MUR NO. 1155  
STAFF MEMBER(S) & TEL. NO.  
Thedford (202) 523-5071

RESPONDENT \_\_\_\_\_

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

BACKGROUND

A Reports Analysis review of the reports filed by Guidera Congress Committee ("the Committee") revealed that the Committee accepted excessive contributions totalling \$1,927.50 from four unregistered committees in violation of 2 U.S.C. § 441a(f).

FACTUAL BASIS AND LEGAL ANALYSIS

The Guidera Congress Committee reported receiving the following contributions in connection with the 1978 general election from four unregistered committees:

<u>Contributing Committee</u>	<u>Date</u>	<u>Amount</u>
(1) Waterbury Republican	10-4-78	\$ 90
Town Committee	10-28-78	\$1,900
	TOTAL	<u>\$1,990</u>

31040292263

<u>Contributing Committee</u>	<u>Date</u>	<u>Amount</u>
(2) Ridgefield Republican Town Committee	10-10-78	\$ 100
	10-12-78	\$ 500
	10-17-78	\$ 500
	10-24-78	\$ 125
	2-14-79	\$ 62.50
	TOTAL	\$1,287.50
(3) Weston Republican Campaign Fund	10-18-78	\$ 750
	11-2-78	\$ 400
	TOTAL	\$1,150
(4) Middlebury Republican Finance	10-31-78	\$ 500
	10-31-78	\$1,000
	TOTAL	\$1,500

The Committee was notified by a letter dated May 21, 1979 that these entries indicated that a violation of the Act may have been committed. Subsequently, the Committee stated its intent to refund the excessive contributions in letters dated June 20 and 29, 1979 and reported the refund on its 1979 July 10 Quarterly Report.

Pursuant to 2 U.S.C. § 441a(a)(1)(A), an unregistered committee is subject to the contribution limitation of \$1,000 per election. Therefore, it appears that the Guidera Congress Committee has violated 2 U.S.C. § 441a(f) for accepting excessive contributions totalling \$1,927.50. After Commission notification, the excessive contributions were refunded; however, the violation was committed at the time the contribution was accepted.

The Office of the General Counsel recommended finding reason to believe that the Committee violated 2 U.S.C. § 441a(f).

Based on the foregoing analysis, the Federal Election Commission:

- (1) Found reason to believe that the Guidera Congress Committee may have violated 2 U.S.C. § 441a(f); and
- (2) Approved sending the letter and notification.

917432264

January 25, 1980

MEMORANDUM

TO: Charles Steele  
THROUGH: Orlando B. Potter *OBP*  
FROM: TOM HASELHORST *TH*  
SUBJECT: Referrals for Goldera for Congress Committee and  
Waterbury Republican Town Committee

Please note that the attached referrals for the above mentioned committees are concerned with the same transaction and should be reviewed and handled simultaneously.

81040292265

REPORTS ANALYSIS REFERRAL SHEET

DATE January 25, 1980 ANALYST Alva Smith  
TO: Office of General Counsel TEAM CHIEF Bobby Werfel *APK 1/21/79*  
THROUGH: STAFF DIRECTOR *OSP:* COMPLIANCE REVIEW Carroll Bowen *CB*  
FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS *[Signature]*

CANDIDATE/COMMITTEE: Waterbury Republican Town Committee

TREASURER: Lucille Slason

ADDRESS: 36 Norris Street  
Waterbury, Connecticut 06705

AFFILIATE(S)  
N/A

ALLEGATION(S): Excessive contribution made to Federal candidate CITE: 2 U.S.C. 441a ATTACHMENT(S): 1

DATE INITIATED: 4/23/79

MANNER IN WHICH REVIEW WAS INITIATED:  
 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: 3SV1/79-33, sent May 23, 1979 ATTACHMENT 1

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: ATTACHMENT

REASON(S) FOR REFERRAL: Amount of excessive contribution meets RAD threshold for OGC review. ATTACHMENT

OTHER PENDING ACTIONS INITIATED BY RAD: ATTACHMENT

OTHER RELEVANT INFORMATION: Memo to file, dated 8/3/79 NOTE: The committee has not been notified of the 441a violation. 2  
PREVIOUS OGC/AUDIT REFERRALS FROM RAD: None

1 7 4 0 2 9 2 2 5

D 616  
RAD 806-317

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

DATE January 25, 1980 ANALYST Susan Kaltenbaugh SK  
TO: Office of General Counsel TEAM CHIEF Peter Kell, Jr. PKJ  
THROUGH: STAFF DIRECTOR COMPLIANCE REVIEW Bowen/Sims BS  
FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS [Signature]

CANDIDATE/COMMITTEE: Guidera for Congress Committee CT/05 C00085084  
TREASURER: Richard J. Diviney  
ADDRESS: 4 Turkey Hill Lane  
Westport, Connecticut 06880  
AFFILIATE(S): N/A

ALLEGATION(S): The Committee has received excessive contributions from four unregistered committees. The excessive amount totalled \$2527.50. CITE: 2 U.S.C.441(a)(1)(a) ATTACHMENT(S) 2  
3

DATE INITIATED: 3/23/79

MANNER IN WHICH REVIEW WAS INITIATED:  
 Normal Review  Other: ATTACHMENT  
 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 10/1/78 TO 11/27/78  
TOTAL RECEIPTS \$ 91285.42 TOTAL EXPENDITURES \$ 91587.37  
CASH ON HAND \$ 48.34(30 day general report) DEBTS \$ 52970.44

HISTORY:  
RESULTS OF REVIEW: ATTACHMENT  
5/21/79 S.V. sent on 10 day and 30 day general reports 4

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: ATTACHMENT  
Telecon 6/14/79 communication with Mark Goldhaber from NRCC 6  
Telecon 6/14/79 communication with treasurer 7

REASON(S) FOR REFERRAL: ATTACHMENT  
6/4/79-letter from treasurer acknowledging receipt of SV 5  
6/25/79 -letter of intent to refund excessive amount 8  
7/2/79 -letter of intent to refund Ridgefield Rep. Town Committee 9  
7/10/79 -July 10 report discloses refunds of all excessive contributions. Adequate response, but meets division threshold for review by OGC. 10

OTHER PENDING ACTIONS INITIATED BY RAD: ATTACHMENT  
N/A

OTHER RELEVANT INFORMATION: ATTACHMENT  
After compliance action, it was clarified that a contribution on the April 10 1979 report from the Weston Rep. Town Committee of \$600 is from a different committee from the Weston Rep. Campaign Fund. This contribution is, therefore, within the limits of 2 U.S.C.441 (a). 3

PREVIOUS OGC/AUDIT REFERRALS FROM RAD:

SEE COMPANION REFERRAL FOR WATERBURY REPUBLICAN TOWN COMMITTEE



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463  
May 23, 1979

Lucille Slason  
Treasurer  
Waterbury Republican Town Committee  
36 Norris Street  
Waterbury, Connecticut 06705

Dear Ms. Slason:

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 the Guidera Congress Committee indicates that your organization may have made contributions which total in excess of \$1,000 during the calendar year. Enclosed is a copy(s) of the report(s) in which your contribution(s) is listed.

The Act defines "political committee" to mean any organization, or other group of persons which receives contributions or makes expenditures (which includes contributions to Federal candidates and committees supporting Federal candidates), aggregating in excess of \$1,000 during a calendar year. It would appear that your organization may qualify as a "political committee" subject to registration, reporting, and contribution limitation requirements of the Act.

If you agree that your organization is a political committee, please submit a Statement of Organization on FEC Form 1, in accordance with 2 U.S.C. 433. In addition, your committee will be required to file disclosure reports in accordance with 2 U.S.C. 434 on FEC Form 3.

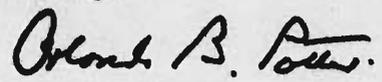
If you agree that your organization has made contributions or expenditures which qualify you as a "political committee", but you do not wish to be considered as a "political committee", you must request refund(s) from the candidate(s) and/or political committee(s) to which you have contributed. As an alternative, political committees to which you made contributions may transfer all or part of the contributions to accounts which are not used to influence Federal elections. Refunds or transfers must be made in such amounts that the total remaining contributions made by you do not exceed \$1,000 during a calendar year.

If you believe that your organization is not a political committee, or that the Commission is otherwise in error, please submit a statement which would clarify this matter for the public record. We have also enclosed relevant informational materials and forms for the registration of and reporting by the political committee. Please examine the enclosed materials.

81040292258

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) 357-0023.

Sincerely,



Orlando B. Potter  
Staff Director

Enclosure  
Certified Mail:  
Return Receipts Requested

81040292259

**ITEMIZED RECEIPTS**

(Contributions, Transfers, Contribution in-Kind,  
Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a  
of FEC FORM 3

Page 3 of 7 for  
Line Number 15(b)

(Use Separate Schedules for  
each numbered line)

Name of Contributor or Committee in Full

**GUIDERA CONGRESS COMMITTEE**

Full Name, Mailing Address and ZIP Code

Waterbury Rep. Town Committee  
Lucille Slason, Treas.  
36 Norris St.  
Waterbury, Conn. 06705

Principal Place of Business

Transfer

Date (month, day, year)

10-4-78

Amount of each F this Period

90.0

Receipt for  Primary  General  Other

Check if Contributor is self-employed

Aggregate Year To Date \$ 90.00

Full Name, Mailing Address and ZIP Code

THC PAC  
1900 L Street, N.W.  
Suite 610  
Washington, D.C. 20035

Principal Place of Business

Transfer

Date (month, day, year)

10-6-78

Amount of each F this Period

200.00

Receipt for  Primary  General  Other

Check if Contributor is self-employed

Aggregate Year To Date \$ 200.00

Full Name, Mailing Address and ZIP Code

Ridgefield Rep. Town Committee  
P.O. Box 109  
Ridgefield, Conn. 06877

Principal Place of Business

Transfer

Date (month, day, year)

10-10-78

Amount of each F this Period

100.0

Receipt for  Primary  General  Other

Check if Contributor is self-employed

Aggregate Year To Date \$ 100.00

Full Name, Mailing Address and ZIP Code

Litton Employees Political Assistance Committee  
360 North Crescent Dr.  
Beverly Hills, Calif. 90210

Principal Place of Business

Transfer

Date (month, day, year)

10-10-78

Amount of each F this Period

300.0

Receipt for  Primary  General  Other

Check if Contributor is self-employed

Aggregate Year To Date \$ 300.00

Full Name, Mailing Address and ZIP Code

North Western Officers Trust Account  
North Western Transport. Comp.  
Suite 712 400 W Madison  
Chicago, Ill. 60606

Principal Place of Business

Transfer

Date (month, day, year)

10-10-78

Amount of each F this Period

500.0

Receipt for  Primary  General  Other

Check if Contributor is self-employed

Aggregate Year To Date \$ 500.00

Full Name, Mailing Address and ZIP Code

MEBA Political Action Fund  
444 North Capitol St.  
Room 800  
Washington, D.C. 20001

Principal Place of Business

Transfer

Date (month, day, year)

10-10-78

Amount of each F this Period

1,000.0

Receipt for  Primary  General  Other

Check if Contributor is self-employed

Aggregate Year To Date \$ 1,000.00

Full Name, Mailing Address and ZIP Code

Business Industry PAC  
1747 Pennsylvania Ave., N.W.  
Washington, D.C. 20006

Principal Place of Business

Transfer

Date (month, day, year)

10-10-78

Amount of each F this Period

1,000.0

Receipt for  Primary  General  Other

Check if Contributor is self-employed

Aggregate Year To Date \$ 1,000.00

SUBTOTAL of receipts this page (left side)

\$

TOTAL (this amount list page this line number only)

\$

Handwritten notes on the left margin: "CU", "18K", "18K", "18K", "18K", "18K", "18K".

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 7 of 7

Line Number 15(h)

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full		Principal Place of Business	Date (month, day, year)	Amount of each this Period
GUIDERA CONGRESS COMMITTEE Full Name, Mailing Address and ZIP Code Stauffer Chemical Pol. Contribution Comm. Stauffer Chemicals Westport, Conn. 06880 Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		Transfer <u>COO-39735</u> Occupation	10-18-78	500.00
Full Name, Mailing Address and ZIP Code Concerned Citizens Fund 1700 Pennsylvania Ave. Suite 525 Washington, D. C. 20006 Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		Transfer <u>COO 32805</u> Occupation	10-18-78	300.00
Full Name, Mailing Address and ZIP Code Pan-Am PAC 1800 K Street, N.W. Suite 900 Washington, D. C. 20006 Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		Transfer <u>COO 24567</u> Occupation	10-18-78	100.00
Full Name, Mailing Address and ZIP Code Waterbury Republican Town Committee Lucille Slason, Treas. 36 Norris St. Waterbury, Conn. 06705 Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		Transfer Occupation	10-20-78	1,900.00
Full Name, Mailing Address and ZIP Code Middlebury Rep. Women's Club c/o Alicia Ostar Middlebury Rd. Middlebury, Conn. 06762 Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		Transfer Occupation	10-20-78	250.00
Full Name, Mailing Address and ZIP Code The Right to Keep and Bear Arms Political Victory Fund Bellefield Office Park 1601 114th S.E. - Suite 151B Bellevue, Washington 98004 Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		Transfer <u>COO 12106</u> Occupation	10-20-78	200.00
Full Name, Mailing Address and ZIP Code (Empty)		Occupation	Date (month, day, year)	Amount of each this Period
SUBTOTAL of receipts this page (optional)				\$ 26,380
TOTAL (this period last page this line number only)				\$ 26,380

8K

18K

18K

18K

8K

8K

8104029222

PS Form 3811, Apr. 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

520.1.1.1

● 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:  
*Waterbury Repub Town  
 Cante*

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.  
 | *143773* | |

(Always obtain signature of addressee or agent)

I have received the article described above.  
 SIGNATURE  Addressee  Authorized agent  
*Lucille V. Slason*

4. DATE OF DELIVERY: *5/25/79* POSTMARK *PA*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

5/23

☆GPO

Memo to the File:

Greevy  
8/3/79

Re: Closing of File-Waterbury Republican Town Committee

Carroll Bowen informed me this day that the above committee received the required refund from the candidate, and that therefore, we should close our file.

No response was received from the committee.

81040292273

January 25, 1980

MEMORANDUM

TO: Charles Steele  
THROUGH: Orlando B. Potter *OBP.*  
FROM: TOM HASELHORST *[Signature]*  
SUBJECT: Referrals for *Guidera* for Congress Committee and  
Waterbury Republican Town Committee

Please note that the attached referrals for the above mentioned committees are concerned with the same transaction and should be reviewed and handled simultaneously.

81040292274

81040292275

FEDERAL ELECTION COMMISSION  
 COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) 1977-1978

DATE 17JAN80  
 PAGE

HOUSE

COMMITTEE	DOCUMENT	RECEIPTS		EXPENDITURES		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
		PRIMARY	GENERAL	PRIMARY	GENERAL			
<b>QUIJERA CONGRESS COMMITTEE</b>								
	1978 STATEMENT OF ORGANIZATION					16JAN78	4	ID# C00085084 77HSE/127/4796 ✓
	48 HOUR CONTRIBUTION NOTICE					11JUL78	1	78HSE/140/0292 ✓
	48 HOUR CONTRIBUTION NOTICE					14JUL78	1	78HSE/141/5686 ✓
	48 HOUR CONTRIBUTION NOTICE					17JUL78	1	78HSE/142/0152 ✓
	MISCELLANEOUS TRANSACTION TO F.E.C.					31JUL78	1	78HSE/143/0126 ✓
	STATEMENT OF ORGANIZATION- AMENDMENT					10AUG78	1	78HSE/143/2100 ✓
	48 HOUR CONTRIBUTION NOTICE					27OCT78	1	78HSE/151/4362 ✓
	48 HOUR CONTRIBUTION NOTICE					30OCT78	1	78HSE/152/3584 ✓
	48 HOUR CONTRIBUTION NOTICE					31OCT78	1	78HSE/154/2136 ✓
	48 HOUR CONTRIBUTION NOTICE					1NOV78	1	78HSE/154/3101 ✓
	48 HOUR CONTRIBUTION NOTICE					3NOV78	1	78HSE/154/4463 ✓
	48 HOUR CONTRIBUTION NOTICE					6NOV78	1	78HSE/155/0186 ✓
	10 DAY PRE-SPECIAL	23,535		18,049		1APR78 - 30JUN78	25	78HSE/138/5315 ✓
	10 DAY PRE-SPECIAL - AMENDMENT					30JUN78	4	78HSE/140/1270 ✓
	10 DAY PRE-SPECIAL - AMENDMENT					30JUN78	2	78HSE/142/1411 ✓
	30 DAY POST-SPECIAL	31,385		34,956		1JUL78 - 4AUG78	23	78HSE/143/2102 ✓
	APRIL 10 QUARTERLY		7,187		7,101	12JAN78 - 31MAR78	10	78HSE/133/1855 ✓
	OCTOBER 10 QUARTERLY - AMENDMENT		71,344		72,993	5AUG78 - 30SEP78	39	78HSE/146/4084 ✓
	10 DAY PRE-GENERAL		48,960		49,403	1OCT78 - 23OCT78	30	78HSE/153/4883 ✓
	REQUEST FOR ADDITIONAL INFO 2ND					23OCT78	3	79FEC/134/1978 ✓
	10 DAY PRE-GENERAL - AMENDMENT					10OCT78 - 23OCT78	2	79HSE/166/0002 ✓
	30 DAY POST-GENERAL		42,325		42,184	24OCT78 - 27NOV78	31	78HSE/156/4922 ✓
	REQUEST FOR ADDITIONAL INFO 2ND					27NOV78	2	79FEC/134/2261 ✓
	30 DAY POST-GENERAL - AMENDMENT					24OCT78 - 27NOV78	2	79FEC/129/4414 ✓
	YEAR END REPORT		20,917		21,247	28NOV78 - 31DEC78	16	79HSE/160/0653 ✓
	REQUEST FOR ADDITIONAL INFORMATION					28NOV78 - 31DEC78	3	79FEC/122/5082 ✓
	YEAR END REPORT - AMENDMENT					31DEC78	1	79HSE/162/1160 ✓
	YEAR END REPORT - AMENDMENT		21,199		21,247	28NOV78 - 31DEC78	4	79HSE/164/1508 ✓
	TOTAL	54,920	191,015	53,005	192,928		251	TOTAL PAGES

*Handwritten note:* All pages reviewed

8 1 0 4 0 2 9 2 2 7 5

8 1 0 4 0 2 9 2 2 7 7

FEDERAL ELECTION COMMISSION  
 COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) 1979-1980

DATE 17JAN80  
 PAGE

## HOUSE

COMMITTEE	DOCUMENT	RECEIPTS		EXPENDITURES		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
		PRIMARY	GENERAL	PRIMARY	GENERAL			
GUIDERA CONGRESS COMMITTEE								ID# C00085084
1979	APRIL 10 QUARTERLY		29,125		29,064	1JAN79 -31MAR79	25	79HSE/164/1611 ✓
	APRIL 10 QUARTERLY					31MAR79	1	79HSE/166/0418 ✓
	REQUEST FOR ADDITIONAL INFORMATION					1JAN79 -31MAR79	4	79FEC/135/0714 ✓
	APRIL 10 QUARTERLY - AMENDMENT					31MAR79	1	79HSE/168/0541 ✓
	REQUEST FOR ADDITIONAL INFORMATION					1JAN79 -31MAR79	15	79FEC/142/1415 ✓
	APRIL 10 QUARTERLY - AMENDMENT					1JAN79 -31MAR79	2	79HSE/170/3028 ✓
	JULY 10 QUARTERLY		3,407		3,450	1APR79 -30JUN79	13	79HSE/166/2431 ✓
	REQUEST FOR ADDITIONAL INFORMATION					1APR79 -30JUN79	1	79FEC/142/1843 ✓
	JULY 10 QUARTERLY - AMENDMENT					1APR79 -30JUN79	1	79FEC/143/2626 ✓
	OCTOBER 10 QUARTERLY		3,557		2,977	1JUL79 -30SEP79	12	79HSE/169/0322 ✓
	TOTAL	0	36,089	0	35,491		75	TOTAL PAGES

All reports reviewed.

91040292278

2







REGULATIONS  
 1976  
 Election Commission  
 Street, N.W.  
 Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind,  
 Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a  
 of FEC FORM 3

Page 7 of 7  
 Line Number 15(b)

Use Separate Schedules  
 each numbered line

Name of Candidate or Committee in Full		Principal Place of Business	Date (month, day, year)	Amount of this Receipt
GUIDERA CONGRESS COMMITTEE				
18K Full Name, Mailing Address and ZIP Code Stauffer Chemical Pol. Contribution Comm. Stauffer Chemicals Westport, Conn. 06880 Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	Transfer	10-18-78	500.00	
	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$ 750.00			
18K Full Name, Mailing Address and ZIP Code Concerned Citizens Fund 1700 Pennsylvania Ave. Suite 525 Washington, D. C. 20006 Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	Transfer	10-18-78	300.00	
	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$ 300.00			
18K Full Name, Mailing Address and ZIP Code Pan-Am PAC 1800 K Street, N.W. Suite 900 Washington, D. C. 20006 Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	Transfer	10-18-78	100.00	
	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$ 100.00			
18K Full Name, Mailing Address and ZIP Code Waterbury Republican Town Committee Lucille Slason, Treas. 36 Norris St. Waterbury, Conn. 06705 Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	Transfer	10-20-78	1,900.00	
	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$ 1,990.00			
18K Full Name, Mailing Address and ZIP Code Middlebury Rep. Women's Club c/o Alicia Ostar Middlebury Rd. Middlebury, Conn. 06762 Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	Transfer	10-20-78	250.00	
	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$ 250.00			
18K Full Name, Mailing Address and ZIP Code The Right to Keep and Bear Arms Political Victory Fund Bellefield Office Park 1601 114th S.E. - Suite 151B Bellevue, Washington 98004 Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	Transfer	10-20-78	20.00	
	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$ 200.00			
Full Name, Mailing Address and ZIP Code		Principal Place of Business	Date (month, day, year)	Amount of this Receipt
		Occupation		
Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed		
		Aggregate Year To Date \$		

SUBTOTAL of receipts this page (optional)

MEDUSA  
 '80  
 May, 1978  
 General Election Commission  
 75 K Street, N.W.  
 Washington, D.C. 20463

**ITEMIZED RECEIPTS**

(Contributions, Transfers, Contribution In-Kind,  
 Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a  
 of FEC FORM 3

Page 2 of 6 for  
 Line Number 15 (b)

(Use Separate Schedules for  
 each numbered line)

8-2611571026

Name of Candidate or Committee in Full			
GUIDERA CONGRESS COMMITTEE			
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Recd. this Period
Ridgefield Rep. Town Committee P.O. Box 109 Ridgefield, CT 06877 <i>18K</i>	Transfer Occupation	10/24	125.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 1,225.00	
Beacon Falls Rep. Town Committee Joan Morris, Treasurer Beacon Falls, CT <i>18K</i>	Transfer Occupation	10/24	100.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 100.00	
GOP-5 West Maria Noce, Treasurer <i>18K</i> 45 Garfield Road Danbury, CT 06810	Transfer Occupation	10/24	200.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 200.00	
Kimberly-Clark Corp. Good Government Committee Neenah, Wisconsin 54956 <i>18K</i> (58 Pickett District Road Milford, CT 06776)	Transfer Occupation <i>C000 94664</i>	10/24	250.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 250.00	
Texas Gulf Political Action Committee High Ridge Park Stamford, CT 06904 <i>18K</i>	Transfer Occupation <i>C00011346</i>	10/24	500.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 500.00	
Pfizer Employees Non-Partisan Good Government Fund 235 East 42nd Street NY, NY 10017 <i>18K</i>	Transfer Occupation <i>C00016683</i>	10/24	500.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 500.00	
Olin Good Government Fund 1730 K Street, N.W. Washington, D.C. 20006 <i>18K</i>	Transfer Occupation <i>C00002790</i>	10/24	300.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 300.00	
SUBTOTAL of receipts this page (optional)			\$
TOTAL this period (last page this line number only)			\$



SCHEDULE A  
 1988  
 July, 1978  
 Joint Election Commission  
 5 K Street, N.W.  
 Arlington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 4 of 6 for  
Line Number 25(b)

(Use Separate Schedules for each numbered line)

TELETYPE UNIT 7

Name of Candidate or Committee in Full			
GUIDERA CONGRESS COMMITTEE			
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Middlebury Republican Finance Peter Trincherio, Treas. 418 Middlebury Road Middlebury, CT 06762 184	Comm.  Transfer  Occupation	10/31	1,000.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date: \$ 1,500.00		
Republican Town Comm. of Monroe Richard Finelli, Treas. 88 Doris Drive Monroe, CT 06465 184	Transfer  Occupation	11/1	50.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date: \$ 50.00		
Republican State Central One High Street Hartford, CT 06103 184	Transfer  Occupation C00023838	11/1	2,000.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date: \$ 4,000.00		
Peter Paul Political Action Committee, Federal New Haven Road Naugatuck, CT 06770 184	Transfer  Occupation C00083691	11/2	350.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date: \$ 350.00		
Weston Rep. Campaign Fund c/o John Clark, Treasurer 5 Hyde Ridge Road Weston, CT 06883 184	Transfer  Occupation	11/2	400.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date: \$ 1,150.00		
Carter Hawley Hale Stores Political Action Committee 550 South Flower Street Los Angeles, CA 90071 184	Transfer  Occupation C00035188	11/2	500.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date: \$ 500.00		
Derby Republican Women's Club Alice Moleski, Treasurer Derby, Connecticut 184	Transfer  Occupation	11/6	15.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date: \$ 15.00		
SUBTOTAL of receipts this page (optional)			\$
TOTAL this period (last page this line number only)			\$

81040292286

3

EA  
978  
Action Commission  
1977, N.W.  
DC 20463

**ITEMIZED RECEIPTS**

(Contributions, Transfers, Contribution In-Kind,  
Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a  
of FEC FORM 3

Page 1 of 1 for  
Line Number 15(b)

Use Separate Schedule for  
each item listed here

Name of Candidate or Committee in Full

**GUIDERA CONGRESS COMMITTEE**

Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month day, year)	Amount of each Receipt this Period
Ridgefield Rep. Town Comm. P.O. Box 109 Ridgefield, CT 06877 <i>18U</i>	Transfer	2/14/79	62.50
Bethel Rep. Town Committee Francis Novachek 15 Pleasant Street Bethel, CT 06801 <i>18U</i>	Transfer	2/14/79	50.00
Rep. Town Comm. of Seymour Joseph Gido, Treasurer Seymour, CT 06483 <i>18U</i>	Transfer	2/14/79	40.00
Beacon Falls Women's Rep. Club Beacon Falls, CT <i>18U</i>	Transfer	3/20/79	25.00
Weston Rep. Town Committee Weston, CT 06883 <i>18U</i>	Transfer	3/1 /79	600.00
Cheshire Rep. Town Committee Cheshire, CT <i>18U</i>	Transfer	3/20/79	100.00

**SUBTOTAL** of receipts this period: **877.50**

8174022288

4

GUIDERA

In reply please refer to: 4SV1/79-56ER/57E1

6/21

Copy



FEDERAL ELECTION COMMISSION

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

21 May 1979

Richard J. Diviney  
Treasurer  
Guidera Congress Committee  
4 Turkey Hill Lane  
Westport, Connecticut 06880

Dear Mr. Diviney:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. During review of the 10 Day Pre General Election and 30 Day Post General Election Report of Receipts and Expenditures, we noticed entries indicating that you may have received contributions which exceed the limits set forth in the Act. A copy of that portion of your report is attached so that a review of your records can be made.

The Act precludes individuals and political committees, other than multicandidate committees, from making political contributions to a candidate for Federal election in excess of \$1,000 per election. The Act defines a multicandidate committee as one which has been registered for a period of not less than six months; has received contributions from more than fifty persons; and has made contributions to five or more candidates for Federal office. The committees listed as the sources of the contributions in question do not presently qualify as multicandidate committees and we have notified them accordingly. We have recommended that the source committees notify you if it is confirmed that the contribution each made was in excess of the limits.

The Commission recommends that if you find the contributions you received were in excess of the limits set forth in the Act you return the amounts in excess of \$1,000 to the donors. These returns should be reported immediately by letter and should be reflected as contribution refunds on your next report of receipts and expenditures. If you find that the entries in question are incomplete or incorrect, please submit a statement which would clarify these particular matters for the public record. You may do so by amending your original reports by letter.

9171292299

Please notify the Commission within fifteen (15) days from the date of this letter of the determination made on these matters. If you have any questions concerning these matters, please do not hesitate to contact Ed Ryan (800)424-9530, our Reports Analyst assigned to you. Our local telephone number is 523-4172.

*Susan Kaetzel*

Sincerely,

*Orlando B. Potter*

Orlando B. Potter  
Staff Director

Enclosure  
Certified Mail:  
Return Receipt Requested

RECEIVED  
MAY 12 1991  
7901-166-0012

81040292290

81040292291

GUIDERA 45V1174 - 576 + 5750

PS Form 3811, Apr. 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.  
 | | 943724 |  
 (Always obtain signature of addressee or agent)

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

4. *M. Diviney*  
 DATE OF DELIVERY  
 5-24-79

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS



DIVINEY

81040292292

5



# Guidera CONGRESS

P. O. BOX 1035  
WESTON, CT. 06883

RECEIVED  
P. O. BOX 2838  
JUN 4 AM 10:55  
WATERBURY, CT. 06723

May 31, 1979

Mr. Orlando B. Potter  
Staff Director  
Federal Election Commission  
1325 K Street N.W.  
Washington, DC 20463

Re: 4SV1/79-56ER/57ER

Dear Mr. Potter:

I am in receipt of your letter dated May 21, 1979 with reference to contributions received from local Town Committees. A determination of this question cannot be made until the source Committees communicate with me. I will notify you as soon as this information has been received.

Very truly yours,

Richard J. Diviney

RJD:vlp

8101022293

81040292294

6

**MEMORANDUM FOR FILES**

**RE:** TELECON  
**DATE:** 6/14/79  
**FROM:** Mark Goldhaber from NRCC 202-479-7025  
**TO:** Susan Kaltenbaugh  
**NAME OF COMMITTEE:** Re--Guidera for Congress CT/05

---

Mr. Goldhaber called to ask if the congressional committee could have an extension for SV's of excessive transfers from 4 unregistered locals. I advised him to have the Guidera committee call me and that they normally have a 2 week grace period. He said he understood.

81040292295

91040292296

7

MEMORANDUM FOR FILES

RE:

TELECON

DATE: 6/14/79

FROM: Richard Diviney, treasurer 203-227-9585

TO: Susan Kaltenbaugh

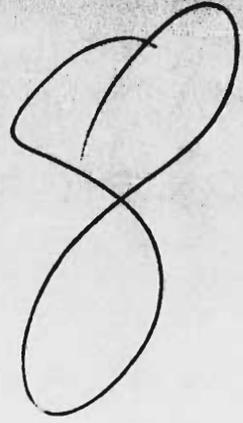
NAME OF COMMITTEE: Guidera for Congress Committee CT/Q5

---

The treasurer called me shortly after I spoke to Mark Goldhaber. He couldn't quite understand why an unregistered committee couldn't be a multi-candidate committee. I advised him to refund the excessive money (over \$2000). He said they don't have the money and would show it as a debt and write a letter explaining the situation. I advised him that a prompt refund would be more favorably viewed after referral to OGC. I also told him that I would not direct him on how to run his campaign.

81040272297

81040272298

A handwritten scribble or signature consisting of two overlapping loops, resembling a stylized '8' or a cursive flourish, located in the upper right quadrant of the page.



# Guidera

## CONGRESS

P. O. BOX 1035  
WESTON, CT. 06883

**CERTIFIED**  
**POSTMARK ILLEGIBLE**

RECEIVED  
P. O. BOX 2838  
WATERBURY JUN 25 PM 3:42  
OFFICE OF THE CLERK  
U.S. HOUSE OF REPRESENTATIVES

June 20, 1979

Clerk of the House  
U.S. House of Representatives  
1036 Longworth House Office Building  
Washington, DC 20515

Attention: Ms. Susan Kaltenbough

Re: 4 SVI/79-5GER/57ER  
I.D. No. 073164

Dear Sir:

The Federal Election Commission has determined that certain contributions listed below and received in good faith by this Committee, appearing in the 10 Day Pre General Election and 30 Day Post General Election Reports of receipts and expenditures (FEC Form 3) as filed, exceed the contribution limitation for individuals and political committees other than multicandidate committees. We do not have and to date have been unable to obtain information from the source committees which would either confirm or refute this determination.

This Committee intends to continue to comply in every respect with all provisions of the Federal Election Law, as amended. To that end, we hereby amend the 10 Day Pre General Election Report and 30 Day Post General Election Report, Line 15(b), as follows:

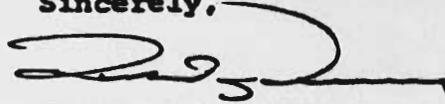
<u>SOURCE</u>	<u>CONTRIBUTION</u>	<u>TO BE REFUNDED</u>
Waterbury Republican Town Committee	\$1,990.00	\$990.00
Ridgefield Republican Town Committee	\$1,225.00	\$225.00
Weston Republican Town Committee	\$1,150.00	\$150.00
Middlebury Republican Town Committee	\$1,500.00	\$500.00

A COPY OF OUR REPORT IS FILED WITH THE FEDERAL ELECTION COMMISSION  
AND IS AVAILABLE FOR PURCHASE FROM THE FEDERAL ELECTION COMMISSION WASH. DC

PAID FOR BY GUIDERA CONGRESS COMMITTEE P.O. BOX 1035 WESTON, CT 06883 WILLIAM F. GOETJEN CHAIRMAN RICHARD DIVINEY TREASURER

To the extent indicated that these contributions, given and received in good faith, may exceed the limitation as to any single political committee, except a multicandidate committee, as determined by the Federal Election Commission, they will be refunded. The July 10th Quarterly Report to be filed by this Committee will reflect either a refund in full to the respective committee or an obligation/debt to be paid as promptly as financial circumstances allow.

Sincerely,



Richard J. Diviney  
Treasurer

RJD:bhb

cc Secretary of State  
George C. Guidera, Esq.

871 00041012194203000

81740292301

9



81040292303

10



# Guidera CONGRESS

P. O. BOX 1035  
WESTON, CT. 06883

P. O. BOX 2838  
WATERBURY, CT. 06723

POSTMARK ILLEGIBLE

June 29, 1979

Clerk of House of Representatives  
1036 Longworth House Building  
Washington, DC 20515

Re: Guidera Congress Committee - ID #073164

Dear Sir:

This Committee hereby amends its April 10 quarterly report from January 1, 1979 through March 31, 1979 with respect to the item appearing on line 15(b) which is a \$62.50 contribution received from the Ridgefield Republican Town Committee.

The Federal Election Commission has determined that the Ridgefield Republican Town Committee is not a registered multi-candidate committee and that this contribution exceeds the Federal Election Law for contributions from political committees other than multi-candidate committees.

This Committee intends to continue to comply in every respect with all provisions with the Federal Election Law as amended. To that end and to the extent that the above mentioned contribution, given and received in good faith, may exceed the limitation as to any single political committee except a multi-candidate committee as determined by the Federal Election Commission, it will be refunded. The July 10th quarterly report to be filed for this committee will reflect a refund in full to the Ridgefield Republican Town Committee.

Sincerely,

Richard J. Diviney  
Treasurer

RJD:jld

cc: Connecticut Secretary of State  
Administrative Division

1979 JUL -2 AM 10:28  
OFFICE OF THE CLERK  
U.S. HOUSE OF REPRESENTATIVES

8171029230  
79011660419

A COPY OF OUR REPORT IS FILED WITH THE FEDERAL ELECTION COMMISSION  
AND IS AVAILABLE FOR PURCHASE FROM THE FEDERAL ELECTION COMMISSION WASH DC

PAID FOR BY GUIDERA CONGRESS COMMITTEE P O BOX 1035 WESTON CT 06883 WILLIAM F GOETJEN CHAIRMAN RICHARD DIVINEY TREASURER

January 25, 1980

MEMORANDUM

TO: Charles Steele  
THROUGH: Orlando B. Potter  
FROM: TOM HASELHORST  
SUBJECT: Referrals for Caldera for Congress Committee and  
Waterbury Republican Town Committee

Please note that the attached referrals for the above mentioned committees are concerned with the same transaction and should be reviewed and handled simultaneously.

81040292305

REPORTS ANALYSIS REFERRAL SHEET

DATE January 25, 1980 ANALYST Alva Smith  
TO: Office of General Counsel TEAM CHIEF Bobby Werfel *APR 12/79*  
THROUGH STAFF DIRECTOR *OSP:* COMPLIANCE REVIEW Carroll Bowen *CB*  
FROM ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS *[Signature]*

CANDIDATE/COMMITTEE: Waterbury Republican Town Committee

TREASURER: Lucille Slason

ADDRESS: 36 Norris Street  
Waterbury, Connecticut 06705

AFFILIATE(S)  
N/A

ALLEGATION(S): Excessive contribution made to Federal candidate CITE: 2 U.S.C. 441a ATTACHMENT(S): 1

DATE INITIATED: 4/23/79

MANNER IN WHICH REVIEW WAS INITIATED:  
 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: 3SV1/79-33, sent May 23, 1979 ATTACHMENT 1

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: ATTACHMENT

REASON(S) FOR REFERRAL: Amount of excessive contribution meets RAD threshold for JGC review. ATTACHMENT

OTHER PENDING ACTIONS INITIATED BY RAD: None ATTACHMENT

OTHER RELEVANT INFORMATION: Memo to file, dated 8/3/79 NOTE: The committee has not been notified of the 441a violation. 2  
PREVIOUS OGC/AUDIT REFERRALS FROM RAD: None



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463  
May 23, 1979

Lucille Slason  
Treasurer  
Waterbury Republican Town Committee  
36 Norris Street  
Waterbury, Connecticut 06705

Dear Ms. Slason:

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 the Guidera Congress Committee indicates that your organization may have made contributions which total in excess of \$1,000 during the calendar year. Enclosed is a copy(s) of the report(s) in which your contribution(s) is listed.

The Act defines "political committee" to mean any organization, or other group of persons which receives contributions or makes expenditures (which includes contributions to Federal candidates and committees supporting Federal candidates), aggregating in excess of \$1,000 during a calendar year. It would appear that your organization may qualify as a "political committee" subject to registration, reporting, and contribution limitation requirements of the Act.

If you agree that your organization is a political committee, please submit a Statement of Organization on FEC Form 1, in accordance with 2 U.S.C. 433. In addition, your committee will be required to file disclosure reports in accordance with 2 U.S.C. 434 on FEC Form 3.

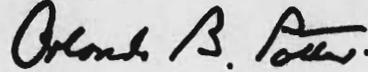
If you agree that your organization has made contributions or expenditures which qualify you as a "political committee", but you do not wish to be considered as a "political committee", you must request refund(s) from the candidate(s) and/or political committee(s) to which you have contributed. As an alternative, political committees to which you made contributions may transfer all or part of the contributions to accounts which are not used to influence Federal elections. Refunds or transfers must be made in such amounts that the total remaining contributions made by you do not exceed \$1,000 during a calendar year.

If you believe that your organization is not a political committee, or that the Commission is otherwise in error, please submit a statement which would clarify this matter for the public record. We have also enclosed relevant informational materials and forms for the registration of and reporting by the political committee. Please examine the enclosed materials.

81040292307

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) 357-0023.

Sincerely,



Orlando B. Potter  
Staff Director

Enclosure  
Certified Mail:  
Return Receipts Requested

81040292308

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 3 of 7 for Line Number 15(b)

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

**GUIDERA CONGRESS COMMITTEE**

Full Name, Mailing Address and ZIP Code

Waterbury Rep. Town Committee  
Lucille Slason, Treas.  
36 Norris St.  
Waterbury, Conn. 06705

Principal Place of Business

Transfer

Date (month, day, year)  
10-4-78

Amount of each of this Period

90.0

Receipt for

Primary  General  Other

Check if Contributor is self-employed

Aggregate Year-To-Date \$ 90.00

Full Name, Mailing Address and ZIP Code

THC PAC  
1900 L Street, N.W.  
Suite 610  
Washington, D.C. 20035

Principal Place of Business

Transfer

Date (month, day, year)  
10-6-78

Amount of each of this Period

200.00

Receipt for

Primary  General  Other

Check if Contributor is self-employed

Aggregate Year-To-Date \$ 200.00

Full Name, Mailing Address and ZIP Code

Ridgefield Rep. Town Committee  
P.O. Box 109  
Ridgefield, Conn. 06877

Principal Place of Business

Transfer

Date (month, day, year)  
10-10-78

Amount of each of this Period

100.0

Receipt for

Primary  General  Other

Check if Contributor is self-employed

Aggregate Year-To-Date \$ 100.00

Full Name, Mailing Address and ZIP Code

Litton Employees Political Assistance Committee  
360 North Crescent Dr.  
Beverly Hills, Calif. 90210

Principal Place of Business

Transfer

Date (month, day, year)  
10-10-78

Amount of each of this Period

300.0

Receipt for

Primary  General  Other

Check if Contributor is self-employed

Aggregate Year-To-Date \$ 300.00

Full Name, Mailing Address and ZIP Code

North Western Officers Trust Account  
North Western Transport, Comp.  
Suite 712, 400 W Madison  
Chicago, Ill. 60606

Principal Place of Business

Transfer

Date (month, day, year)  
10-10-78

Amount of each of this Period

500.0

Receipt for

Primary  General  Other

Check if Contributor is self-employed

Aggregate Year-To-Date \$ 500.00

Full Name, Mailing Address and ZIP Code

MEBA Political Action Fund  
444 North Capitol St.  
Room 800  
Washington, D.C. 20001

Principal Place of Business

Transfer

Date (month, day, year)  
10-10-78

Amount of each of this Period

1,000.0

Receipt for

Primary  General  Other

Check if Contributor is self-employed

Aggregate Year-To-Date \$ 1,000.00

Full Name, Mailing Address and ZIP Code

Business Industry PAC  
1747 Pennsylvania Ave., N.W.  
Washington, D.C. 20006

Principal Place of Business

Transfer

Date (month, day, year)  
10-10-78

Amount of each of this Period

1,000.0

Receipt for

Primary  General  Other

Check if Contributor is self-employed

Aggregate Year-To-Date \$ 1,000.00

SUBTOTAL of receipts this page (light line)

TOTAL (this period last page this line number only)

\$

\$

Handwritten notes on the left margin: '18K' repeated vertically, and '100' written near the top.

**ITEMIZED RECEIPTS**

(Contributions, Transfers, Contribution In-Kind,  
Other Income, Loans, Refunds)

Page 7 of 7  
Line Number 15(b)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a  
of FEC FORM 3

Use Separate Schedules  
(each numbered line)

Name of Candidate or Committee in Full		Principal Place of Business	Date (month, day, year)	Amount of each this Period
GUIDERA CONGRESS COMMITTEE Full Name, Mailing Address and ZIP Code Stauffer Chemical Pol. Contribution Comm. Stauffer Chemicals Westport, Conn. 06880 Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		Transfer <u>C00039735</u> Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$ <u>750.00</u>	10-18-78	500.00
Concerned Citizens Fund 1700 Pennsylvania Ave. Suite 525 Washington, D. C. 20006 Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		Transfer <u>C00032805</u> Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$ <u>300.00</u>	10-18-78	300.00
Pan-Am PAC 1800 K Street, N.W. Suite 900 Washington, D. C. 20006 Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		Transfer <u>C00024357</u> Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$ <u>100.00</u>	10-18-78	100.00
Waterbury Republican Town Committee Lucille Slason, Treas. 36 Norris St. Waterbury, Conn. 06705 Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		Transfer Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$ <u>1,990.00</u>	10-20-78	1,900.00
Middlebury Rep. Women's Club c/o Alicia Ostar Middlebury Rd. Middlebury, Conn. 06762 Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		Transfer Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$ <u>250.00</u>	10-20-78	250.00
The Right to Keep and Bear Arms Political Victory Fund Bellefield Office Park 1601 114th S.E. - Suite 151B Bellevue, Washington 98004 Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		Transfer <u>C00010106</u> Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$ <u>200.00</u>	10-20-78	200.00
_____ Full Name, Mailing Address and ZIP Code Receipt for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		_____ Principal Place of Business Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$ _____	_____ Date (month, day, year)	_____ Amount of each this Period
SUBTOTAL of receipts this page (optional)				\$ 26,380
TOTAL this period (last page this line number only)				\$ 26,380

SK

SK

SK

SK

SK

SK

31740292311

574.1

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO:  
*Waterbury Repub Town  
 Cante*

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.  
 | *743773* | |

(Always obtain signature of addressee or agent)

I have received the article described above.  
 SIGNATURE     Addressee     Authorized agent  
*Lucille V. Shanon*

4. DATE OF DELIVERY    POSTMARK  
*5/25/79*    *PA*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:    CLERK'S INITIALS

5/23

☆GPO

Memo to the File:

Greevy  
8/3/79

Re: Closing of File-Waterbury Republican Town Committee

Carroll Bowen informed me this day that the above committee received the required refund from the candidate, and that therefore, we should close our file.

No response was received from the committee.

91740292312

REPORTS ANALYSIS REFERRAL SHEET

DATE January 25, 1980 ANALYST Susan Kaltenbaugh SK  
TO: Office of General Counsel TEAM CHIEF Peter Kell, Jr. PKJ  
THROUGH: STAFF DIRECTOR COMPLIANCE REVIEW Bowen/Sims BS  
FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS PH

CANDIDATE/COMMITTEE: Guidera for Congress Committee CT/05 C00085084  
TREASURER: Richard J. Diviney  
ADDRESS: 4 Turkey Hill Lane  
Westport, Connecticut 06880  
AFFILIATE(S): N/A

ALLEGATION(S): The Committee has received excessive contributions from four unregistered committees. The excessive amount totalled \$2527.50. CITE: 2 U.S.C.441(a)(1)(a) ATTACHMENT(S) 2, 3

DATE INITIATED: 3/23/79

MANNER IN WHICH REVIEW WAS INITIATED:  
 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 10/1/78 TO 11/27/78  
TOTAL RECEIPTS \$ 91285.42 TOTAL EXPENDITURES \$ 91587.37  
CASH ON HAND \$ 48.34(30 day general report) DEBTS \$ 52970.44

HISTORY:

RESULTS OF REVIEW: ATTACHMENT  
5/21/79 S.V. sent on 10 day and 30 day general reports 4

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: ATTACHMENT  
Telecon 6/14/79 communication with Mark Goldhaber from NRCC 6  
Telecon 6/14/79 communication with treasurer 7

REASON(S) FOR REFERRAL: ATTACHMENT  
6/4/79-letter from treasurer acknowledging receipt of SV 5  
6/25/79 -letter of intent to refund excessive amount 8  
7/2/79 -letter of intent to refund Ridgefield Rep. Town Committee  
7/10/79 -July 10 report discloses refunds of all excessive contributions. Adequate response, but meets division threshold for review by OGC. 9 10

OTHER PENDING ACTIONS INITIATED BY RAD: ATTACHMENT  
N/A

OTHER RELEVANT INFORMATION: ATTACHMENT  
After compliance action, it was clarified that a contribution on the April 10 1979 report from the Weston Rep. Town Committee of \$600 is from a different committee from the Weston Rep. Campaign Fund. This contribution is, therefore, within the limits of 2 U.S.C.441 (a). 3

PREVIOUS OGC/AUDIT REFERRALS FROM RAD:

SEE COMPANION REFERRAL FOR WATERBURY REPUBLICAN TOWN COMMITTEE

81040292314

FEDERAL ELECTION COMMISSION  
 COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) 1977-1978

DATE 17JAN86  
 PAGE

## HOUSE

COMMITTEE	DOCUMENT	RECEIPTS		EXPENDITURES		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
		PRIMARY	GENERAL	PRIMARY	GENERAL			
GUIDERA CONGRESS COMMITTEE								
	1978 STATEMENT OF ORGANIZATION					16JAN78		IB# C0005084 4 77HSE/127/4796 ✓
	48 HOUR CONTRIBUTION NOTICE					11JUL78		1 78HSE/146/0292 ✓
	48 HOUR CONTRIBUTION NOTICE					14JUL78		1 78HSE/141/5406 ✓
	48 HOUR CONTRIBUTION NOTICE					17JUL78		1 78HSE/142/0152 ✓
	MISCELLANEOUS TRANSACTION TO F.E.C.					31JUL78		1 78HSE/143/0126 ✓
	STATEMENT OF ORGANIZATION- AMENDMENT					10AUG78		1 78HSE/143/2100 ✓
	48 HOUR CONTRIBUTION NOTICE					27OCT78		1 78HSE/151/4362 ✓
	48 HOUR CONTRIBUTION NOTICE					30OCT78		1 78HSE/152/3504 ✓
	48 HOUR CONTRIBUTION NOTICE					31OCT78		1 78HSE/154/2136 ✓
	48 HOUR CONTRIBUTION NOTICE					1NOV78		1 78HSE/154/3101 ✓
	48 HOUR CONTRIBUTION NOTICE					3NOV78		1 78HSE/154/4463 ✓
	48 HOUR CONTRIBUTION NOTICE					6NOV78		1 78HSE/155/0186 ✓
	10 DAY PRE-SPECIAL	23,535		18,049		1APR78 -30JUN78	25	78HSE/138/5315 ✓
	10 DAY PRE-SPECIAL - AMENDMENT					30JUN78	4	78HSE/140/1270 ✓
	10 DAY PRE-SPECIAL - AMENDMENT					30JUN78	2	78HSE/142/1411 ✓
	30 DAY POST-SPECIAL	31,385		34,956		1JUL78 - 4AUG78	23	78HSE/143/2102 ✓
	APRIL 10 QUARTERLY		7,187		7,101	12JAN78 -31MAR78	10	78HSE/133/1355 ✓
	OCTOBER 10 QUARTERLY - AMENDMENT		71,344		72,993	5AUG78 -30SEP78	39	78HSE/146/4084 ✓
	10 DAY PRE-GENERAL		48,960		49,403	10OCT78 -23OCT78	30	78HSE/153/4883 ✓
	REQUEST FOR ADDITIONAL INFO 2ND					23OCT78	3	79FEC/134/1978 ✓
	10 DAY PRE-GENERAL - AMENDMENT					10OCT78 -23OCT78	2	79HSE/144/0002 ✓
	30 DAY POST-GENERAL		42,325		42,184	24OCT78 -27NOV78	31	78HSE/156/4922 ✓
	REQUEST FOR ADDITIONAL INFO 2ND					27NOV78	2	79FEC/134/2261 ✓
	30 DAY POST-GENERAL - AMENDMENT					24OCT78 -27NOV78	2	79FEC/129/4114 ✓
	YEAR END REPORT		20,917		21,247	28NOV78 -31DEC78	16	79HSE/160/0453 ✓
	REQUEST FOR ADDITIONAL INFORMATION					28NOV78 -31DEC78	3	79FEC/132/5002 ✓
	YEAR END REPORT - AMENDMENT					31DEC78	1	79HSE/162/1168 ✓
	YEAR END REPORT - AMENDMENT		21,199		21,247	28NOV78 -31DEC78	4	79HSE/164/1508 ✓
	TOTAL	54,920	191,015	53,005	192,928		251	TOTAL PAGES

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FEDERAL ELECTION COMMISSION  
 COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) 1979-1980

DATE 17 JAN 80  
 PAGE

## HOUSE

COMMITTEE	DOCUMENT	RECEIPTS		EXPENDITURES		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
		PRIMARY	GENERAL	PRIMARY	GENERAL			
GUIDERA CONGRESS COMMITTEE								ID# C00005084
1979	APRIL 10 QUARTERLY		29,125		29,064	1JAN79 -31MAR79	25	79HBE/164/1611 ✓
	APRIL 10 QUARTERLY					31MAR79	1	79HBE/166/0418 ✓
	REQUEST FOR ADDITIONAL INFORMATION					1JAN79 -31MAR79	4	79FEC/135/0714 ✓
	APRIL 10 QUARTERLY - AMENDMENT					31MAR79	1	79HBE/168/0541 ✓
	REQUEST FOR ADDITIONAL INFORMATION					1JAN79 -31MAR79	15	79FEC/142/1415 ✓
	APRIL 10 QUARTERLY - AMENDMENT					1JAN79 -31MAR79	2	79HBE/170/3078 ✓
	JULY 10 QUARTERLY		3,407		3,450	1APR79 -30JUN79	13	79HBE/166/2431 ✓
	REQUEST FOR ADDITIONAL INFORMATION					1APR79 -30JUN79	1	79FEC/142/1843 ✓
	JULY 10 QUARTERLY - AMENDMENT					1APR79 -30JUN79	1	79FEC/143/2426 ✓
	OCTOBER 10 QUARTERLY		3,557		2,977	1JUL79 -30SEP79	12	79HBE/169/0322 ✓
	TOTAL	0	36,089	0	35,491		75	TOTAL PAGES

All reports reviewed.

81040292317

2

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind,  
 Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a  
 of FEC FORM 3

(Use Separate Schedules  
 each numbered line)

Name of Contributor or Committee in Full		Principal Place of Business	Date (month, day, year)	Amount of Contribution
GUIDERA CONGRESS COMMITTEE				
Full Name, Mailing Address and ZIP Code Waterbury Rep. Town Committee Lucille Slason, Treas. 36 Norris St. Waterbury, Conn. 06705	Principal Place of Business Transfer <del>XXXXXX</del>	Occupation	10-4-78	90
Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> Political <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 90.00			
Full Name, Mailing Address and ZIP Code THC PAC 1900 L Street, N.W. Suite 610 Washington, D.C. 20035	Principal Place of Business Transfer Cooo 32391	Occupation	10-6-78	200
Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> Political <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 200.00			
Full Name, Mailing Address and ZIP Code Ridgefield Rep. Town Committee P.O. Box 109 Ridgefield, Conn. 06877	Principal Place of Business Transfer	Occupation	10-10-78	100
Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 100.00			
Full Name, Mailing Address and ZIP Code Litton Employees Political Assistance Committee 360 North Crescent Dr. Beverly Hills, Calif. 90210	Principal Place of Business Transfer Cooo 35667	Occupation	10-10-78	300
Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 300.00			
Full Name, Mailing Address and ZIP Code North Western Officers Trust Account North Western Transport. Comp. Suite 712, 400 W. Madison Chicago, Ill. 60606	Principal Place of Business Transfer Cooo 40014	Occupation	10-10-78	50
Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 500.00			
Full Name, Mailing Address and ZIP Code MEBA Political Action Fund 444 North Capitol St. Room 800 Washington, D.C. 20001	Principal Place of Business Transfer Cooo 2022	Occupation	10-10-78	1,000
Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 1,000.00			
Full Name, Mailing Address and ZIP Code Business Industry PAC 1747 Pennsylvania Ave., N.W. Washington, D.C. 20006	Principal Place of Business Transfer Cooo 1727	Occupation	10-10-78	1,000
Receipt for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 1,000.00			
SUBTOTAL of receipts this page (including this page)				\$ -
TOTAL (this page plus page three number one)				\$ -

150  
 8  
 18K  
 10  
 18K  
 18K  
 18K  
 18K





REGULATIONS  
 FEDERAL  
 ELECTION COMMISSION  
 1100 L Street, N.W.  
 Washington, D.C. 20543

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind,  
 Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a  
 of FEC FORM 3

Page 7 of 7  
 Line Number 15(b)

(Use Separate Schedules  
 each numbered line)

Name of Candidate or Committee in Full  
**GUIDERA CONGRESS COMMITTEE**

Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of Contribution
Stauffer Chemical Pol. Contribution Comm. Stauffer Chemicals Westport, Conn. 06880 <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	Transfer <u>COO 39735</u> Occupation	10-18-78	500.00
<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$ <u>750.00</u>			
Concerned Citizens Fund 1700 Pennsylvania Ave. Suite 525 Washington, D. C. 20006 <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	Transfer <u>COO 32805</u> Occupation	10-18-78	300.00
<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$ <u>300.00</u>			
Pan-Am PAC 1800 K Street, N.W. Suite 900 Washington, D. C. 20006 <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	Transfer <u>COO 24554</u> Occupation	10-18-78	100.00
<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$ <u>100.00</u>			
Waterbury Republican Town Committee Lucille Slason, Treas. 36 Norris St. Waterbury, Conn. 06705 <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	Transfer Occupation	10-20-78	1,900.00
<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$ <u>1,990.00</u>			
Middlebury Rep. Women's Club c/o Alicia Ostar Middlebury Rd. Middlebury, Conn. 06762 <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	Transfer Occupation	10-20-78	250.00
<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$ <u>250.00</u>			
The Right to Keep and Bear Arms Political Victory Fund Bellefield Office Park 1601 114th S.E. - Suite 151B Bellevue, Washington 98004 <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	Transfer <del>COO 12906</del> Occupation <u>COO 12906</u>	10-20-78	200.00
<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$ <u>200.00</u>			
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of Contribution
<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$			

18K  
 31717272321  
 18K  
 18K  
 18K

MODULE A  
 SED  
 NY, 1978  
 General Election Commission  
 75 K Street, N.W.  
 Washington, D.C. 20463

**ITEMIZED RECEIPTS**  
 (Contributions, Transfers, Contribution In-Kind,  
 Other Income, Loans, Refunds)

Page 2 of 6 for  
 Line Number 15 (b)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a  
 of FEC FORM 3

(Use Separate Schedules for  
 each numbered line)

20250125011000

Name of Candidate or Committee in Full

**GUIDERA CONGRESS COMMITTEE**

Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Ridgefield Rep. Town Committee P.O. Box 109 Ridgefield, CT 06877 <i>18K</i>	Transfer Occupation	10/24	125.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 1,225.00		
Beacon Falls Rep. Town Committee Joan Morris, Treasurer Beacon Falls, CT <i>18K</i>	Transfer Occupation	10/24	100.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 100.00		
GOP-5 West Marian Joyce, Treasurer <i>18K</i> 45 Garfield Road Danbury, CT 06810	Transfer Occupation	10/24	200.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 200.00		
Kimberly-Clark Corp. Good Government Committee Keenah, Wisconsin 54956 <i>18K</i> (58 Pickett District Road Milford, CT 06776)	Transfer Occupation <i>C00094664</i>	10/24	250.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 250.00		
Texas Gulf Political Action Committee High Ridge Park Stamford, CT 06904 <i>18K</i>	Transfer Occupation <i>C00011346</i>	10/24	500.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 500.00		
Pfizer Employees Non-Partisan Good Government Fund 235 East 42nd Street NY, NY 10017 <i>18K</i>	Transfer Occupation <i>C00016683</i>	10/24	500.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 500.00		
Olin Good Government Fund 1730 K Street, N.W. Washington, D.C. 20006 <i>18K</i>	Transfer Occupation <i>C00002790</i>	10/24	300.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 300.00		
SUBTOTAL of receipts this page (optional) . . . . .			\$
TOTAL this period (last page this line number only) . . . . .			\$



MODULE A  
 1980  
 July, 1978  
 Serial Election Commission  
 5 K Street, N.W.  
 Arlington, D.C. 20483

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind,  
 Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a  
 of FEC FORM 3

Page 4 of 6 for

Line Number 15(b)

(Use Separate Schedules for  
 each numbered line)

RECEIVED IN FULL 10/16/77

Name of Candidate or Committee in Full			
GUIDERA CONGRESS COMMITTEE			
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Middlebury Republican Finance Peter Trincherro, Treas. 418 Middlebury Road Middlebury, CT 06762 184	Comm.  Transfer  Occupation	10/31	1,000.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 1,500.00		
Republican Town Comm. of Monroe Richard Finelli, Treas. 88 Doris Drive Monroe, CT 06465 184	Transfer  Occupation	11/1	50.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 50.00		
Republican State Central One High Street Hartford, CT 06103 184	Transfer  Occupation C00023838	11/1	2,000.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 4,000.00		
Peter Paul Political Action Committee, Federal New Haven Road Naugatuck, CT 06770 184	Transfer  Occupation C00083691	11/2	350.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 350.00		
Weston Rep. Campaign Fund c/o John Clark, Treasurer 5 Hyde Ridge Road Weston, CT 06883 184	Transfer  Occupation	11/2	400.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 1,150.00		
Carter Hawley Hale Stores Political Action Committee 550 South Flower Street Los Angeles, CA 90071 184	Transfer  Occupation C00035188	11/2	500.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 500.00		
Derby Republican Women's Club Alice Moleski, Treasurer Derby, Connecticut 184	Transfer  Occupation	11/6	15.00
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date \$ 15.00		
SUBTOTAL of receipts this page (optional)			\$
TOTAL this period (last page this line number only)			\$

81040222325

3

EA  
 978  
 action Commission  
 reg. 120  
 DC 20463

**ITEMIZED RECEIPTS**

(Contributions, Transfers, Contribution In-Kind,  
 Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a  
 of FEC FORM 3

Page 1 of 1 for  
 Line Number 15(b)

Use Separate Schedules for  
 each non-credit item

Name of Candidate or Committee in Full

**GUIDERA CONGRESS COMMITTEE**

Name, Mailing Address and ZIP Code  
**Ridgefield Rep. Town Comm.**  
**P.O. Box 109**  
**Ridgefield, CT 06877**

Principal Place of Business  
**Transfer**

Date (month day year) **2/14/79**  
 Amount of each Receipt for this Period **62.50**

Name, Mailing Address and ZIP Code  
 Primary  General  Other  
**Bethel Rep. Town Committee**  
**Francis Novachek**  
**15 Pleasant Street**  
**Bethel, CT 06801**

Principal Place of Business  
 Check or Contribution as well as cash  
 Aggregate Year-to-Date **\$1,287.50**  
 Principal Place of Business  
**Transfer**

Date (month day year) **2/14/79**  
 Amount of each Receipt for this Period **50.00**

Name, Mailing Address and ZIP Code  
 Primary  General  Other  
**Rep. Town Comm. of Seymour**  
**Joseph Gido, Treasurer**  
**Seymour, CT 06483**

Principal Place of Business  
 Check or Contribution as well as cash  
 Aggregate Year-to-Date **\$100.00**  
 Principal Place of Business  
**Transfer**

Date (month day year) **2/14/79**  
 Amount of each Receipt for this Period **40.00**

Name, Mailing Address and ZIP Code  
 Primary  General  Other  
**Beacon Falls Women's Rep. Club**  
**Beacon Falls, CT**

Principal Place of Business  
 Check or Contribution as well as cash  
 Aggregate Year-to-Date **415.00**  
 Principal Place of Business  
**Transfer**

Date (month day year) **3/20/79**  
 Amount of each Receipt for this Period **25.00**

Name, Mailing Address and ZIP Code  
 Primary  General  Other  
**Weston Rep. Town Committee**  
**Weston, CT 06883**

Principal Place of Business  
 Check or Contribution as well as cash  
 Aggregate Year-to-Date **25.00**  
 Principal Place of Business  
**Transfer**

Date (month day year) **3/1 /79**  
 Amount of each Receipt for this Period **600.00**

Name, Mailing Address and ZIP Code  
 Primary  General  Other  
**Cheshire Rep. Town Committee**  
**Cheshire, CT**

Principal Place of Business  
 Check or Contribution as well as cash  
 Aggregate Year-to-Date **600.00**  
 Principal Place of Business  
**Transfer**

Date (month day year) **3/20/79**  
 Amount of each Receipt for this Period **100.00**

Name, Mailing Address and ZIP Code  
 Primary  General  Other

Principal Place of Business  
 Check or Contribution as well as cash  
 Aggregate Year-to-Date **600.00**  
 Principal Place of Business

Date (month day year)  
 Amount of each Receipt for this Period

**TOTAL of receipts for this period**  
**TOTAL of receipts for this period**

**877.50**

81040292327

4

GUIDERA

In reply please refer to: 4SV1/79-56ER/57E1

6/21

Copy



FEDERAL ELECTION COMMISSION

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

21 May 1979

Richard J. Diviney  
Treasurer  
Guidera Congress Committee  
4 Turkey Hill Lane  
Westport, Connecticut 06880

Dear Mr. Diviney:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. During review of the 10 Day Pre General Election and 30 Day Post General Election Report of Receipts and Expenditures, we noticed entries indicating that you may have received contributions which exceed the limits set forth in the Act. A copy of that portion of your report is attached so that a review of your records can be made.

The Act precludes individuals and political committees, other than multicandidate committees, from making political contributions to a candidate for Federal election in excess of \$1,000 per election. The Act defines a multicandidate committee as one which has been registered for a period of not less than six months; has received contributions from more than fifty persons; and has made contributions to five or more candidates for Federal office. The committees listed as the sources of the contributions in question do not presently qualify as multicandidate committees and we have notified them accordingly. We have recommended that the source committees notify you if it is confirmed that the contribution each made was in excess of the limits.

The Commission recommends that if you find the contributions you received were in excess of the limits set forth in the Act you return the amounts in excess of \$1,000 to the donors. These returns should be reported immediately by letter and should be reflected as contribution refunds on your next report of receipts and expenditures. If you find that the entries in question are incomplete or incorrect, please submit a statement which would clarify these particular matters for the public record. You may do so by amending your original reports by letter.

81942292328

Please notify the Commission within fifteen (15) days from the date of this letter of the determination made on these matters. If you have any questions concerning these matters, please do not hesitate to contact Ed Ryan (800)424-9530, our Reports Analyst assigned to you. Our local telephone number is 523-4172.

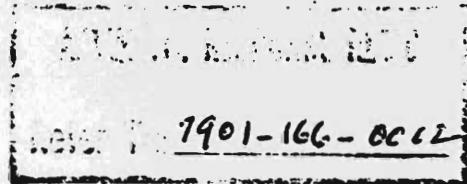
*Susan Kaetzel*

Sincerely,

*Orlando B. Potter*

Orlando B. Potter  
Staff Director

Enclosure  
Certified Mail:  
Return Receipt Requested



81040292329

81040292330

45 GUIDERA 45V1175 - 56 & 5756

8 Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.  
 | 943724 |  
 (Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY  
 5-24-79

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS



D.VINEY

31040292331

5



**Guidera**

**CONGRESS**

P. O. BOX 1035  
WESTON, CT. 06883

RECEIVED  
FEDERAL ELECTION COMMISSION  
P. O. BOX 2838  
WATERBURY, CT. 06723  
'79 JUN 4 AM 10:55

May 31, 1979

Mr. Orlando B. Potter  
Staff Director  
Federal Election Commission  
1325 K Street N.W.  
Washington, DC 20463

Re: 4SV1/79-56ER/57ER

Dear Mr. Potter:

I am in receipt of your letter dated May 21, 1979 with reference to contributions received from local Town Committees. A determination of this question cannot be made until the source Committees communicate with me. I will notify you as soon as this information has been received.

Very truly yours,

Richard J. Diviney

RJD:vlp

81040292332

81040292333

6

**MEMORANDUM FOR FILES**

**RE:** TELECON  
**DATE:** 6/14/79  
**FROM:** Mark Goldhaber from NRCC 202-479-7025  
**TO:** Susan Kaltenbaugh  
**NAME OF COMMITTEE:** Re--Guidera for Congress CT/05

---

Mr. Goldhaber called to ask if the congressional committee could have an extension for SV's of excessive transfers from 4 unregistered locals. I advised him to have the Guidera committee call me and that they normally have a 2 week grace period. He said he understood.

81040292334

81040292335

7

MEMORANDUM FOR FILES

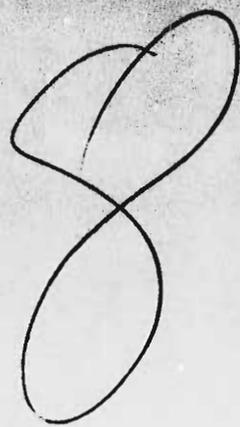
RE: TELECON  
DATE: 6/14/79  
FROM: Richard Diviney, treasurer 203-227-9585  
TO: Susan Kaltenbaugh  
NAME OF COMMITTEE: Guidera for Congress Committee CT/Q5

---

The treasurer called me shortly after I spoke to Mark Goldhaber. He couldn't quite understand why an unregistered committee couldn't be a multi-candidate committee. I advised him to refund the excessive money (over \$2000). He said they don't have the money and would show it as a debt and write a letter explaining the situation. I advised him that a prompt refund would be more favorably viewed after referral to OGC. I also told him that I would not direct him on how to run his campaign.

81040292336.

81040292337

A handwritten scribble or signature consisting of two overlapping loops, resembling a stylized '8' or a cursive flourish.



# Guidera CONGRESS

P. O. BOX 1035  
WESTON, CT. 06883

**CERTIFIED**  
**POSTMARK ILLEGIBLE**

RECEIVED  
P. O. BOX 2838  
WATERBURY, CT. 06723  
JUN 25 PM 3:42  
OFFICE OF THE CLERK  
U.S. HOUSE OF REPRESENTATIVES

June 20, 1979

Clerk of the House  
U.S. House of Representatives  
1036 Longworth House Office Building  
Washington, DC 20515

Attention: Ms. Susan Kaltenbough

Re: 4 SVI/79-5GER/57ER  
I.D. No. 073164

Dear Sir:

The Federal Election Commission has determined that certain contributions listed below and received in good faith by this Committee, appearing in the 10 Day Pre General Election and 30 Day Post General Election Reports of receipts and expenditures (FEC Form 3) as filed, exceed the contribution limitation for individuals and political committees other than multicandidate committees. We do not have and to date have been unable to obtain information from the source committees which would either confirm or refute this determination.

This Committee intends to continue to comply in every respect with all provisions of the Federal Election Law, as amended. To that end, we hereby amend the 10 Day Pre General Election Report and 30 Day Post General Election Report, Line 15(b), as follows:

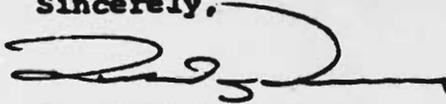
<u>SOURCE</u>	<u>CONTRIBUTION</u>	<u>TO BE REFUNDED</u>
Waterbury Republican Town Committee	\$1,990.00	\$990.00
Ridgefield Republican Town Committee	\$1,225.00	\$225.00
Weston Republican Town Committee	\$1,150.00	\$150.00
Middlebury Republican Town Committee	\$1,500.00	\$500.00

A COPY OF OUR REPORT IS FILED WITH THE FEDERAL ELECTION COMMISSION  
AND IS AVAILABLE FOR PURCHASE FROM THE FEDERAL ELECTION COMMISSION WASH DC

PAID FOR BY GUIDERA CONGRESS COMMITTEE P. O. BOX 1035 WESTON, CT 06883 WILLIAM F. GOETJEN CHAIRMAN RICHARD DOWNEY TREASURER

To the extent indicated that these contributions, given and received in good faith, may exceed the limitation as to any single political committee, except a multicandidate committee, as determined by the Federal Election Commission, they will be refunded. The July 10th Quarterly Report to be filed by this Committee will reflect either a refund in full to the respective committee or an obligation/debt to be paid as promptly as financial circumstances allow.

Sincerely,



Richard J. Diviney  
Treasurer

RJD:bhb

cc Secretary of State  
George C. Guidera, Esq.

371 000410127962030 30 90

81040292340

9

**SCHEDULE B**  
**REVISED**  
 January, 1978  
 Federal Election Commission  
 1325 K Street, N.W.  
 Washington, D.C. 20463

**ITEMIZED EXPENDITURES**  
 (Operating, Transfers Out, Contributions in-Kind,  
 Loans, Loan Repayments and Refunds Made)  
 Supporting Lines 20a, 21a, and 22a, 22b, and 22c  
 of FEC FORM 3

Page 1 of 1 for  
 Line Number 21

(Use Separate Schedules for  
 each numbered line)

22X  
 22X  
 22X  
 22X  
 22X  
 22X  
 22X

Name of Candidate or Committee in Full			
<b>Guidera Congress Committee</b>			
Full Name, Mailing Address and ZIP Code George C. Guidera 227 Lyons Plains Road Weston, CT 06883	Particulars of Expenditure <b>H8CT05037</b> Loan Repayment on Account	Date (month, day, year) 5-3-79	Amount of each expenditure this period 1,300.00
Expenditure for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other			
Full Name, Mailing Address and ZIP Code Waterbury Republican Town Committee Lucille Slason, Treasurer 36 Norris Street Waterbury, CT 06705	Particulars of Expenditure Contribution Refund see 10th Day Pre Election Report and 30th Post as amended.	Date (month, day, year) 6-29-79	Amount of each expenditure this period 990.00
Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other			
Full Name, Mailing Address and ZIP Code Ridgefield Republican Town Committee P.O. Box 109 Ridgefield, CT 06877	Particulars of Expenditure Contribution Refund see amended reports for 10th Day Pre and 30th Post Election.	Date (month, day, year) 6-29-79	Amount of each expenditure this period 225.00
Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other			
Full Name, Mailing Address and ZIP Code Ridgefield Republican Town Committee P.O. Box 109 Ridgefield, CT 06877	Particulars of Expenditure Contribution Refund see amended 1st Qtr. Report for 1979.	Date (month, day, year) 6-29-79	Amount of each expenditure this period 62.50
Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other			
Full Name, Mailing Address and ZIP Code Middlebury Republican Finance Committee 418 Middlebury Road Middlebury, CT 06762	Particulars of Expenditure Contribution Refund see amended reports for 10th Day Pre and 30th Day Post Election.	Date (month, day, year) 6-29-79	Amount of each expenditure this period 500.00
Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other			
Full Name, Mailing Address and ZIP Code Weston Republican Campaign c/o John Clark, Treasurer 5 Hyde Ridge Road Weston, CT 06883	Particulars of Expenditure Contribution Refund see amended reports for 10th Day Pre and 30th Day Post Election.	Date (month, day, year) 6-29-79	Amount of each expenditure this period 150.00
Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other			
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other			
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other			
<b>SUBTOTAL</b> (if expenditures this page (optional):			\$
<b>TOTAL</b> this period (last page this line number only):			\$ 3,227.50

31040292342

10



# Guidera CONGRESS

P. O. BOX 1035  
WESTON, CT. 06883

P. O. BOX 2838  
WATERBURY, CT. 06723

POSTMARK ILLEGIBLE

June 29, 1979

Clerk of House of Representatives  
1036 Longworth House Building  
Washington, DC 20515

Re: Guidera Congress Committee - ID #073164

Dear Sir:

This Committee hereby amends its April 10 quarterly report from January 1, 1979 through March 31, 1979 with respect to the item appearing on line 15(b) which is a \$62.50 contribution received from the Ridgefield Republican Town Committee.

The Federal Election Commission has determined that the Ridgefield Republican Town Committee is not a registered multi-candidate committee and that this contribution exceeds the Federal Election Law for contributions from political committees other than multi-candidate committees.

This Committee intends to continue to comply in every respect with all provisions with the Federal Election Law as amended. To that end and to the extent that the above mentioned contribution, given and received in good faith, may exceed the limitation as to any single political committee except a multi-candidate committee as determined by the Federal Election Commission, it will be refunded. The July 10th quarterly report to be filed for this committee will reflect a refund in full to the Ridgefield Republican Town Committee.

Sincerely,

Richard J. Diviney  
Treasurer

RJD:jld

cc: Connecticut Secretary of State  
Administrative Division

A COPY OF OUR REPORT IS FILED WITH THE FEDERAL ELECTION COMMISSION  
AND IS AVAILABLE FOR PURCHASE FROM THE FEDERAL ELECTION COMMISSION WASH. DC

PAID FOR BY GUIDERA CONGRESS COMMITTEE P O BOX 1035 WESTON CT 06883 WILLIAM F GOETJEN CHAIRMAN RICHARD DIVINEY, TREASURER

1979 JUL -2 AM 10:28  
OFFICE OF THE CLERK  
U.S. HOUSE OF REPRESENTATIVES

79011660419



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1155

Date Filmed 8/25/81 Camera No. --- 2

Cameraman JPC

81740292344

81740292344



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE  
PUBLIC FILE OF CLOSED MR. 1155.

3 2 0 1 0 3 0 1 4 6 2



FEDERAL ELECTION COMMISSION

Routing Slips, Vote Sheets

Internal Memoranda, &

Commission Meeting Minutes

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):

- |  |   |
|--|---|
| <input type="checkbox"/> (1) Classified Information                                | <input type="checkbox"/> (6) Personal privacy                             |
| <input type="checkbox"/> (2) Internal rules and practices                          | <input type="checkbox"/> (7) Investigatory files                          |
| <input type="checkbox"/> (3) Exempted by other statute                             | <input type="checkbox"/> (8) Banking Information                          |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input checked="" type="checkbox"/> (5) Internal Documents                         |   |

Signed

Judith Shepard

date

10-28-81

FEC 9-21-77

82040304463

April 21, 1980

MEMORANDUM TO: Marjorie W. Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 1155

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

32010171454



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: The Commission

FROM: Charles N. Steele  
General Counsel *CS*

SUBJECT: MUR 1155

DATE: April 21, 1980

3 2 0 1 0 3 0 4 4 6 5

Attached is a response to the reason to believe notification from the Guidera For Congress Committee (See Attachment I). Mr. Diviney, treasurer of the Committee, responded stating that the contributions in question were received at the height of the Committee's campaign activity, that he had employed the recommended bookkeeping system, and that special coordinated efforts had been made to assure compliance with the state party expenditure limitation.

Mr. Diviney points out in his letter that all correspondence from the Commission prior to the reason to believe notification of February 29, 1980, was "prompted by the Commission's **interest** in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended." Mr. Diviney notes that the Committee promptly refunded the excessive contributions, that he has cooperated fully with all Commission requests, and that he has established a system to insure that political committees do not exceed the \$1,000 or \$5,000 limitation.

Further, Mr. Diviney stated his deep concern over the Commission's reason to believe finding which he interprets as a "knowing and willful" determination and trusts that this matter can be resolved informally.

The Office of General Counsel, therefore, recommends sending the attached conciliation agreement to Mr. Diviney in an effort to informally conciliate this matter (Attachment II).

Memo to Commission  
Page 2

80 APR 21 P 4: 00

RECOMMENDATION:

Approve and send the attached conciliation agreement and letter to Richard J. Diviney, treasurer of the Guidera For Congress Committee.

Attachments:

- I. Response to RTB notification
- II. Conciliation Agreement
- III. Letter

32040304466



# Gundera CONGRESS

P. O. BOX 1035  
WESTON, CT. 06883

13 MAR 9

P. O. BOX 2838  
WATERBURY, CT. 06723

March 10, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

558933

Mr. Robert O. Tiernan, Chairman  
Federal Election Commission  
1325 K Street N.W.  
Washington, DC 20463

Re: MUR 1155

Dear Mr. Tiernan:

Your letter of February 28 informing me that the Commission has reason to believe that I knowingly and willfully violated the Act by accepting excessive contributions from four local party committees is the most discouraging and distressing news since we lost the congressional race by a very narrow margin. All of the contributions in question, except for \$62.50, were received at the height of our campaign activity immediately preceding the general election. During that twenty-three day period, we received and processed \$45,489.07 of campaign contributions, using the recommended bookkeeping system to insure full compliance with the contribution limitations of the Act as I understood them to be at the time.

Shortly after the July 15th nominating convention, I spoke with the State Party Chairman and his Treasurer for the purpose of clarifying the handling of party organization contributions and coordinating our respective fund-raising plans and expectations. At that time, my understanding of the party organization contribution limitation was that all party organization contributions, whether from State Central, District level or Town Committees would be counted against the special State Party Expenditure Limitation for House Candidates as determined by your Commission. In order to avoid exceeding this limitation, I was asked to report to State Central all contributions received from the district level and town committees, and I did so. This procedure was later confirmed to my satisfaction after reading your advisory opinion (AO 1978-9) dealing with questions raised by the Iowa Republican Committees. The Commission's opinion was, after discussing the congressional intent to promote party participation at the local level, that it "will avoid rulings which unjustifiably discourage party activity at the local level. Furthermore, Congress has articulated in other parts of the Act a desire to place the fewest restrictions and administrative burdens on those groups that are least likely to need them, i.e., local political organizations which are either primarily involved in State and/or local elections or which are active in cam-

A COPY OF OUR REPORT IS FILED WITH THE FEDERAL ELECTION COMMISSION  
AND IS AVAILABLE FOR PURCHASE FROM THE FEDERAL ELECTION COMMISSION WASH DC

HEADQUARTERS GUADERA CONGRESS COMMITTEE P.O. BOX 1035 WESTON, CT 06883 WILLIAM F. GUETJEN, CHAIRMAN RICHARD DIVINEY, TREASURER

ATTACHMENT I pg 1

Mr. Robert O. Tiernan  
March 10, 1980  
Page 2

paigns for federal office, but on a very limited or seasonal basis. Consequently, the Commission has broad discretion to waive all reporting requirements for essentially local groups even though they may have made expenditures to influence federal campaigns in excess of \$1,000 and would otherwise be liable to report as political committees." Since State Central had asked me to report all district level and town committee contributions, both dollar and in-kind contributions, I understood that these would be counted against the special State party limitation for house candidates and not be subject to a separate limitation for either district level or town committee organizations. The July 10th notification from State Central as well as an example of my periodic report is enclosed.

It is clear that the town committees involved in this matter were unaware, as was I, that they must qualify as a multi-candidate committee in order to support my candidate. The Commission, of course, sent notification of that determination to each committee, including my own, in May, 1979. The alleged violation was then immediately corrected by this Committee in accordance with the Commission's recommendation by refunding the "excessive contributions" to the respective committees.

All correspondence which I have received from the Commission prior to your letter of February 29 was "prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended." The timely reports which I have filed, my immediate response to questions, recommendations and requests for additional information by the Commission, and this letter, is the best evidence I can provide of my intention and willingness to cooperate with the Commission and comply in every respect with the provisions of the Act.

I have established a system and procedure to insure that party organization contributions, considered as separate political committees, do not exceed a \$1,000 maximum or \$5,000 for a registered multi-candidate committee. The multi-candidate committee index as published by the Commission is being used to verify the status of each party organization contributor.

Your indication that the Commission has reason to believe that a knowing and willful violation of the Act has been committed is of grave concern to me, my Committee and to Mr. Guidera. This is not the path we have chosen to follow. I can assure you of

I Pg 2





# Connecticut Republicans

Frederick K. Biebel, *State Chairman*  
Mrs. Jeanne R. Nelson, *Vice Chairman*  
Mrs. Lillian Ludlam, *Secretary*  
William H. F. Bush, *Treasurer*  
Donald J. Schmidt, *Deputy Chairman*  
Members of *National Committee*  
John Alsop  
Mrs. Mary E. Boatwright

July 10, 1978

To: All Congressional Candidates  
From: Frederick K. Biebel, State Chairman  
*Fred*

IMPORTANT NOTICE FOR ALL CONGRESSIONAL CANDIDATES

32010304477

This is to inform you that I am requesting your treasurer to notify me at Connecticut Republicans, One High Street, Hartford, Connecticut 06103, every two weeks, concerning the total amount of contributions you receive from each town within your congressional district, including the congressional district organization itself, the womens clubs, or any on-going political organizational committee.

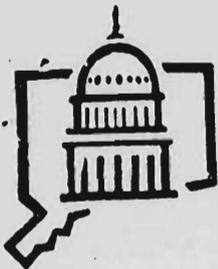
As you know, I must keep accurate accounting of this money which shall be deducted to see what we are permitted to contribute to you during your entire campaign, which is limited to \$5,000 per primary, \$5,000 after primary, plus \$11,000 coordinating expenses.

In a manner of explanation, this simply means that with all your political entities, including the State Central Committee, your campaign can't receive any more than \$21,000 from the state level.

FKB:jas

JUL 17 1978

*I pg 4*



# Guidera CONGRESS

P.O. BOX 1035  
WESTON CT. 06883

August 22, 1978

Mr. Frederick K. Biebel  
State Chairman  
Connecticut Republicans  
One High Street  
Hartford, Conn. 06103

Dear Mr. Biebel:

Per your notice of July 10th, listed below are contributions received.

6-21	Easton Republican Town Committee	155.00
7-26	GOP 5	100.00
8-17	New Canaan Women's Republican Committee	500.00
8-15	Prospect Town Committee	25.00

Very truly yours,

Richard J. Diviney  
Treasurer

RJD:jld

EXAMPLE OF PERIODIC REPORT TO STATE CENTRAL

A COPY OF OUR REPORT IS FILED WITH THE FEDERAL ELECTION COMMISSION  
AND IS AVAILABLE FOR PURCHASE FROM THE FEDERAL ELECTION COMMISSION WASH DC

PAID FOR BY GUIDERA

ISSUED BY

P.O. BOX 1035 WESTON CT 06883

WILLIAM E. JOETJEN CHAIRMAN

RICHARD DIVINEY TREASURER

+ P85

32010501171

BEFORE THE FEDERAL ELECTION COMMISSION

April 3, 1980

In the Matter of )  
 ) MUR 1106  
Guidera For Congress Committee )

CONCILIATION AGREEMENT

32040304472  
This matter having been initiated by the Federal Election Commission (hereinafter the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted after the Commission found reason to believe that Guidera For Congress Committee ("Respondent") violated 2 U.S.C. § 441a(f) by accepting excessive contributions from four unregistered committees.

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

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

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

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

ATTACHMENT II pg 1

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

1. Respondent, Guidera For Congress Committee, was the principal campaign committee as defined by 2 U.S.C. § 431(n) [recodified 2 U.S.C. § 431(5)] for Congressional candidate George C. Guidera.
2. Respondent accepted contributions in excess of \$1,000 from four unregistered committees in connection with the 1978 general election as follows:

Waterbury Republican Town Committee	\$1,990.00
Ridgefield Republican Town Committee	\$1,287.50
Weston Republican Campaign Fund	\$1,150.00
Middlebury Republican Finance	\$1,500.00

3. Pursuant to 2 U.S.C. § 441a(a)(1)(A) unregistered committees are subject to the \$1,000 contribution limitation per election.
4. The excessive contributions were refunded to the respective committee by the respondent on June 29, 1979 and subsequently reported to the Commission.

WHEREFORE, Respondent agrees:

v. Respondent violated 2 U.S.C. § 441a(f) by accepting contributions in excess of \$1,000 per election from four unregistered committees.

32049304473

VI. The Commission and Respondent agree that the above-mentioned violation was not knowingly and willfully committed.

VII. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of Five Hundred dollars (\$500), pursuant to 2 U.S.C. § 437g(a)(6)(B).

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 requirement 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.

30719301474

II pg 3

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

DATE \_\_\_\_\_

\_\_\_\_\_  
CHARLES N. STEELE  
GENERAL COUNSEL  
FEDERAL ELECTION COMMISSION

DATE \_\_\_\_\_

\_\_\_\_\_  
RESPONDENT'S NAME

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

82010601175

II ps 4



FEDERAL ELECTION COMMISSION  
WASHINGTON, DC 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Richard Diviney, Treasurer  
Guidera For Congress Committee  
4 Turkey Hill Lane  
Westport, Connecticut 06800

RE: MUR 1155

Dear Mr. Diviney:

This is to acknowledge receipt of your letter dated March 10, 1980, in which you stated your desire to informally resolve this matter.

In accordance with your request, 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.

Please note that conciliation attempts at this stage are informal and that in the event these negotiations fail, the Office of the General Counsel will proceed with enforcement procedures according to 2 U.S.C. § 437g(a)(B).

If you have any questions or suggestions for changes in the enclosed agreement, please contact Judy Thedford at (202)523-5071.

Sincerely,

Charles N. Steele  
General Counsel

Enclosure:  
Conciliation Agreement

ATTACHMENT III

32010101175

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 1155  
Guidera For Congress Committee )

CERTIFICATION

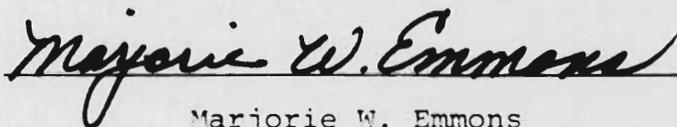
I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 24, 1980, the Commission decided by a vote of 5-0 to approve and send the conciliation agreement and letter to Richard J. Diviney, treasurer of the Guidera For Congress Committee, as attached to the Memorandum to the Commission dated April 21, 1980.

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

Attest:

4/24/80

Date



Marjorie W. Emmons  
Secretary to the Commission

Received in Office of the Commission Secretary: 4-21-80, 4:00  
Circulated on 48 hour vote basis: 4-22-80, 11:00

3201030477



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 25, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Richard Diviney, Treasurer  
Guidera For Congress Committee  
4 Turkey Hill Lane  
Westport, Connecticut 06800

RE: MUR 1155

Dear Mr. Diviney:

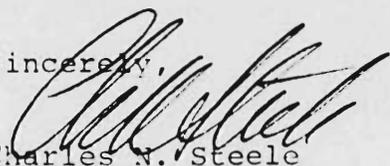
This is to acknowledge receipt of your letter dated March 10, 1980, in which you stated your desire to informally resolve this matter.

In accordance with your request, 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.

Please note that conciliation attempts at this stage are informal and that in the event these negotiations fail, the Office of the General Counsel will proceed with enforcement procedures according to 2 U.S.C. § 437g(a)(B).

If you have any questions or suggestions for changes in the enclosed agreement, please contact Judy Thedford at (202) 523-5071.

Sincerely,

  
Charles N. Steele  
General Counsel

Enclosure:  
Conciliation Agreement

32701479

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Richard Diviney  
Guidera For Congress Committee  
4 Turkey Hill Lane  
Westport, Connecticut 06800

Re: MUR 1155

Dear Mr. Diviney:

This is to acknowledge receipt of your letter dated March 10, 1980, in which you stated your desire to informally resolve this matter.

In accordance with your request, we enclosed 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.

Please note that conciliation attempts at this stage are informal and that in the event these negotiations fail, the Office of General Counsel will proceed with enforcement procedures according to 2 U.S.C. § 437g(a)(B).

If you have any questions or suggestions for changes in the enclosed agreement, please contact Judy Theford at (202)523-5071.

Sincerely,

Charles N. Steele  
General Counsel

Enclosure

Conciliation Agreement

*JA*  
*4-24-80*

32010304472



BEFORE THE FEDERAL ELECTION COMMISSION

April 3, 1980

In the Matter of )  
 )  
Guidera For Congress Committee )

MUR 1155

CONCILIATION AGREEMENT

This matter having been initiated by the Federal Election Commission (hereinafter the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted after the Commission found reason to believe that Guidera For Congress Committee ("Respondent") violated 2 U.S.C. § 441a(f) by accepting excessive contributions from four unregistered committees.

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

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

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

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

82040304131

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

1. Respondent, Guidera For Congress Committee, was the principal campaign committee as defined by 2 U.S.C. § 431(n) [recodified 2 U.S.C. § 431(5)] for Congressional candidate George C. Guidera.
2. Respondent accepted contributions in excess of \$1,000 from four unregistered committees in connection with the 1978 general election as follows:

Waterbury Republican Town Committee	\$1,990.00
Ridgefield Republican Town Committee	\$1,287.50
Weston Republican Campaign Fund	\$1,150.00
Middlebury Republican Finance	\$1,500.00

3. Pursuant to 2 U.S.C. § 441a(a)(1)(A) unregistered committees are subject to the \$1,000 contribution limitation per election.
4. The excessive contributions were refunded to the respective committee by the respondent on June 29, 1979 and subsequently reported to the Commission.

WHEREFORE, Respondent agrees:

v. Respondent violated 2 U.S.C. § 441a(f) by accepting contributions in excess of \$1,000 per election from four unregistered committees.

32040304432

VI. The Commission and Respondent agree that the above-mentioned violation was not knowingly and willfully committed.

VII. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of Five Hundred dollars (\$500), pursuant to 2 U.S.C. § 437g(a)(6)(B).

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 requirement 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.

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

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CHARLES N. STEELE  
GENERAL COUNSEL  
FEDERAL ELECTION COMMISSION

\_\_\_\_\_  
DATE

\_\_\_\_\_  
RESPONDENT'S NAME

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

82040304431



# Guidera CONGRESS

P. O. BOX 1035  
WESTON, CT. 06883

P. O. BOX 2838  
WATERBURY, CT. 06723

*Thedford* RECEIVED  
300#  
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MAY 11 11 31

May 6, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

007945

10 MAY 9 P 3: 32

GENERAL COUNSEL

Re: MUR 1155

Dear Mr. Steele:

I have received your letter of April 25, 1980 in which you enclosed a Conciliation Agreement to serve as an informal settlement of this matter if approved by the Commission.

Unfortunately, I cannot sign the proposed agreement for the reason that it contains a written admission that federal law 2 U.S.C. 441a(f) was violated. That section provides:

"No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section."

The clear intent of this provision of the law is to prohibit intentional violations of the contribution and expenditure limitations. Congress obviously recognized that the contribution limitations might be exceeded accidentally or inadvertantly by persons acting in good faith, for otherwise the word "knowingly" would not have been used. Miss Thedford told me that in her interpretation of this provision, the word "knowingly" merely modifies the word "accept", and if funds were accepted knowingly, that is to say, if the Committee was aware that it was in fact receiving the funds, then a violation occurred if the statutory dollar limitation was exceeded, whether or not the Committee was aware of it at the time. Applying this interpretation or construction to another provision which contains the same word ("knowingly") a Committee would violate Section 411(f) by knowingly accepting a contribution even though the Committee was unaware that the funds were actually given by one person in the name of another. I cannot believe that Congress intended such a result in either case.

Charles N. Steele, Esq.  
May 6, 1980  
Page 2

My letter to Mr. Tiernan of March 10, 1980 contains my sworn statement explaining the circumstances in which the contributions were received, and they were not knowingly accepted in violation of the Act. Also, your draft of the agreement in Paragraph VI would have the parties agree that the violation was not knowing and willful. Not only can I not admit to a violation of federal law when no violation in fact occurred, but the Commission itself would most certainly refuse to accept your recommendation to approve the proposed Conciliation Agreement in view of the inconsistent and indeed, contradictory provisions of Paragraphs V and VI.

Since these are informal negotiations, I have taken the liberty to prepare the enclosed agreement which I have signed. This sets forth the pertinent facts, without any admission that a violation occurred, and concludes that no further action should be taken in this matter. No civil penalty is levied, and nothing further remains to be done.

I trust that upon your further consideration of the facts and review of the law, you will be able to recommend this agreement to the Commission for their approval.

Sincerely,

  
Richard J. Diviney,  
Treasurer

RJD:vlf  
Enclosure

3 2 0 1 0 3 0 4 4 8 5

BEFORE THE FEDERAL ELECTION COMMISSION

April 3, 1980

In the Matter of )  
 )  
Guidera Congress Committee ) MUR 1155

CONCILIATION AGREEMENT

This matter having been initiated by the Federal Election Commission (hereinafter the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, the Commission, on February 26, 1980, found reason to believe that Guidera Congress Committee ("Respondent") may have violated 2 U.S.C. § 441a(f) by accepting excessive contributions from four unregistered committees.

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

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and while the Commission has not found probable cause to believe that Respondent violated 2 U.S.C. § 441a(f), none-the-less, this Agreement shall have the effect of a conciliation agreement under 2 U.S.C. § 441g(a)(4)(A).

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

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

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

1. Respondent, Guidera Congress Committee, is the

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principal campaign committee as defined by 2 U.S.C. § 431(n) [recodified 2 U.S.C. s 431(5)] for Congressional candidate George C. Guidera.

2. Respondent accepted contributions from four local party committees in connection with the 1978 general election as follows:

Waterbury Republican Town Committee	\$1,990.00
Ridgefield Republican Town Committee	\$1,287.50
Weston Republican Campaign Fund	\$1,150.00
Middlebury Republican Finance	\$1,500.00

3. Respondent relied upon information received from the State Central Party Organization and FEC Advisory Opinion 1978-9 in concluding that these contributions would be counted against the Special State Party limitation for house candidates and not subject to a separate limitation for each organization.
4. Pursuant to 2 U.S.C. § 441a(a)(1)(A) unregistered committees are subject to the \$1,000 contribution limitation per election.
5. The Commission notified the Respondent that the four above mentioned Committees were unregistered with the FEC and recommended that the amounts in excess of \$1,000 be refunded to the respective committees.

92040304489

6. The excessive contributions were refunded to the respective committees by the Respondent on June 29, 1979 and subsequently reported to the Commission.

WHEREFORE:

V. The Commission and Respondent agree that no violation of any federal statute or regulation was committed by Respondent.

VI. The Commission agrees that Respondent has demonstrated that no further action should be taken in this matter.

DATE

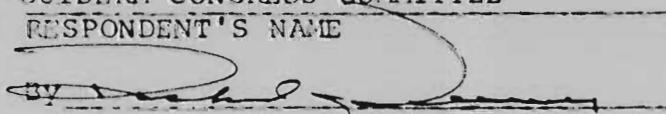
CHARLES N. STEELE  
GENERAL COUNSEL  
FEDERAL ELECTION COMMISSION

May 5, 1980

DATE

GUIDERA CONGRESS COMMITTEE  
RESPONDENT'S NAME

BY

  
Richard J. Diviney

Its Treasurer

82040304439



**Guidera  
CONGRESS**

P.O. BOX 2838  
WATERBURY, CT 06723



*Return Receipt Requested*

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

**CERTIFIED**

1 P07 3057081

**MAIL**

May 29, 1980

MEMORANDUM TO: Marjorie W. Emmons  
FROM: Jan ~~ec~~ ~~dy~~ ~~rove~~  
SUBJECT: MUR 1155

Please have the attached Memo to the Commission on  
MUR 1155 distributed to the Commission on a 48 hour tally  
basis.

Thank you.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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OFFICE OF THE  
COMMISSION SECRETARY

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May 29, 1980

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele *CNS*  
General Counsel

SUBJECT: MUR 1155

Attached for the Commission's review is a counterproposed conciliation agreement (Attachment I) submitted by Mr. Diviney, treasurer of the Guidera Congress Committee. Mr. Diviney's counterproposal is in response to the Commission's proposed conciliation agreement (Attachment II) sent to the respondent April 25, 1980.

Mr. Diviney states that he was unable to accept the proposed agreement as it contained a written admission that the Guidera Congress Committee violated 2 U.S.C. § 441a(f). He argues that section 441a(f) was intended to prohibit the intentional violation of the contribution and expenditure limitations. Mr. Diviney specifically refers to the word "knowingly" contained in section 441a(f). He further asserts that the language in the proposed agreement which stated that the violation was not knowingly and willfully committed (See Attachment II - Paragraph V) is contradictory and inconsistent with the provision admitting to a violation of section 441a(f) (See Attachment II - Paragraph VI).

Mr. Diviney counterproposed an agreement which does not contain an admission that a violation was committed or payment of a civil penalty. The conciliation agreement also deleted "General Conditions" and other standard language contained in the proposed conciliation agreement.

The Office of the General Counsel recommends that the counterproposed conciliation agreement not be accepted by the Commission. According to past Commission practice regarding the acceptance of excessive contributions, the agreement should contain provisions requiring the admission that a violation has occurred and a civil penalty.

RECOMMENDATION

It is recommended that the Commission:

- 1) Not approve the attached agreement signed by the treasurer of the Guidera Congress Committee, Richard Diviney; and
- 2) Approve and send the attached letter to Richard Diviney.

Attachments:

1. Counterproposal (5/6/80)
2. Proposed Agreement (4/3/80)
3. Proposed Letter and Agreement

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# Guidera CONGRESS

P. O. BOX 1035  
WESTON, CT. 06883

*Thedford* 000# 1304  
MAY 11 11 34

P. O. BOX 2838  
WATERBURY, CT. 06723

May 6, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

007845

00 MAY 9 P 3:32

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

Re: MUR 1155

Dear Mr. Steele:

I have received your letter of April 25, 1980 in which you enclosed a Conciliation Agreement to serve as an informal settlement of this matter if approved by the Commission.

Unfortunately, I cannot sign the proposed agreement for the reason that it contains a written admission that federal law 2 U.S.C. 441a(f) was violated. That section provides:

"No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section."

The clear intent of this provision of the law is to prohibit intentional violations of the contribution and expenditure limitations. Congress obviously recognized that the contribution limitations might be exceeded accidentally or inadvertantly by persons acting in good faith, for otherwise the word "knowingly" would not have been used. Miss Thedford told me that in her interpretation of this provision, the word "knowingly" merely modifies the word "accept", and if funds were accepted knowingly, that is to say, if the Committee was aware that it was in fact receiving the funds, then a violation occurred if the statutory dollar limitation was exceeded, whether or not the Committee was aware of it at the time. Applying this interpretation or construction to another provision which contains the same word ("knowingly") a Committee would violate Section 411(f) by knowingly accepting a contribution even though the Committee was unaware that the funds were actually given by one person in the name of another. I cannot believe that Congress intended such a result in either case.

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A COPY OF OUR REPORT IS FILED WITH THE FEDERAL ELECTION COMMISSION AND IS AVAILABLE FOR PURCHASE FROM THE FEDERAL ELECTION COMMISSION WASH. DC

PAID FOR BY GUIDERA CONGRESS COMMITTEE P.O. BOX 1035 WESTON, CT 06883 WILLIAM F. GUIDERA, CHAIRMAN RICHARD SWANEY, TREASURER

ATTACHMENT I pg 1

Charles N. Steele, Esq.

May 6, 1980

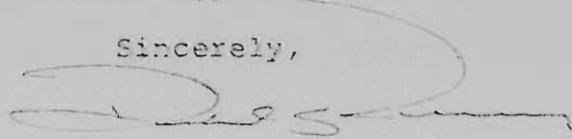
Page 2

My letter to Mr. Tiernan of March 10, 1980 contains my sworn statement explaining the circumstances in which the contributions were received, and they were not knowingly accepted in violation of the Act. Also, your draft of the agreement in Paragraph VI would have the parties agree that the violation was not knowing and willful. Not only can I not admit to a violation of federal law when no violation in fact occurred, but the Commission itself would most certainly refuse to accept your recommendation to approve the proposed Conciliation Agreement in view of the inconsistent and indeed, contradictory provisions of Paragraphs V and VI.

Since these are informal negotiations, I have taken the liberty to prepare the enclosed agreement which I have signed. This sets forth the pertinent facts, without any admission that a violation occurred, and concludes that no further action should be taken in this matter. No civil penalty is levied, and nothing further remains to be done.

I trust that upon your further consideration of the facts and review of the law, you will be able to recommend this agreement to the Commission for their approval.

Sincerely,



Richard J. Diviney,  
Treasurer

RJD:wif  
Enclosure

82040304495

F pg 2

BEFORE THE FEDERAL ELECTION COMMISSION

April 3, 1980

In the Matter of )  
 )  
Guidera Congress Committee )

MUR 1155

CONCILIATION AGREEMENT

This matter having been initiated by the Federal Election Commission (hereinafter the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, the Commission, on February 26, 1980, found reason to believe that Guidera Congress Committee ("Respondent") may have violated 2 U.S.C. § 441a(f) by accepting excessive contributions from four unregistered committees.

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

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and while the Commission has not found probable cause to believe that Respondent violated 2 U.S.C. § 441a(f), none-the-less, this Agreement shall have the effect of a conciliation agreement under 2 U.S.C. § 441g(a)(4)(A).

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

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

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

1. Respondent, Guidera Congress Committee, is the

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principal campaign committee as defined by 2 U.S.C. § 431(n) [recodified 2 U.S.C. s 431(5)] for Congressional candidate George C. Guidera.

2. Respondent accepted contributions from four local party committees in connection with the 1970 general election as follows:

Waterbury Republican Town Committee	\$1,990.00
Ridgefield Republican Town Committee	\$1,287.50
Weston Republican Campaign Fund	\$1,150.00
Middlebury Republican Finance	\$1,500.00

3. Respondent relied upon information received from the State Central Party Organization and FEC Advisory Opinion 1978-9 in concluding that these contributions would be counted against the Special State Party limitation for house candidates and not subject to a separate limitation for each organization.
4. Pursuant to 2 U.S.C. § 441a(a)(1)(A) unregistered committees are subject to the \$1,000 contribution limitation per election.
5. The Commission notified the Respondent that the four above mentioned Committees were unregistered with the FEC and recommended that the amounts in excess of \$1,000 be refunded to the respective committees.

6. The excessive contributions were refunded to the respective committees by the Respondent on June 29, 1979 and subsequently reported to the Commission.

WHEREFORE:

V. The Commission and Respondent agree that no violation of any federal statute or regulation was committed by Respondent.

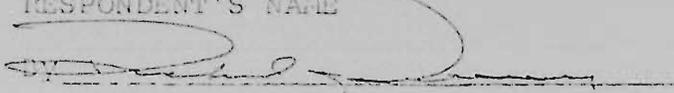
VI. The Commission agrees that Respondent has demonstrated that no further action should be taken in this matter.

-----  
DATE

-----  
CHARLES N. STEELE  
GENERAL COUNSEL  
FEDERAL ELECTION COMMISSION

-----  
May 5, 1980  
DATE

-----  
GUIDERA CONGRESS COMMITTEE  
RESPONDENT'S NAME

-----  
  
Richard J. Diviney

-----  
Its Treasurer

8 2 0 4 0 3 0 4 4 7 8



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

1. Respondent, Guidera For Congress Committee, was the principal campaign committee as defined by 2 U.S.C. § 431(n) [recodified 2 U.S.C. § 431(5)] for Congressional candidate George C. Guidera.
2. Respondent accepted contributions in excess of \$1,000 from four unregistered committees in connection with the 1978 general election as follows:

Waterbury Republican Town Committee	\$1,990.00
Ridgefield Republican Town Committee	\$1,287.50
Weston Republican Campaign Fund	\$1,150.00
Middlebury Republican Finance	\$1,500.00

3. Pursuant to 2 U.S.C. § 441a(a)(1)(A) unregistered committees are subject to the \$1,000 contribution limitation per election.
4. The excessive contributions were refunded to the respective committee by the respondent on June 29, 1979 and subsequently reported to the Commission.

WHEREFORE, Respondent agrees:

v. Respondent violated 2 U.S.C. § 441a(f) by accepting contributions in excess of \$1,000 per election from four unregistered committees.

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II pgs

VI. The Commission and Respondent agree that the above-mentioned violation was not knowingly and willfully committed.

VII. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of Five Hundred dollars (\$500), pursuant to 2 U.S.C. § 437g(a)(6)(B).

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 requirement 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.





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Richard Diviney, Treasurer  
Guidera Congress Committee  
P.O. Box 1035  
Weston, CT 06883

Re: MUR 1155

Dear Mr. Diviney:

This letter is to confirm the Commission's receipt of your counterproposed conciliation agreement on May 9, 1980. The Commission reviewed your counterproposal on May , 1980 and failed to approve the agreement as settlement of this matter.

While the Commission is willing to negotiate on the language contained in the agreement and the amount of the civil penalty, the Commission determined that the omission of a civil penalty and a provision admitting that a violation has occurred is not appropriate for settlement of this matter. We, therefore, direct you to the agreement previously submitted to you on April 25, 1980; a copy of which is attached.

Should you wish to continue informal negotiations in this matter, please write or call this office within ten days. Please note that in the event that informal negotiations fail, the Office of General Counsel will proceed with enforcement procedures according to 2 U.S.C. § 437g(a)(3) and prepare a probable cause to believe brief for your review and response. You will be given fifteen days to respond to the brief. Any brief you may submit will be presented to the Commission before voting on a probable cause determination and the initiation of formal conciliation.

If you have any questions, please contact Judy Thedford at (202) 523-5071.

Sincerely,

Charles N. Steele  
General Counsel

Enclosure  
Conciliation Agreement

*Attachment III pg 1*

BEFORE THE FEDERAL ELECTION COMMISSION

April 3, 1980

In the Matter of )  
 )  
Guidera Congress Committee )

MJR 1155

CONCILIATION AGREEMENT

This matter having been initiated by the Federal Election Commission (hereinafter the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted after the Commission found reason to believe that Guidera Congress Committee ("Respondent") violated 2 U.S.C. § 441a(f) by accepting excessive contributions from four unregistered committees.

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

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

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

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

*III pg 3*

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

1. Respondent, Guidera Congress Committee, was the principal campaign committee as defined by 2 U.S.C. § 431(n) [recodified 2 U.S.C. § 431(5)] for Congressional candidate George C. Guidera.
2. Respondent accepted contributions in excess of \$1,000 from four unregistered committees in connection with the 1978 general election as follows:

Waterbury Republican Town Committee	\$1,990.00
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Weston Republican Campaign Fund	\$1,150.00
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3. Pursuant to 2 U.S.C. § 441a(a)(1)(A) unregistered committees are subject to the \$1,000 contribution limitation per election.
4. The excessive contributions were refunded to the respective committee by the respondent on June 29, 1979 and subsequently reported to the Commission.

WHEREFORE, Respondent agrees:

- v. Respondent violated 2 U.S.C. § 441a(f) by accepting contributions in excess of \$1,000 per election from four unregistered committees.

32010304505

III pg 3

VI. The Commission and Respondent agree that the above-mentioned violation was not knowingly and willfully committed.

VII. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of Five Hundred dollars (\$500), pursuant to 2 U.S.C. § 437g(a)(6)(B).

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 requirement 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.

III B4

32010304506

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

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CHARLES N. STEELE  
GENERAL COUNSEL  
FEDERAL ELECTION COMMISSION

\_\_\_\_\_  
DATE

GUIDERA CONGRESS COMMITTEE

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

32719394597

*III pg 4*







FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 13, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Richard Diviney, Treasurer  
Guidera Congress Committee  
P.O. Box 1035  
Weston, CT 06883

Re: MUR 1155

Dear Mr. Diviney:

This letter is to confirm the Commission's receipt of your counterproposed conciliation agreement on May 9, 1980. The Commission reviewed your counterproposal on May , 1980 and failed to approve the agreement as settlement of this matter.

While the Commission is willing to negotiate on the language contained in the agreement and the amount of the civil penalty, the Commission determined that the omission of a civil penalty and a provision admitting that a violation has occurred is not appropriate for settlement of this matter. We, therefore, direct you to the agreement previously submitted to you on April 25, 1980; a copy of which is attached.

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If you have any questions, please contact Judy Thedford at (202) 523-5071.

Sincerely,

Charles W. Steele  
General Counsel

Enclosure  
Conciliation Agreement

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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Richard Diviney, Treasurer  
Guidera Congress Committee  
P.O. Box 1035  
Weston, CT 06883

Re: MUR 1155

Dear Mr. Diviney:

This letter is to confirm the Commission's receipt of your counterproposed conciliation agreement on May 9, 1980. The Commission reviewed your counterproposal on May , 1980 and failed to approve the agreement as settlement of this matter.

While the Commission is willing to negotiate on the language contained in the agreement and the amount of the civil penalty, the Commission determined that the omission of a civil penalty and a provision admitting that a violation has occurred is not appropriate for settlement of this matter. We, therefore, direct you to the agreement previously submitted to you on April 25, 1980; a copy of which is attached.

Should you wish to continue informal negotiations in this matter, please write or call this office within ten days. Please note that in the event that informal negotiations fail, the Office of General Counsel will proceed with enforcement procedures according to 2 U.S.C. § 437g(a)(3) and prepare a probable cause to believe brief for your review and response. You will be given fifteen days to respond to the brief. Any brief you may submit will be presented to the Commission before voting on a probable cause determination and the initiation of formal conciliation.

If you have any questions, please contact Judy Thedford at (202) 523-5071.

Sincerely,

Charles N. Steele  
General Counsel

Enclosure  
Conciliation Agreement

April 3, 1980

In the Matter of	)	
	)	MUR 1155
Guidera Congress Committee	)	

CONCILIATION AGREEMENT

This matter having been initiated by the Federal Election Commission (hereinafter the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted after the Commission found reason to believe that Guidera Congress Committee ("Respondent") violated 2 U.S.C. § 441a(f) by accepting excessive contributions from four unregistered committees.

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

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

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

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

92040304512

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

1. Respondent, Guidera Congress Committee, was the principal campaign committee as defined by 2 U.S.C. § 431(n) [recodified 2 U.S.C. § 431(5)] for Congressional candidate George C. Guidera.
2. Respondent accepted contributions in excess of \$1,000 from four unregistered committees in connection with the 1978 general election as follows:

Waterbury Republican Town Committee	\$1,990.00
Ridgefield Republican Town Committee	\$1,287.50
Weston Republican Campaign Fund	\$1,150.00
Middlebury Republican Finance	\$1,500.00

3. Pursuant to 2 U.S.C. § 441a(a)(1)(A) unregistered committees are subject to the \$1,000 contribution limitation per election.
4. The excessive contributions were refunded to the respective committee by the respondent on June 29, 1979 and subsequently reported to the Commission.

WHEREFORE, Respondent agrees:

v. Respondent violated 2 U.S.C. § 441a(f) by accepting contributions in excess of \$1,000 per election from four unregistered committees.

32040304513

VI. The Commission and Respondent agree that the above-mentioned violation was not knowingly and willfully committed.

VII. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of Five Hundred dollars (\$500), pursuant to 2 U.S.C. § 437g(a)(6)(B).

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 requirement 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.

32040304514

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

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CHARLES N. STEELE  
GENERAL COUNSEL  
FEDERAL ELECTION COMMISSION

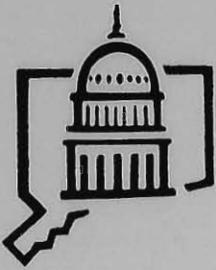
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DATE

GUIDERA CONGRESS COMMITTEE

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

82040304515



# Guidera CONGRESS

P. O. BOX 1035  
WESTON, CT. 06883

RECEIVED

'80 JUN 27 AM 11:53

P. O. BOX 2838  
WATERBURY, CT. 06723 1786

June 24, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

008777

Re: MUR 1155

Dear Mr. Steele:

You indicated in your letter of June 13, 1980 that the Commission will require both an admission to a violation of the statutory campaign contribution limitations (2 U.S.C. 441a(f)) and payment of a civil penalty.

I have been unable to find in FEC publications or elsewhere any decisions, opinions, rulings or regulations by which Section 441a(f) could be construed to prohibit anything other than a willful, intentional and knowing violation of the contribution limitations. Until it is made clear to me that the law is as you and the Commission have indicated, that is to say that a 441a(f) violation may occur inadvertantly, I will remain totally unwilling to sign a written admission to such a violation. While agreement on such a small point may look like a simple reasonable compromise and the most expedient thing to do, I cannot do so. Obviously, my reading and interpretation of the law differs from your own. If there is no case law on this point, perhaps the Commission or possibly your staff have researched the Congressional intent behind the words chosen for this provision. If you will kindly share this information with me, it will be most helpful since I would very much like to resolve this matter at this level. Other provisions of your agreement will require further negotiation as soon as the 441a(f) violation question has been answered.

10 JUN 27 P 1:03

A COPY OF OUR REPORT IS FILED WITH THE FEDERAL ELECTION COMMISSION  
AND IS AVAILABLE FOR PURCHASE FROM THE FEDERAL ELECTION COMMISSION WASH. DC.

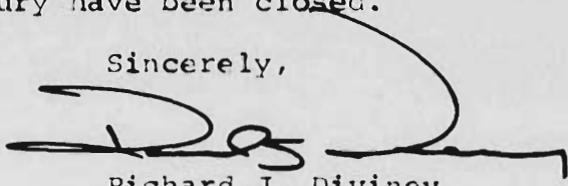
RECEIVED

'80 JUN 27 AM 11:50

Charles N. Steele, Esq.  
June 24, 1980  
Page 2

Please address mail to me at my home address, 4 Turkey Hill Lane, Westport, Connecticut 06980. The Committee's post office box in Weston and Waterbury have been closed.

Sincerely,



Richard J. Diviney  
Treasurer

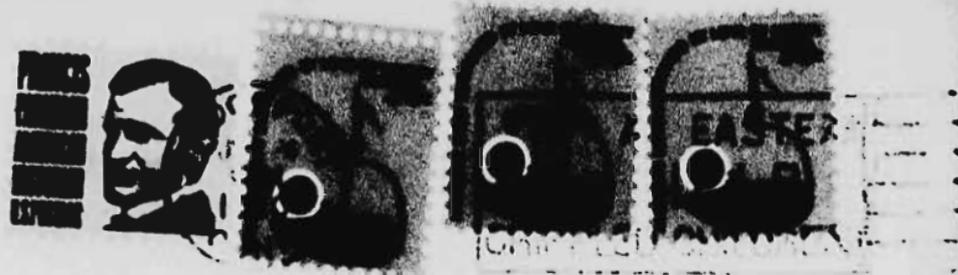
RJD:vlf

82019101517



**Guidera  
CONGRESS**

P.O. BOX 2838  
WATERBURY, CT 06723



*Return Receipt Requested*

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

**CERTIFIED**

P205131218

**MAIL**

July 14, 1980

MEMORANDUM TO: Marjorie W. Emmons  
FROM: Elissa T. Gerr  
SUBJECT: MUR 1155

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

00010101510

BEFORE THE FEDERAL ELECTION COMMISSION

July 9, 1980

In the Matter of )  
 )  
Guidera Congress Committee ) MUR 1155

INTERIM INVESTIGATIVE REPORT #4

On June 10, 1980, the Commission voted to reject the counterproposal offered by the Guidera Congress Committee and determined that the omission of a civil penalty and a provision admitting to a violation is not appropriate for settlement of the matter.

On June 30, 1980, Mr. Diviney, treasurer of the Guidera Congress Committee, submitted a letter to the Commission stating that he was unwilling to sign a written admission to a § 441a(f) violation until it is made clear to him that a § 441a(f) violation may occur inadvertently, rather than an intentional, knowing violation of the Act. Mr. Diviney requests that any case law or congressional intent on which the Commission based its determination be shared with him so the matter be resolved. Mr. Diviney further stated that additional negotiations will be necessary as soon as the § 441a(f) violation is settled.

The Office of General Counsel will review Mr. Diviney request and present to the Commission a letter responding to Mr. Diviney.

11 July 1980  
DATE

  
CHARLES N. STEELE  
GENERAL COUNSEL

88 JUL 14 P 1: 48

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

32049304500



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *MWE*  
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *m*  
DATE: JULY 22, 1980  
SUBJECT: MUR 1155 - Interim Investigative Report #4,  
dated 7-9-80; Signed 7-11-80; Received  
in OCS 7-14-80, 1:48

The above-named document was circulated to the  
Commission on a no-objection basis at 11:00, July 15, 1980.

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

82040304521

September 4, 1980

MEMORANDUM TO: Marjorie W. Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 1156

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

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

80 SEP 4 P 3: 40

September 4, 1980

MEMORANDUM TO: The Commission  
FROM: Charles N. Steele *CS*  
General Counsel  
SUBJECT: MUR 1155- Response to Respondent's Inquiry

Attached for the Commission's approval is a letter (Attachment I) responding to Treasurer Diviney's June 24, 1980 letter which requested justification of the Commission's interpretation of 2 U.S.C. § 441a(f) (Attachment II).

The Office of the General Counsel recommends that the Commission approve the attached letter for sending to Mr. Diviney.

ATTACHMENTS:  
I - June 24, 1980 letter  
II - Proposed letter



# Glidera CONGRESS

P.O. BOX 1035  
WESTON, CT. 06883

RECEIVED  
*Shedford*  
20 JUN 27 AM 11 53

P.O. BOX 2838  
WATERBURY, CT. 06723 1786

June 24, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

008777

Re: MUR 1155

Dear Mr. Steele:

You indicated in your letter of June 13, 1980 that the Commission will require both an admission to a violation of the statutory campaign contribution limitations (2 U.S.C. 441a(f)) and payment of a civil penalty.

I have been unable to find in FEC publications or elsewhere any decisions, opinions, rulings or regulations by which Section 441a(f) could be construed to prohibit anything other than a willful, intentional and knowing violation of the contribution limitations. Until it is made clear to me that the law is as you and the Commission have indicated, that is to say that a 441a(f) violation may occur inadvertently, I will remain totally unwilling to sign a written admission to such a violation. While agreement on such a small point may look like a simple reasonable compromise and the most expedient thing to do, I cannot do so. Obviously, my reading and interpretation of the law differs from your own. If there is no case law on this point, perhaps the Commission or possibly your staff have researched the Congressional intent behind the words chosen for this provision. If you will kindly share this information with me, it will be most helpful since I would very much like to resolve this matter at this level. Other provisions of your agreement will require further negotiation as soon as the 441a(f) violation question has been answered.

ED:13 22NOV 80  
ATTACHMENT II pg 1

A COPY OF OUR REPORT IS FILED WITH THE FEDERAL ELECTION COMMISSION  
AND IS AVAILABLE FOR PURCHASE FROM THE FEDERAL ELECTION COMMISSION, WASH. DC

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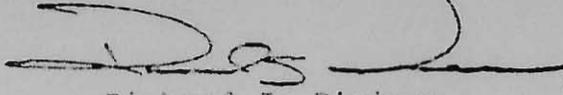
RECEIVED

Charles N. Steele, Esq.  
June 24, 1980  
Page 2

00 JUN 27 - AM 11 50

Please address mail to me at my home address, 4 Turkey Hill Lane, Westport, Connecticut 06880. The Committee's post office box in Weston and Waterbury have been closed.

Sincerely,



Richard J. Diviney  
Treasurer

RJD:vlf

32040304525

ATTACHMENT 4 pg 2



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Richard J. Diviney, Treasurer  
Guidera Congress Committee  
4 Turkey Hill Lane  
Westport, Connecticut 06880

Re: MUR 1155

Dear Mr. Diviney:

This letter is in response to your June 24, 1980, letter in which you stated your unwillingness to sign a written admission to a 2 U.S.C. § 441a(f) violation. The Commission's interpretation of a § 441a(f) violation is that the receiving entity knowingly accepted the contribution in question, not that it was aware of the illegality of the accepted contributions. It appears that your interpretation construes a § 441a(f) violation to have been a "knowing and willful" violation.

Please note that conciliation at this stage will only continue if negotiations are directed toward reaching a conciliation agreement. Therefore, your refusal to admit to a violation of the Act appears to put the present negotiations at an impasse. This office will proceed with enforcement procedures according to 2 U.S.C. § 437g(a)(3) and prepare a brief stating the position of the General Counsel on the legal and factual issues of this case, unless a counterproposed conciliation agreement is submitted to the Commission within fifteen days of your receipt of this letter.

If you have any questions, please contact Judy Thedford at 202/523-4057.

Sincerely,

Charles N. Steele  
General Counsel

ATTACHMENT I





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

September 10, 1980

Richard J. Diviney, Treasurer  
Guidera Congress Committee  
4 Turkey Hill Lane  
Westport, Connecticut 06880

Re: MUR 1155

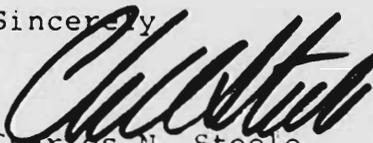
Dear Mr. Diviney:

This letter is in response to your June 24, 1980, letter in which you stated your unwillingness to sign a written admission to a 2 U.S.C. § 441a(f) violation. The Commission's interpretation of a § 441a(f) violation is that the receiving entity knowingly accepted the contribution in question, not that it was aware of the illegality of the accepted contributions. It appears that your interpretation construes a § 441a(f) violation to have been a "knowing and willful" violation.

Please note that conciliation at this stage will only continue if negotiations are directed toward reaching a conciliation agreement. Therefore, your refusal to admit to a violation of the Act appears to put the present negotiations at an impasse. This office will proceed with enforcement procedures according to 2 U.S.C. § 437g(a)(3) and prepare a brief stating the position of the General Counsel on the legal and factual issues of this case, unless a counterproposed conciliation agreement is submitted to the Commission within fifteen days of your receipt of this letter.

If you have any questions, please contact Judy Thedford at 202/523-4057.

Sincerely,

  
Charles N. Steele  
General Counsel



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Richard J. Diviney, Treasurer  
Guidera Congress Committee  
4 Turkey Hill Lane  
Westport, Connecticut 06880

Re: MUR 1155

Dear Mr. Diviney:

This letter is in response to your June 24, 1980, letter in which you stated your unwillingness to sign a written admission to a 2 U.S.C. § 441a(f) violation. The Commission's interpretation of a § 441a(f) violation is that the receiving entity knowingly accepted the contribution in question, not that it was aware of the illegality of the accepted contributions. It appears that your interpretation construes a § 441a(f) violation to have been a "knowing and willful" violation.

Please note that conciliation at this stage will only continue if negotiations are directed toward reaching a conciliation agreement. Therefore, your refusal to admit to a violation of the Act appears to put the present negotiations at an impasse. This office will proceed with enforcement procedures according to 2 U.S.C. § 437g(a)(3) and prepare a brief stating the position of the General Counsel on the legal and factual issues of this case, unless a counterproposed conciliation agreement is submitted to the Commission within fifteen days of your receipt of this letter.

If you have any questions, please contact Judy Thedford at 202/523-4057.

Sincerely,

Charles N. Steele  
General Counsel

Handwritten initials and date: "JA 7/1/80"

3 0 0 1 0 0 0 1 5 1 7

MUR. 1155 Thad. Ford

PS Form 3811, Jan. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following services 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. S. ....

(CONSULT POSTMASTER FOR FEES)

ARTICLE ADDRESSED TO:  
Richard J. DiVinney, Treas.

3. ARTICLE DESCRIPTION

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	ESC946	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE  Addressee  Authorized agent

*R. DiVinney*

4. DATE OF DELIVERY: 7-15-78 POSTMARK: [Circular Postmark]

5. ADDRESS (Complete only if required)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS: [Signature]



# Gundera CONGRESS

P. O. BOX 1035  
WESTON, CT. 06883

RECEIVED

P. O. BOX 2838  
WATERBURY, CT. 06723

80 SEP 19 3:21

910 179

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September 16, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

Re: MUR 1155

Dear Mr. Steele:

In response to your letter of September 10, 1980, you have previously received my counterproposed Conciliation Agreement dated April 3, 1980, which I now ask that you present to the Commission for reconsideration and approval. The issue in dispute concerns interpretation of U.S.C. 441a(f). On June 24, 1980, I inquired whether you would share with me any case law or research to support the Federal Election Commission interpretation, in an effort to resolve this matter at the informal level. Since you indicate that the Federal Election Commission position is simply its interpretation, if the Commission votes to proceed with enforcement, unless a settlement is reached beforehand, the question ultimately will be left to judicial determination.

Please send mail to my home address, 4 Turkey Hill Lane, Westport, Connecticut 06880.

Sincerely,

Richard J. Diviney

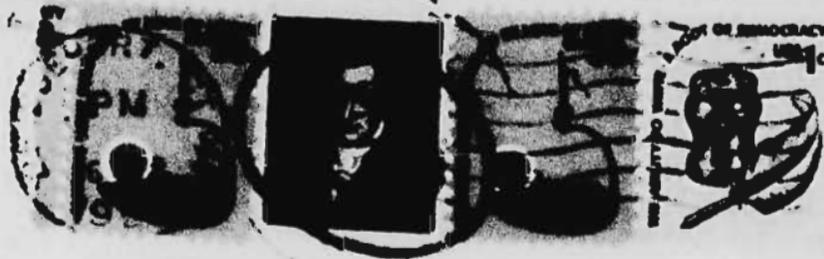
RJD:kjn

10 SEP 22 10:38



**Guidera**  
**CONGRESS**

P.O. BOX 2838  
WATERBURY, CT 06723



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

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**CERTIFIED**

P32 3308352

**MAIL**

SEP 19 11:21

RECEIVED



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: THE COMMISSION  
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *mc*  
DATE: DECEMBER 24, 1980  
SUBJECT: MUR 1155 - General Counsel's Brief

The attached documents are circulated for your  
information.

ATTACHMENTS:  
1) Memo: 2) Brief: 3) Letter

82047304533

December 22, 1980

MEMORANDUM TO: Marjorie W. Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 1155

Please have the attached Memo and Brief distributed to the Commission on an informational basis. Thank you.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

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12

December 22, 1980

MEMORANDUM TO: The Commission

FROM: Charles N. Steele *CS*  
General Counsel

SUBJECT: MUR 1155

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 December 22, 1980. Following receipts 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

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compliance with state party expenditure limitations. Furthermore, Mr. Diviney pointed out that all correspondence from the Commission prior to the reason to believe notification of February 28, 1980, was "prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended." Mr. Diviney noted that the Committee promptly refunded the excessive contributions, that he cooperated fully with all Commission requests, and that he had established a system to insure that political committees did not exceed the contribution limitations of the Act. Mr. Diviney stated his deep concern over the Commission's reason to believe finding which he interprets as a "knowing and willful" determination and stated his intention to resolve the matter informally. The Commission, therefore, initiated informal conciliation with the Committee on April 24, 1980.

Mr. Diviney submitted a counter-proposal to the Commission on May 6, 1980. Mr. Diviney stated that he was unable to accept the proposed agreement as it contained a written admission that the Guidera Congress Committee violated 2 U.S.C. § 441a(f). He argued that section 441a(f) was intended to prohibit the intentional violation of the contribution and expenditure limitations; specific reference was made to the word "knowingly" contained in section 441a(f). He further asserted that

the language in the proposed agreement which stated that the violation was not knowingly and willfully committed was contradictory and inconsistent with the provision admitting to a violation of section 441a(f).

Mr. Diviney's counterproposal did not contain an admission that a violation was committed and did not provide for payment of a civil penalty. The counterproposal also deleted "General Conditions" and other standard language contained in the proposed conciliation agreement. As the counterproposal did not contain an admission to a violation of the Act, provision for a civil penalty, and "General Conditions", the Commission voted not to accept the counterproposal and notified the respondent.

On June 24, 1980, Mr. Diviney submitted a letter to the Commission stating that he was unwilling to sign a written admission to a section 441a(f) violation until it was made clear to him that a section 441a(f) violation may occur inadvertently. Mr. Diviney requested that any case law or legislative history upon which the Commission's interpretation is made be shared with him.

On September 10, 1980, a response was sent to the respondent stating the Commission's interpretation of section 441a(f), notifying the respondent that conciliation appeared to have reached an impasse, and that the Office of the

General Counsel would proceed with enforcement procedures unless a conciliation agreement was submitted.

Mr. Diviney responded on September 16, 1980, requesting that his original counterproposal be reconsidered and approved by the Commission; that the issue in dispute is the interpretation of section 441a(f); and that should the Commission proceed with enforcement, the question would be left to judicial determination.

II. Legal Analysis:

The Guidera Congress Committee reported receiving the following contributions in connection with the 1978 general election from four unregistered committees:

<u>Contributing Committee</u>	<u>Date</u>	<u>Amount</u>
(1) Waterbury Republican Town Committee	10-4-78 10-20-78	\$ 90 1,900
	TOTAL	<u>\$1,990</u>
(2) Ridgefield Republican Town Committee	10-10-78 10-12-78 10-17-78 10-24-78 2-14-79	\$ 100 500 500 125 62.50
	TOTAL	<u>\$1,287.50</u>
(3) Weston Republican Campaign Fund	10-18-78 11-2-78	\$ 750 400
	TOTAL	<u>\$1,150</u>
(4) Middlebury Republican Finance Committee	10-31-78 10-31-78	\$ 500 1,000
	TOTAL	<u>\$1,500</u>

The Committee was notified by a letter dated May 21, 1979, that these entries indicated that a violation of the Act may have been committed. Subsequently, the Committee stated its intent to refund the excessive contributions in letters dated June 20 and 29, 1979, and reported the refund on its 1979 July 10 Quarterly Report.

Pursuant to 2 U.S.C. § 441a(a)(1)(A), an unregistered committee is subject to the contribution limitation of \$1,000 per election. Therefore, the Guidera Congress Committee violated 2 U.S.C. § 441a(f) for accepting excessive contributions totalling \$1,927.50 (Waterbury Republican Town Committee - \$990, Ridgefield Republican Town Committee - \$287.50, Weston Republican Campaign Fund - \$150, and Middlebury Republican Finance Committee - \$500).

Mr. Diviney's response dated March 10, 1980, made references to state party expenditures and raised questions of affiliation between the unregistered committees and the state republican committee of Connecticut, and of the possibility of the contributions in question being coordinated party expenditures. With regard to the question of affiliation, the Connecticut Republican Federal Campaign Committee ("CRFCC"), a multicandidate committee, does not list any affiliates. Furthermore, if one presumes the four unregistered committees

to be affiliated, pursuant to 2 U.S.C. § 441a(a)(5), with the CRFCC, the CRFCC has violated 2 U.S.C. § 441a(a)(2)(A) by contributing in excess of \$5,000 per election to the Guidera Congress Committee (\$2,000 on 10/21/79 from CRFCC and \$5,927.50 from the four unregistered committees).

It also appears that the contributions from the four unregistered committees were not coordinated party expenditures pursuant to 2 U.S.C. § 441a(d), 11 CFR § 110.7. The Guidera Congress Committee reported as contributions the \$5,927.50 from the four unregistered committees. AO 1975-120 states that "a direct donation of money to a candidate ... is not the same as an expenditure 'in connection with the general election campaign' of a candidate. In one case, the candidate acquires exclusive use of the monies in question; in the other, the state party, although it may consult with the candidate as to how to expend the funds, has control over how the monies are used." Thus, as the \$5,927.50 was a direct donation of money to the Guidera Congress Committee, it could not count as a coordinated party expenditure. Additionally, 441a(d) expenditures are not reported by the recipient committee.

Further, CRFCC, did not report the \$5,927.50 as coordinated party expenditures. Of the \$12,000 coordinated party expenditures reported by CRFCC, only \$2,000 was reported as expenditures on behalf of Guidera.

Mr. Diviney has also raised as an issue in this matter, the interpretation of 2 U.S.C. § 441a(f). Specifically, Mr. Diviney interprets the phrase "knowingly accepted" as indicative of a knowingly and willful violation.

2 U.S.C. § 441a(f) provides that political committees shall not "knowingly accept" contributions in violation of the contribution limitations. The Office of General Counsel interprets this to mean that the recipient of the contributions knew of the receipt of the contributions, not that the recipient knew that by receiving the contributions a violation of the Act would occur.

Thus, the Act does not require that the Guidera Congress Committee knew its conduct was illegal. Rather, it is only necessary to show that the Guidera Congress Committee accepted the contributions which form the basis of the 2 U.S.C. § 441a(a) violation. As was stated in American Timber and Trading Co. v. First National Bank of Oregon, 334 F.Supp 888 (D.Ore. 1971), aff'd. and remanded, 511 F.2d 980 (9th Cir. 1971), cert. denied, 421 U.S. 921 (1971):

The word "knowingly" ordinarily means that the act or omission was intentional. It is not necessary that the actor intended to break the law. It is enough that he intended the act. One may be ignorant of the law, and yet be found to have violated its demands. United States v. International Minerals & Chemicals Corp., 402 U.S. 558 . . . (1971).

Furthermore, 2 U.S.C. § 441a(f) is distinct from other sections of the Act which require a person to have "knowingly and willfully" committed a violation before the Commission may take action or before criminal penalties may be imposed. (See 2 U.S.C. § 437g(a)(5)(B), (C), and (6)(C), and 2 U.S.C. §-437g(c), and 2 U.S.C. § 437g(d)).

Thus, the position of the Office of General Counsel is that since the Guidera Congress Committee knew of the receipt of contributions from the Waterbury Republican Town Committee, the Ridgefield Republican Town Committee, the Weston Republican Campaign Fund and the Middlebury Republican Finance Committee, and since contributions from those committees exceeded 2 U.S.C. § 441a(a) limits, the Guidera Congress Committee violated 2 U.S.C. § 441a(f).

III. General Counsel's Recommendation:

It is recommended that the Commission find probable cause to believe that the Guidera Congress Committee violated 2 U.S.C. § 441a(f).

19 December 1980  
Date

  
Charles N. Steele  
General Counsel

82040304543



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 22, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Richard J. Diviney, Treasurer  
Guidera Congress Committee  
4 Turkey Hill Lane  
Westport, CT 06880

RE: MUR 1155

Dear Mr. Diviney:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities and information supplied by you, the Federal Election Commission, on February 26, 1980, found reason to believe that your committee may have violated the Federal Election Campaign Act of 1971, as amended, specifically 2 U.S.C. § 441a(f) and instituted an investigation of this matter.

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

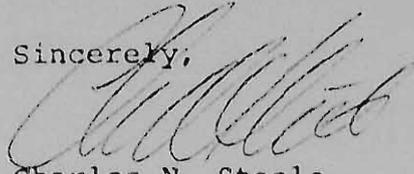
Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the 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.

82040304514

Should you have any questions, please contact Judy  
Thedford, at 202/523-4057.

Sincerely,



Charles N. Steele  
General Counsel

Enclosure  
Brief

82040304513



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 22, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Richard J. Diviney, Treasurer  
Guidera Congress Committee  
4 Turkey Hill Lane  
Westport, CT 06880

RE: MUR 1155

Dear Mr. Diviney:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities and information supplied by you, the Federal Election Commission, on February 26, 1980, found reason to believe that your committee may have violated the Federal Election Campaign Act of 1971, as amended, specifically 2 U.S.C. § 441a(f) and instituted an investigation of this matter.

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

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 the 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.

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Should you have any questions, please contact Judy Thedford, at 202/523-4057.

Sincerely,

Charles N. Steele  
General Counsel

Enclosure  
Brief

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PS Form 3811, Apr 1977

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● **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).  
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 Show to whom, date, and address of delivery ..... c  
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 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: *Richard Swinney  
Judicial Congress Comm*

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.  
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 (Always obtain signature of addressee or agent)

I have received the article described above.  
 SIGNATURE  Addressee  Authorized agent  
*H. Swinney*

4. DATE OF DELIVERY: *12-27-80* POSTMARK: *12 27 80*

5. ADDRESS: (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: \_\_\_\_\_ CARRIER'S INITIALS: *CS*

*Thedford 1155*

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**DATE:** December 31, 1980

**TO:** Charles N. Steele, Esq.  
General Counsel  
Federal Election Commission  
Washington, DC 20463

31 JAN 5 12:12

**RE:** MUR 1155

**Enclosed herewith please find the following:**

Three (3) copies of Reply Brief in connection with the above captioned.

**BY:** Richard J. Diviney:bhb

**SHERWOOD, GARLICK & COWELL**

ATTORNEYS AT LAW

101 POST ROAD EAST

P. O. BOX 529

WESTPORT, CONN. 06881

0151020000

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BEFORE THE FEDERAL ELECTION COMMISSION

In The Matter of ) MUR 1155  
Guidera Congress Committee ) December 31, 1980

REPLY BRIEF

Honorable Commissioners:

The Guidera Congress Committee (Committee) is by law afforded this opportunity to reply to General Counsel's Brief dated December 19, 1980. You are about to vote on whether there exists probable cause to believe that the Committee violated 2 USC 441 a (f), which provides that:

"No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section."

You are already aware of the facts in this case, having found last February reason to believe that a violation may have occurred. In March you had before you the Committee's response, given under oath, to demonstrate that no further action should be taken. (See Exhibit 1) Your lawyer was instructed to proceed with enforcement, and in April he submitted a proposed Conciliation Agreement to the Committee for signature which set forth incomplete facts, contained an admission to the alleged 441 a (f) violation, sought acquiescence to a \$500 civil penalty, required an agreement to not violate the act in the future and changed U. S. District Court venue by stipulation from Connecticut to Washington D.C. The Committee submitted a counter-proposed agreement which for reasons known to you was not approved.

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Referring to the letter of March 10th addressed to Mr. Tiernan (Exhibit I), it was noted that in its prior correspondence the Commission expressed "an interest in assisting candidates and committees who wish to comply with the Act." The "assistance" was there when needed, especially when questions came up or forms were confusing. The FEC was of help, and that help was appreciated. There were times when your staff needed the Committee's assistance, to verify or correct amounts reported for contributions and expenditures, to complete items of information, and to clarify some transactions appearing in the Committee's periodic reports. This assistance was always promptly provided. When the FEC staff pointed to a possible violation of the contribution limitations with respect to the Town Committee contributions, the Committee attempted to confirm or refute the FEC determination. When it became clear that neither could be done for lack of adequate information, the contributions were refunded. Seven months later the Committee received your notice of "reason to believe a violation may have occurred." This came as both a surprise and a shock, especially after reading the enforcement provisions of the Act (2 USC 437g). Clearly, Congress gave the Commission the necessary powers "to prevent and to correct violations of the act." Since the Committee had reported the Town Committee contributions as already received, the Commission could not prevent the alleged violation. However, the Commission could, and your staff did, correct the alleged violation by recommending that the Committee refund the amounts determined to be excessive. A response to your request for an explanation of how and why these gifts were accepted was provided in the March 10, 1980 letter to Mr. Tiernan. Despite the fact that the alleged violation was corrected, your general counsel is now engaged in this "civil prosecution", albeit at the agency level, to extract an admission to an alleged U. S. Code violation and payment of a \$500 fine.

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The image of an FEC "prompted by an interest in assisting . . . etc." has vanished and is now replaced by a police power, able not only to summon alleged violators of the act, but to also judge them and impose fines.

Underlying the issue of whether a 2 USC 441 a (f) violation occurred in this case is a question of statutory construction or interpretation. Does the word "knowingly" modify the word "accept" in 441 a (f) or does it modify the phrase "in violation of the provisions of this section"?

The Committee searched for legal authority in cases, rulings, opinions, regulations and advisory publications for an answer, and could find none. The Committee asked Mr. Steele to share his research, and by letter of September 10, 1980 he responded as follows:

"The Commission's interpretation of a Section 441 a (f) violation is that the receiving entity knowingly accepted the contribution in question, not that it was aware of the illegality of the accepted contributions."

Mr. Steele argues that the word "knowingly" modifies the verb "accepted". This interpretation is inconsistent with the generally accepted meaning of the words "knowingly" and "accept" and when applied to 441 a (f) produces an illogical result.

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Black's Law Dictionary defines terms and phrases commonly used in American and English jurisprudence. As found on Page 26 of Black's Law Dictionary (1957 Edition) the term "accept" means to receive with approval or satisfaction; to receive with intent to retain. Morris V. State, 102 Ark. 513, 145 S. W. 213, 214; admit and agree to, exceed to or consent to, receive with approval. The term "acceptance" is defined as the act of a person to whom a thing is offered or tendered by another whereby he receives the thing with the intention of retaining it, such intention being evidenced by a sufficient act. Aetna Inv. Corporation V. Chandler Landscape and Floral Co., 227 Mo. app. 17, 50 S. W. 2d 195, 197.

Webster's Third New International Dictionary, (1966 Unabridged Edition) defines "accept" on Page 10 at 2a "to receive with consent (something given or offered)."

Black's defines the term "knowingly" to mean with knowledge, consciously, intelligently, willfully, intentionally. Atkinson V. The State, 133 Ark 341, 202 S. W. 709, 710; People V. Calvert, 93 Cal. app. 568, 269 P. 69, 971. The word (knowingly) imports a perception of facts requisite to make up crime; Commonwealth V. Altenhaus 317 Mass. 270, 57 N. E. 2d 921, 922; knowledge of act or thing done as well as evil intent or bad purpose; Erby V. State 181 Tenn. 647, 184 S.W. 2d 14, 16; A knowledge that facts exist which bring the act or omission within the provisions of the code. (emphasis added) People V. Forbath, 5 Cal. app. 2d supp. 767, 42 P. 2d 108, 109.

There is a maxim of statutory construction "expressio unius est exclusio alterius." Where a statute prohibits doing something under certain conditions it carries with it an implied exclusion or allowance that the same thing may be done under other conditions. Applying this maxim to Mr. Steele's interpretation, the statute which prohibits the "knowing acceptance" of contributions in violation of the Act, would allow a candidate or committee to "unknowingly accept" a contribution which may violate the Act. If a committee can "knowingly accept" a campaign contribution, it must be true that a committee can "unknowingly accept" a campaign contribution. A committee which unknowingly accepted a contribution would be unaware of the gift, it could not therefore report the gift to the FEC, and it could not use the gift for campaign expenses. The reason why this sounds so absurd is because, by definition, one cannot unknowingly accept anything. The verb "to accept" has as an inseparable element and precondition, knowledge or cognition or understanding (a process of the mind). So the term "knowingly" as used in the statute cannot modify the word "accept" and it is therefore either superfluous or it modifies the phrase "in violation of the provisions of this section."

General Counsel cites *American Timber & Trading Co. v. First National Bank of Oregon* 334 F. Supp. 888 as authority for the meaning of the term "knowingly." The American Timber case involved a usury statute which prohibited the charging of interest greater than allowed by 12 USC 85, and "when knowingly done" imposed a forfeiture of all interest as well as double damages. The Court applied the Criminal Law definition of "knowingly" as handed down in *U. S. v. International Minerals*, 402 U. S. 558. The American Timber Court found:



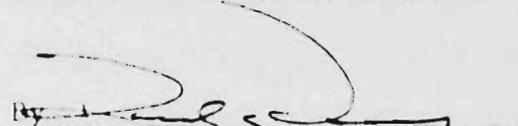
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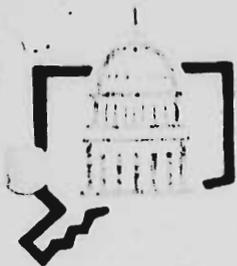
General Counsel does not distinguish in his brief 2 USC 441 a (f) and 2 USC 441 f. In the later section, Congress provided that "no person shall knowingly accept a contribution made by one person in the name of another person." Both sections contain the same phrase "knowingly accept" and applying Mr. Steele's interpretation to the later section, a person may "knowingly accept" a contribution while unaware that it was made by one person in the name of another, and be in violation of 441 f if that form of gift is thereafter proved. Congress clearly did not intend such a result as to a 441 f violation, nor, using the same statutory language the result which General Counsel would have you reach in this case.

The clear intent of 2 USC 441 a (f) is to prohibit intentional violations of the contribution and expenditure limitations. Congress obviously recognized that the contribution limitations might be exceeded accidentally or inadvertently by persons acting in good faith, for otherwise the word "knowingly" would not have been used.

Respectfully submitted,

GUIDERA CONGRESS COMMITTEE

  
Richard J. Diviney, Treasurer



# CONGRESS

U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20540

EXHIBIT I

F. O. P. 1000  
WASHINGTON, D.C. 20540

March 10, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Robert O. Tiernan, Chairman  
Federal Election Commission  
1325 K Street N.W.  
Washington, DC 20463

Re: MUR 1155

Dear Mr. Tiernan:

Your letter of February 28 informing me that the Commission has reason to believe that I knowingly and willfully violated the Act by accepting excessive contributions from four local party committees is the most discouraging and distressing news since we lost the congressional race by a very narrow margin. All of the contributions in question, except for \$62.50, were received at the height of our campaign activity immediately preceding the general election. During that twenty-three day period, we received and processed \$45,489.07 of campaign contributions, using the recommended bookkeeping system to insure full compliance with the contribution limitations of the Act as I understood them to be at the time.

Shortly after the July 15th nominating convention, I spoke with the State Party Chairman and his Treasurer for the purpose of clarifying the handling of party organization contributions and coordinating our respective fund-raising plans and expectations. At that time, my understanding of the party organization contribution limitation was that all party organization contributions, whether from State Central, District level or Town Committees would be counted against the special State Party Expenditure Limitation for House Candidates as determined by your Commission. In order to avoid exceeding this limitation, I was asked to report to State Central all contributions received from the district level and town committees, and I did so. This procedure was later confirmed to my satisfaction after reading your advisory opinion (AO 1978-9) dealing with questions raised by the Iowa Republican Committees. The Commission's opinion was, after discussing the congressional intent to promote party participation at the local level, that it "will avoid rulings which unjustifiably discourage party activity at the local level. Furthermore, Congress has articulated in other parts of the Act a desire to place the fewest restrictions and administrative burdens on those groups that are least likely to need them, i.e., local political organizations which are either primarily involved in State and/or local elections or which are active in cam-

A COPY OF OUR REPORT IS FILED WITH THE FEDERAL ELECTION COMMISSION  
AND IS AVAILABLE FOR PURCHASE FROM THE FEDERAL ELECTION COMMISSION WASH. DC

Mr. Robert O. Tiernan  
March 10, 1980  
Page 2

paigns for federal office, but on a very limited or seasonal basis. Consequently, the Commission has broad discretion to waive all reporting requirements for essentially local groups even though they may have made expenditures to influence federal campaigns in excess of \$1,000 and would otherwise be liable to report as political committees." Since State Central had asked me to report all district level and town committee contributions, both dollar and in-kind contributions, I understood that these would be counted against the special State party limitation for house candidates and not be subject to a separate limitation for either district level or town committee organizations. The July 10th notification from State Central as well as an example of my periodic report is enclosed.

It is clear that the town committees involved in this matter were unaware, as was I, that they must qualify as a multi-candidate committee in order to support my candidate. The Commission, of course, sent notification of that determination to each committee, including my own, in May, 1979. The alleged violation was then immediately corrected by this Committee in accordance with the Commission's recommendation by refunding the "excessive contributions" to the respective committees.

All correspondence which I have received from the Commission prior to your letter of February 29 was "prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended." The timely reports which I have filed, my immediate response to questions, recommendations and requests for additional information by the Commission, and this letter, is the best evidence I can provide of my intention and willingness to cooperate with the Commission and comply in every respect with the provisions of the Act.

I have established a system and procedure to insure that party organization contributions, considered as separate political committees, do not exceed a \$1,000 maximum or \$5,000 for a registered multi-candidate committee. The multi-candidate committee index as published by the Commission is being used to verify the status of each party organization contributor.

Your indication that the Commission has reason to believe that a knowing and willful violation of the Act has been committed is of grave concern to me, my Committee and to Mr. Guidera. This is not the path we have chosen to follow. I can assure you of

Mr. Robert O. Tiernan  
March 10, 1980  
Page 3

our intention to continue to fully cooperate with the Commission  
in completing the Committee's work, and trust that this matter  
can be resolved informally.

Sincerely,

  
Richard J. Diviney, Treasurer  
4 Turkey Hill Lane  
Westport, Connecticut 06880

RJD:vlf

STATE OF CONNECTICUT)

) ss. Westport

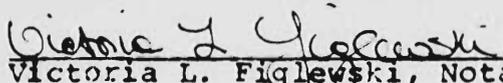
March 10, 1980

COUNTY OF FAIRFIELD )

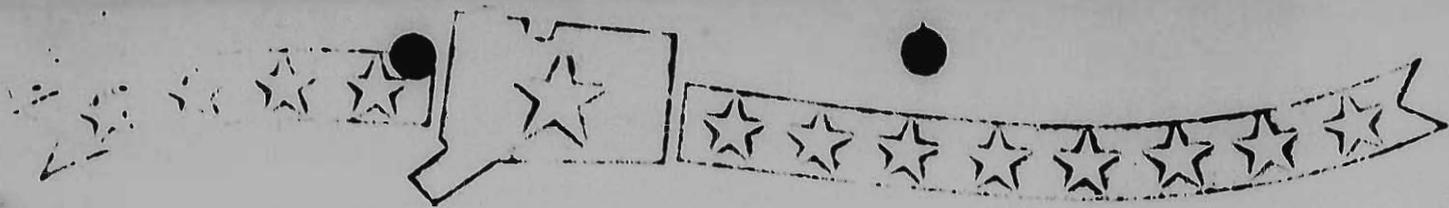
I, Richard J. Diviney, being first duly sworn, say that the  
statements set forth above are true to the best of my knowledge,  
information and belief, so help me God.

  
Richard J. Diviney

Subscribed and sworn to before me  
this 10th day of March, 1980.

  
Victoria L. Figlewski, Notary Public

My Commission Expires: 3/31/84



# Connecticut Republicans

Frederick K. Biebel, *State Chairman*  
Mrs. Joanne R. Nelson, *Vice Chairman*  
Mrs. Edhan Ludlam, *Secretary*  
William H. F. Bush, *Treasurer*  
Donald J. Schmidt, *Deputy Chairman*  
Members of National Committee  
John Alsup  
Mrs. Mary E. Boatwright

July 10, 1978

To: All Congressional Candidates

From: Frederick K. Biebel, State Chairman

*Fred*

IMPORTANT NOTICE FOR ALL CONGRESSIONAL CANDIDATES

This is to inform you that I am requesting your treasurer to notify me at Connecticut Republicans, One High Street, Hartford, Connecticut 06103, every two weeks, concerning the total amount of contributions you receive from each town within your congressional district, including the congressional district organization itself, the womens clubs, or any on-going political organizational committee.

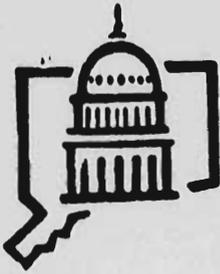
As you know, I must keep accurate accounting of this money which shall be deducted to see what we are permitted to contribute to you during your entire campaign, which is limited to \$5,000 per primary, \$5,000 after primary, plus \$11,000 coordinating expenses.

In a manner of explanation, this simply means that with all your political entities, including the State Central Committee, your campaign can't receive any more than \$21,000 from the state level.

FKB:jas

JUL 17 1978

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# Guidera CONGRESS

P.O. BOX 1035  
WESTON CT. 06883

August 22, 1978

Mr. Frederick K. Biebel  
State Chairman  
Connecticut Republicans  
One High Street  
Hartford, Conn. 06103

Dear Mr. Biebel:

Per your notice of July 10th, listed below are contributions received.

6-21	Easton Republican Town Committee	155.00
7-26	GOP 5	100.00
8-17	New Canaan Women's Republican Committee	500.00
8-15	Prospect Town Committee	25.00

Very truly yours,

Richard J. Diviney  
Treasurer

RJD:jld

EXAMPLE OF PERIODIC REPORT TO STATE CENTRAL

8 2 0 4 0 3 0 4 5 6 1

SHERWOOD, GARLICK & COWELL  
101 POST ROAD EAST  
WESTPORT, CONN. 06880

RETURN TO P12:15

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

*Return Receipt Requested*

**CERTIFIED**

P32 8370637

**MAIL**

BEFORE THE FEDERAL ELECTION COMMISSION

February 5, 1981

In the Matter of )  
 )  
Guidera Congress Committee ) MUR 1155

GENERAL COUNSEL'S REPORT

I. Background:

A Reports Analysis Division's review of the reports filed by the Guidera Congress Committee (the "Committee") revealed that the Committee accepted excessive contributions totaling \$1,927.50 from four unregistered committees in violation of 2 U.S.C. § 441a(f).

After Commission notification, the excessive contributions were refunded; however, the violation was committed at the time the contributions were accepted. Therefore, on February 26, 1980, the Commission found reason to believe that the Committee may have violated 2 U.S.C. § 441a(f).

On March 10, 1980, Mr. Diviney, treasurer of the Committee, responded to the Commission's reason to believe notification. His response stated that the contributions in question were received at the height of the Committee's campaign activity; that he had employed the recommended bookkeeping system; and that special coordinated efforts had been made to assure compliance with state party expenditure limitations. Furthermore, Mr. Diviney pointed out that all correspondence from the Commission prior to the reason to believe notification of February 28, 1980, was "prompted by the Commission's interest in assisting

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candidates and committees who wish to comply with the Federal Election Campaign Act, as amended." Mr. Diviney noted that the Committee promptly refunded the excessive contributions, that he cooperated fully with all Commission requests, and that he had established a system to insure that political committees did not exceed the contribution limitations of the Act. Mr. Diviney stated his deep concern over the Commission's reason to believe finding which he interprets as a "knowing and willful" determination and stated his intention to resolve the matter informally. The Commission, therefore, initiated informal conciliation with the Committee on April 24, 1980.

Mr. Diviney submitted a counterproposal to the Commission on May 6, 1980. Mr. Diviney stated that he was unable to accept the proposed agreement as it contained a written admission that the Guidera Congress Committee violated 2 U.S.C. § 441a(f). He argued that section 441a(f) was intended to prohibit the intentional violation of the contribution and expenditure limitations; specific reference was made to the word "knowingly" contained in section 441a(f). He further asserted that the language in the proposed agreement which stated that the violation was not knowingly and willfully committed was contradictory and inconsistent with the provision admitting to a violation of section 441a(f).

Mr. Diviney's counterproposal did not contain an admission that a violation was committed and did not provide for payment of a civil penalty. The counterproposal also deleted "General Conditions" and other standard language contained in the proposed

conciliation agreement. As the counterproposal did not contain an admission to a violation of the Act, provision for a civil penalty, and "General Conditions", the Commission voted not to accept the counterproposal and notified the respondent.

On June 24, 1980, Mr. Diviney submitted a letter to the Commission stating that he was unwilling to sign a written admission to a section 441a(f) violation until it was made clear to him that a section 441a(f) violation may occur inadvertently. Mr. Diviney requested that any case law or legislative history upon which the Commission's interpretation is made be shared with him.

On September 10 1980, a response was sent to the respondent stating the Commission's interpretation of section 441a(f), notifying the respondent that conciliation appeared to have reached an impasse, and that the Office of General Counsel would proceed with enforcement procedures unless a conciliation agreement was submitted.

Mr. Diviney responded on September 16, 1980, requesting that his original counterproposal be reconsidered and approved by the Commission; that the issue in dispute is the interpretation of section 441a(f); and that should the Commission proceed with enforcement, the question would be left to judicial determination.

On December 22, 1980, a brief was sent to Mr. Diviney which stated the position of the General Counsel on the legal and factual issues of the matter.

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Mr. Diviney submitted a responsive brief replying to the General Counsel's brief on December 31, 1980.

II. Legal Analysis:

The Office of General Counsel's legal analysis of this matter is contained in the OGC Brief circulated to the Commission on December 24, 1980.

The respondent's brief is attached (See Attachment 1).

III. Discussion of Conciliation and Civil Penalty:

The Office of General Counsel previously entered into conciliation with the respondent prior to a probable cause to believe determination by the Commission. Conciliation agreements were exchanged with the respondent and no mutually acceptable agreement reached.

The Office of General Counsel has attached a conciliation agreement to be offered to the respondent in settlement of this matter. The agreement is similar to the conciliation agreement offered to the respondent during negotiations prior to a probable cause to believe determination and approved by the Commission on April 24, 1980. The agreement also contains a \$500 civil penalty which was approved in the April 24, 1980 agreement.

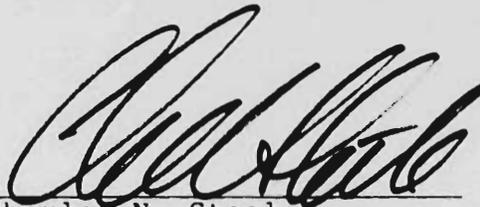
IV. Recommendations:

1. Find probable cause to believe that Guidera Congress Committee violated 2 U.S.C. § 441a(f); and,

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2. Approve and send the attached conciliation agreement and letter to Mr. Diviney.

12 March 1981  
Date

  
Charles N. Steele  
General Counsel

Attachments

1. Respondent's Brief
2. Letter to Respondent
3. Proposed Conciliation Agreement

82010104566

~~W. H. Hester~~  
Theedford

4112

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QCH 3688

DATE: December 31, 1980

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

81 JAN 5 12:12

RE: MUR 1155

82040301567

Enclosed herewith please find the following:

Three (3) copies of Reply Brief in connection with the above captioned.

BY: Richard J. Diviney:bhb

SHERWOOD, GARLICK & COWELL  
ATTORNEYS AT LAW  
101 POST ROAD EAST  
P. O. BOX 529  
WESTPORT, CONN. 06881

ATTACHMENT I pg 6

BEFORE THE FEDERAL ELECTION COMMISSION

In The Matter of ) MUR 1155  
Guidera Congress Committee ) December 31, 1980

REPLY BRIEF

Honorable Commissioners:

The Guidera Congress Committee (Committee) is by law afforded this opportunity to reply to General Counsel's Brief dated December 19, 1980. You are about to vote on whether there exists probable cause to believe that the Committee violated 2 USC 441 a (f), which provides that:

"No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section."

You are already aware of the facts in this case, having found last February reason to believe that a violation may have occurred. In March you had before you the Committee's response, given under oath, to demonstrate that no further action should be taken. (See Exhibit 1) Your lawyer was instructed to proceed with enforcement, and in April he submitted a proposed Conciliation Agreement to the Committee for signature which set forth incomplete facts, contained an admission to the alleged 441 a (f) violation, sought acquiescence to a \$500 civil penalty, required an agreement to not violate the act in the future and changed U. S. District Court venue by stipulation from Connecticut to Washington D.C. The Committee submitted a counter-proposed agreement which for reasons known to you was not approved.

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I pg 7

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Referring to the letter of March 10th addressed to Mr. Tiernan (Exhibit I), it was noted that in its prior correspondence the Commission expressed "an interest in assisting candidates and committees who wish to comply with the Act." The "assistance" was there when needed, especially when questions came up or forms were confusing. The FEC was of help, and that help was appreciated. There were times when your staff needed the Committee's assistance, to verify or correct amounts reported for contributions and expenditures, to complete items of information, and to clarify some transactions appearing in the Committee's periodic reports. This assistance was always promptly provided. When the FEC staff pointed to a possible violation of the contribution limitations with respect to the Town Committee contributions, the Committee attempted to confirm or refute the FEC determination. When it became clear that neither could be done for lack of adequate information, the contributions were refunded. Seven months later the Committee received your notice of "reason to believe a violation may have occurred." This came as both a surprise and a shock, especially after reading the enforcement provisions of the Act (2 USC 437g). Clearly, Congress gave the Commission the necessary powers "to prevent and to correct violations of the act." Since the Committee had reported the Town Committee contributions as already received, the Commission could not prevent the alleged violation. However, the Commission could, and your staff did, correct the alleged violation by recommending that the Committee refund the amounts determined to be excessive. A response to your request for an explanation of how and why these gifts were accepted was provided in the March 10, 1980 letter to Mr. Tiernan. Despite the fact that the alleged violation was corrected, your general counsel is now engaged in this "civil prosecution", albeit at the agency level, to extract an admission to an alleged U. S. Code violation and payment of a \$500 fine.

The image of an FEC "prompted by an interest in assisting . . . etc." has vanished and is now replaced by a police power, able not only to summon alleged violators of the act, but to also judge them and impose fines.

Underlying the issue of whether a 2 USC 441 a (f) violation occurred in this case is a question of statutory construction or interpretation. Does the word "knowingly" modify the word "accept" in 441 a (f) or does it modify the phrase "in violation of the provisions of this section"?

The Committee searched for legal authority in cases, rulings, opinions, regulations and advisory publications for an answer, and could find none. The Committee asked Mr. Steele to share his research, and by letter of September 10, 1980 he responded as follows:

"The Commission's interpretation of a Section 441 a (f) violation is that the receiving entity knowingly accepted the contribution in question, not that it was aware of the illegality of the accepted contributions."

Mr. Steele argues that the word "knowingly" modifies the verb "accepted". This interpretation is inconsistent with the generally accepted meaning of the words "knowingly" and "accept" and when applied to 441 a (f) produces an illogical result.

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Black's Law Dictionary defines terms and phrases commonly used in American and English jurisprudence. As found on Page 26 of Black's Law Dictionary (1957 Edition) the term "accept" means to receive with approval or satisfaction; to receive with intent to retain. Morris V. State, 102 Ark. 513, 145 S. W. 213, 214; admit and agree to, exceed to or consent to, receive with approval. The term "acceptance" is defined as the act of a person to whom a thing is offered or tendered by another whereby he receives the thing with the intention of retaining it, such intention being evidenced by a sufficient act. Aetna Inv. Corporation V. Chandler Landscape and Floral Co., 227 Mo. app. 17, 50 S. W. 2d 195, 197.

Webster's Third New International Dictionary, (1966 Unabridged Edition) defines "accept" on Page 10 at 2a "to receive with consent (something given or offered)."

Black's defines the term "knowingly" to mean with knowledge, consciously, intelligently, willfully, intentionally. Atkinson V. The State, 133 Ark 341, 202 S. W. 709, 710; People V. Calvert, 93 Cal. app. 568, 269 P. 69, 971. The word (knowingly) imports a perception of facts requisite to make up crime; Commonwealth V. Altenhaus 317 Mass. 270, 57 N. E. 2d 921, 922; knowledge of act or thing done as well as evil intent or bad purpose; Erby V. State 181 Tenn. 647, 184 S.W. 2d 14, 16; A knowledge that facts exist which bring the act or omission within the provisions of the code. (emphasis added) People V. Forbath, 5 Cal. app. 2d supp. 767, 42 P. 2d 108, 109.

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There is a maxim of statutory construction "expressio unius est exclusio alterius." Where a statute prohibits doing something under certain conditions it carries with it an implied exclusion or allowance that the same thing may be done under other conditions. Applying this maxim to Mr. Steele's interpretation, the statute which prohibits the "knowing acceptance" of contributions in violation of the Act, would allow a candidate or committee to "unknowingly accept" a contribution which may violate the Act. If a committee can "knowingly accept" a campaign contribution, it must be true that a committee can "unknowingly accept" a campaign contribution. A committee which unknowingly accepted a contribution would be unaware of the gift, it could not therefore report the gift to the FEC, and it could not use the gift for campaign expenses. The reason why this sounds so absurd is because, by definition, one cannot unknowingly accept anything. The verb "to accept" has as an inseparable element and precondition, knowledge or cognition or understanding (a process of the mind). So the term "knowingly" as used in the statute cannot modify the word "accept" and it is therefore either superfluous or it modifies the phrase "in violation of the provisions of this section."

General Counsel cites *American Timber & Trading Co. v. First National Bank of Oregon* 334 F. Supp. 388 as authority for the meaning of the term "knowingly." The *American Timber* case involved a usury statute which prohibited the charging of interest greater than allowed by 12 USC 85, and "when knowingly done" imposed a forfeiture of all interest as well as double damages. The Court applied the Criminal Law definition of "knowingly" as handed down in *U. S. v. International Minerals*, 402 U. S. 558. The *American Timber* Court found:

"Here, it is agreed that the (Defendant) bank knew that its computation of interest on the 360-day year would result in a borrower paying more in one year than the maximum legal rate when computed on a calendar year . . . clearly, then, the bank understood full well the different financial implications between using the 360-day year in the later case and the 365-day year in the former." American Timber (Supra)

How can the criminal law "knowledge" standard be justifiably applied to the enforcement of an alleged 441 a (f) violation when the Committee, after consulting FEC advisory opinion AO 1978-9 and its State Party Committee, accepted Town Committee contributions in good faith and without knowledge that in doing so an alleged violation could occur? Clearly, the "knowingly accept" interpretation produces an unjustly harsh result by establishing a strict or absolute liability standard. The U. S. Supreme Court in the International Minerals case (Supra at 560) noted that strict or absolute liability is not imposed in United States v. Freed, 401 U. S. 601 which dealt with the possession of hand grenades, nor in Boyce Motor Lines, Inc. v. United States 342 U. S. 337 involving the interstate transportation of dangerous or deleterious devices or products or obnoxious waste materials. The interstate commerce cases require knowledge of the shipment of the dangerous materials, but not knowledge of the regulation. Is there a more serious public harm to be avoided or a greater common good to be promoted by imposing absolute liability upon those who receive contributions supporting candidates for Federal office? It is evident that Congress was concerned only with knowing violations of the contribution limitations in 441 a (f) for that is what the law quite clearly says.

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General Counsel does not distinguish in his brief 2 USC 441 a (f) and 2 USC 441 f. In the later section, Congress provided that "no person shall knowingly accept a contribution made by one person in the name of another person." Both sections contain the same phrase "knowingly accept" and applying Mr. Steele's interpretation to the later section, a person may "knowingly accept" a contribution while unaware that it was made by one person in the name of another, and be in violation of 441 f if that form of gift is thereafter proved. Congress clearly did not intend such a result as to a 441 f violation, nor, using the same statutory language the result which General Counsel would have you reach in this case.

The clear intent of 2 USC 441 a (f) is to prohibit intentional violations of the contribution and expenditure limitations. Congress obviously recognized that the contribution limitations might be exceeded accidentally or inadvertently by persons acting in good faith, for otherwise the word "knowingly" would not have been used.

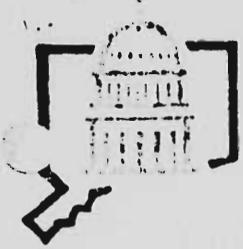
Respectfully submitted,

GUIDERA CONGRESS COMMITTEE

  
Richard J. Diviney, Treasurer

I pg. 13

82040301571


**CONGRESS**

P.O. BOX 1035

WESTON, CT. 06893

P.O. BOX 2030

WATERBURY, CT. 06720

March 10, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Robert O. Tiernan, Chairman  
Federal Election Commission  
1325 K Street N.W.  
Washington, DC 20463

Re: MUR 1155

Dear Mr. Tiernan:

Your letter of February 28 informing me that the Commission has reason to believe that I knowingly and willfully violated the Act by accepting excessive contributions from four local party committees is the most discouraging and distressing news since we lost the congressional race by a very narrow margin. All of the contributions in question, except for \$62.50, were received at the height of our campaign activity immediately preceding the general election. During that twenty-three day period, we received and processed \$45,489.07 of campaign contributions, using the recommended bookkeeping system to insure full compliance with the contribution limitations of the Act as I understood them to be at the time.

Shortly after the July 15th nominating convention, I spoke with the State Party Chairman and his Treasurer for the purpose of clarifying the handling of party organization contributions and coordinating our respective fund-raising plans and expectations. At that time, my understanding of the party organization contribution limitation was that all party organization contributions, whether from State Central, District level or Town Committees would be counted against the special State Party Expenditure Limitation for House Candidates as determined by your Commission. In order to avoid exceeding this limitation, I was asked to report to State Central all contributions received from the district level and town committees, and I did so. This procedure was later confirmed to my satisfaction after reading your advisory opinion (AO 1978-9) dealing with questions raised by the Iowa Republican Committees. The Commission's opinion was, after discussing the congressional intent to promote party participation at the local level, that it "will avoid rulings which unjustifiably discourage party activity at the local level. Furthermore, Congress has articulated in other parts of the Act a desire to place the fewest restrictions and administrative burdens on those groups that are least likely to need them, i.e., local political organizations which are either primarily involved in State and/or local elections or which are active in cam-

I pg 141

A COPY OF OUR REPORT IS FILED WITH THE FEDERAL ELECTION COMMISSION  
AND IS AVAILABLE FOR PURCHASE FROM THE FEDERAL ELECTION COMMISSION WASH DC

Mr. Robert O. Tiernan  
March 10, 1980  
Page 2

paings for federal office, but on a very limited or seasonal basis. Consequently, the Commission has broad discretion to waive all reporting requirements for essentially local groups even though they may have made expenditures to influence federal campaigns in excess of \$1,000 and would otherwise be liable to report as political committees." Since State Central had asked me to report all district level and town committee contributions, both dollar and in-kind contributions, I understood that these would be counted against the special State party limitation for house candidates and not be subject to a separate limitation for either district level or town committee organizations. The July 10th notification from State Central as well as an example of my periodic report is enclosed.

It is clear that the town committees involved in this matter were unaware, as was I, that they must qualify as a multi-candidate committee in order to support my candidate. The Commission, of course, sent notification of that determination to each committee, including my own, in May, 1979. The alleged violation was then immediately corrected by this Committee in accordance with the Commission's recommendation by refunding the "excessive contributions" to the respective committees.

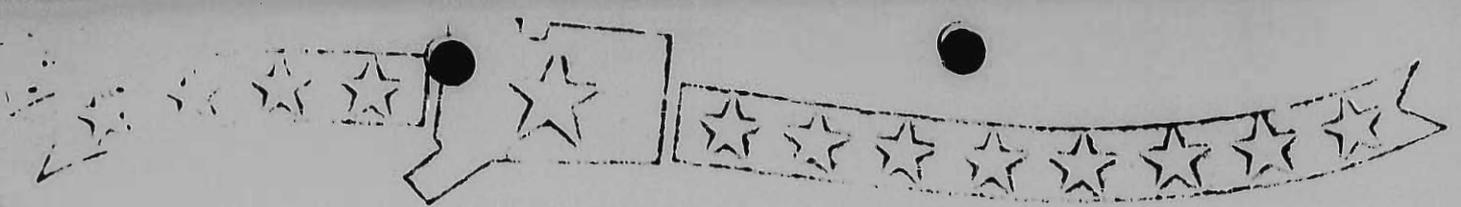
All correspondence which I have received from the Commission prior to your letter of February 18 was "prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended." The timely reports which I have filed, my immediate response to questions, recommendations and requests for additional information by the Commission, and this letter, is the best evidence I can provide of my intention and willingness to cooperate with the Commission and comply in every respect with the provisions of the Act.

I have established a system and procedure to insure that party organization contributions, considered as separate political committees, do not exceed a \$1,000 maximum or \$5,000 for a registered multi-candidate committee. The multi-candidate committee index as published by the Commission is being used to verify the status of each party organization contributor.

Your indication that the Commission has reason to believe that a knowing and willful violation of the Act has been committed is of grave concern to me, my Committee and to Mr. Guidera. This is not the path we have chosen to follow. I can assure you of

I 1985





# Connecticut Republicans

Frederick K. Biebel, *State Chairman*  
Mrs. Jeanne R. Nelson, *Vice Chairman*  
Mrs. William Ludlam, *Secretary*  
William H. F. Bush, *Treasurer*  
Donald J. Schmidt, *Deputy Chairman*  
Members of National Committee  
John Abop  
Mrs. Mary E. Boatwright

July 10, 1978

To: All Congressional Candidates

From: Frederick K. Biebel, State Chairman

*Fred*

IMPORTANT NOTICE FOR ALL CONGRESSIONAL CANDIDATES

This is to inform you that I am requesting your treasurer to notify me at Connecticut Republicans, One High Street, Hartford, Connecticut 06103, every two weeks, concerning the total amount of contributions you receive from each town within your congressional district, including the congressional district organization itself, the womens clubs, or any on-going political organizational committee.

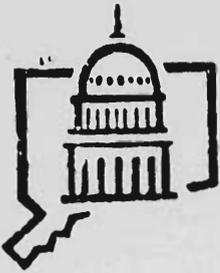
As you know, I must keep accurate accounting of this money which shall be deducted to see what we are permitted to contribute to you during your entire campaign, which is limited to \$5,000 per primary, \$5,000 after primary, plus \$11,000 coordinating expenses.

In a manner of explanation, this simply means that with all your political entities, including the State Central Committee, your campaign can't receive any more than \$21,000 from the state level.

FKB:jas

JUL 17 1978

*I 08 17*



# Guidera

## CONGRESS

P.O. BOX 1035  
WESTON CT. 06883

August 22, 1978

Mr. Frederick K. Biebel  
State Chairman  
Connecticut Republicans  
One High Street  
Hartford, Conn. 06103

Dear Mr. Biebel:

Per your notice of July 10th, listed below are contributions received.

6-21	Easton Republican Town Committee	155.00
7-26	GOP 5	100.00
8-17	New Canaan Women's Republican Committee	500.00
8-15	Prospect Town Committee	25.00

Very truly yours,

Richard J. Diviney  
Treasurer

RJD:jld

EXAMPLE OF PERIODIC REPORT TO STATE CENTRAL

*I 89 18*

A COPY OF OUR REPORT IS FILED WITH THE FEDERAL ELECTION COMMISSION  
AND IS AVAILABLE FOR PURCHASE FROM THE FEDERAL ELECTION COMMISSION WASH DC



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Richard J. Diviney, Treasurer  
Guidera Congress Committee  
4 Turkey Hill Lane  
Westport, Connecticut 06880

Re: MUR 1155

Dear Mr. Diviney:

On \_\_\_\_\_, 1981, the Commission determined there is probable cause to believe that your committee, Guidera Congress Committee, committed a violation of the Federal Election Campaign Act of 1971, as amended, specifically 2 U.S.C. section 441a(f) in connection with its receipt of contributions from four un-registered committees.

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 Judy Thedford, at (202)523-4057.

Sincerely,

Charles N. Steele  
General Counsel

Enclosure  
Conciliation Agreement

ATTACH. II pg 19

BEFORE THE FEDERAL ELECTION COMMISSION

February 5, 1981

In the Matter of )  
 ) MUR 1155  
Guidera Congress Committee )

CONCILIATION AGREEMENT

This matter having been initiated by the Federal Election Commission (hereinafter the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, and after probable cause to believe having been found that Guidera Congress Committee ("Respondent") violated 2 U.S.C. § 441a(f) by accepting excessive contributions from four unregistered committees.

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. Respondent, Guidera Congress Committee, was the principal campaign committee as defined by 2 U.S.C. § 431(n) [recodified 2 U.S.C. § 431(5)] for Congressional candidate George C. Guidera.

ATTACHMENT III pg 20

2. Respondent accepted contributions in excess of \$1,000 from four unregistered committees in connection with the 1978 general election as follows:

Waterbury Republican Town Committee	\$1,990.00
Ridgefield Republican Town Committee	\$1,287.50
Weston Republican Campaign Fund	\$1,150.00
Middlebury Republican Finance	\$1,500.00

3. Pursuant to 2 U.S.C. § 441a(a)(1)(A) unregistered committees are subject to the \$1,000 contribution limitation per election.

4. The excessive contributions were refunded to the respective committee by the respondent on June 29, 1979 and subsequently reported to the Commission.

WHEREFORE, Respondent agrees:

V. Respondent violated 2 U.S.C. § 441a(f) by accepting contributions in excess of \$1,000 per election from four unregistered committees.

VI. The Commission and Respondent agree that the above-mentioned violation was not knowingly and willfully committed.

VII. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of five hundred dollars (\$500), pursuant to 2 U.S.C. § 437g(a)(6)(B).

VIII. Respondent agrees that it shall not undertake any

III 89 21

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Charles N. Steele  
General Counsel  
Federal Election Commission

\_\_\_\_\_  
Date

Guidera Congress Committee

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

*JW 1/8/81*





FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

March 27, 1981

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Richard J. Diviney, Treasurer  
Guidera Congress Committee  
4 Turkey Hill Lane  
Westport, Connecticut 06880

Re: MUR 1155

Dear Mr. Diviney:

On March 24, 1981, the Commission determined there is probable cause to believe that your committee, Guidera Congress Committee, committed a violation of the Federal Election Campaign Act of 1971, as amended, specifically 2 U.S.C. section 441a(f) in connection with its receipt of contributions from four un-registered committees.

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 Judy Thedford, at (202)523-4057.

Sincerely,

Charles N. Steele  
General Counsel

Enclosure  
Conciliation Agreement

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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Richard J. Diviney, Treasurer  
Guidera Congress Committee  
4 Turkey Hill Lane  
Westport, Connecticut 06880

Re: MUR 1155

Dear Mr. Diviney:

On March 24, 1981, the Commission determined there is probable cause to believe that your committee, Guidera Congress Committee, committed a violation of the Federal Election Campaign Act of 1971, as amended, specifically 2 U.S.C. section 441a(f) in connection with its receipt of contributions from four un-registered committees.

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.

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If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Judy Thedford, at (202) 523-4057.

Sincerely,

Charles N. Steele  
General Counsel

Enclosure  
Conciliation Agreement

JT/dm 03/25/81

*JA*  
*3-26-81*

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3-27-81

PS Form 3811, Jan 1979  
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**  
*Richard J. Devaney*

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<i>ESS640</i>	

(Always obtain signature of addressee or agent)

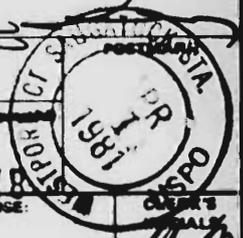
I have received the article described above.  
 SIGNATURE  Addressee  Authorized agent

4. **DATE OF DELIVERY**

5. **ADDRESS** (Complete only if required)

6. **UNABLE TO DELIVER BECAUSE:**

*1155 [unclear]*





2. Respondent accepted contributions in excess of \$1,000 from four unregistered committees in connection with the 1978 general election as follows:

Waterbury Republican Town Committee	\$1,990.00
Ridgefield Republican Town Committee	\$1,287.50
Weston Republican Campaign Fund	\$1,150.00
Middlebury Republican Finance	\$1,500.00

3. Pursuant to 2 U.S.C. § 441a(a)(1)(A) unregistered committees are subject to the \$1,000 contribution limitation per election.

4. The excessive contributions were refunded to the respective committee by the respondent on June 29, 1979 and subsequently reported to the Commission.

WHEREFORE, Respondent agrees:

V. Respondent violated 2 U.S.C. § 441a(f) by accepting contributions in excess of \$1,000 per election from four unregistered committees.

VI. The Commission and Respondent agree that the above-mentioned violation was not knowingly and willfully committed.

VII. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of five hundred dollars (\$500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. Respondent agrees that it shall not undertake any

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Charles N. Steele  
General Counsel  
Federal Election Commission

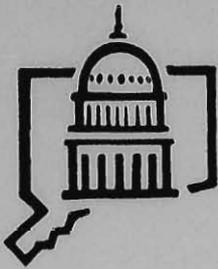
\_\_\_\_\_  
Date

Guidera Congress Committee

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

82040304590



# Guidera CONGRESS

P. O. BOX 1035  
WESTON, CT. 06883

P. O. BOX 2838  
WATERBURY, CT. 06723

10/190

GCC # 5144

July 23, 1981

Kenneth A. Gross, Esq.  
Associate General Counsel  
Federal Election Commission  
Washington, DC 20463

Re: MUR 1155

Dear Mr. Gross:

In response to your letter of July 16, please be advised that the following documents shall become part of the public record at our request:

1. Letter to Mr. Robert O. Tiernan dated March 10, 1980;
2. Letter to Charles N. Steele, Esq. dated May 6, 1980;
3. Letter to Charles N. Steele, Esq. dated June 24, 1980;
4. Letter to Charles N. Steele, Esq. dated September 16, 1980; and
5. Reply brief filed by Guidera Congress Committee dated December 31, 1980.

When this matter is filed in the public records, I would ask that you send me a complete copy of the public record file. Additionally, I would request copies of all minutes of Commission meetings at which this matter was discussed.

In your letter of July 16 you "remind" me that acceptance of the contributions from the four unregistered committees is a violation of 2 U.S.C. § 441a(f). This Committee has consistently disputed that conclusion and its position remains unchanged. The law is not what either the Commission or the Committee believes it to be through interpretation or otherwise, but rather, the law is what Congress enacted as interpreted by Courts of law.

Very truly yours,

Richard J. Diviney  
Treasurer

RJD:vlf

1 JUL 27 P 1:52

GENERAL COUNSEL

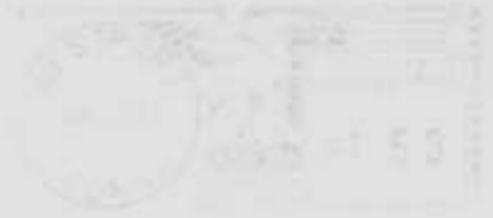
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# Guidera CONGRESS

P.O. BOX 2838  
WATERBURY, CT 06723



*Return Receipt Requested*

**CERTIFIED**  
P34 2109378  
**MAIL**

Kenneth A. Gross, Esq.  
Associate General Counsel  
Federal Election Commission  
Washington, DC 20463

August 11, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Phyllis A. Kayson

SUBJECT: MUR 1155

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

Thank you.

Attachment

cc: Thedford

8201010101573

**SENSITIVE**



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

81 AUG 11 P 4: 40

August 11, 1981

MEMORANDUM TO: The Commission

FROM: Charles N. Steele  
General Counsel

BY: Kenneth A. Gross  
Associate General Counsel *KAG*

SUBJECT: MUR 1155

On July 23, 1981, Mr. Diviney treasurer of the Guidera Congress Committee submitted the attached letter to the Office of General Counsel (Attachment I). Mr. Diviney in his letter requests that: 1) five documents be made part of the public record; 2) a complete copy of the public record file be sent to him; and 3) copies of all Commission meeting minutes at which this matter was discussed be forwarded to him.

In response to the first request, the March 10, 1980 letter and the December 31, 1980 Reply Brief except the paragraph dealing with conciliation are to be made a part of the public record. However, the May 6, 1980, June 24, 1980, and September 16, 1980 letters have been removed from the file pursuant to 2 U.S.C. § 437g(a)(4)(B)(i) as these documents pertain to information derived in connection with conciliation attempts. Copies of these documents have been attached for the Commission's review (Attachment II).

A number of other documents have also been removed from the public file. These documents also pertain to conciliation. Included in these documents are reports to the Commission and letters to Mr. Diviney explaining the Commission's position on this matter. To place Mr. Diviney's letters on the public record without also placing the Commission reports and letters on the public record would present a biased picture. In effect, the record would not be complete, as only Mr. Diviney's position would be made public.

2 U.S.C. § 437g(a)(4)(B)(i) states that:

No action by the Commission or any person, and no information derived, in connection with any conciliation attempt by the Commission ... may be made public by the Commission without the written consent of the respondent and the Commission. (emphasis added)

As information derived from conciliation can only be made public by the consent of both the respondent and the Commission, the Office of General Counsel recommends advising Mr. Diviney that the Commission will agree to his request to make certain documents public, if Mr. Diviney will also agree to make the Commission reports and letters public. In effect, the entire file would then be placed on the public record.

Mr. Diviney's second request is for a complete copy of the public record file on MUR 1155. The Commission allows a period of thirty days for a closed matter to be made a part of the public record. As of this date, the closed file on MUR 1155 has not been made a part of the public record. The Office of General Counsel recommends that Mr. Diviney be notified that MUR 1155 has not been made a part of the public record, but that pending resolution of what is to be made part of the public record he can receive a copy from the Public Records Division.

Third, Mr. Diviney requests "copies of all minutes of Commission meetings at which this matter was discussed." A review of the file revealed that MUR 1155 was discussed at four Executive Sessions, February 26, 1980, June 10, 1980, March 24, 1981 and July 14, 1981. It is recommended that Mr. Diviney be sent copies of those executive session minutes, but that only the portion of the minutes which pertain to MUR 1155 be disclosed. Copies of the edited minutes are attached for the Commission's review (Attachment III).

Recommendation:

It is recommended that the Commission:

1. consent to making public the entire file in MUR 1155;
2. approve the sending of the edited Commission Minutes to Mr. Diviney; and,

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3. approve the sending of the attached letter to Mr. Diviney.

Attachments:

- I. Letter from Richard J. Diviney
- II. Documents (requested to be made public)
- III. Minutes (edited)
- IV. Letter to Richard J. Diviney

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# Guidera CONGRESS

P.O. BOX 1035  
WESTON, CT. 06883

P.O. BOX 2838  
WATERBURY, CT. 06723

10/170

GC # 5144

July 23, 1981

Kenneth A. Gross, Esq.  
Associate General Counsel  
Federal Election Commission  
Washington, DC 20463

Re: MUR 1155

Dear Mr. Gross:

In response to your letter of July 16, please be advised that the following documents shall become part of the public record at our request:

1. Letter to Mr. Robert O. Tiernan dated March 10, 1980;
2. Letter to Charles N. Steele, Esq. dated May 6, 1980;
3. Letter to Charles N. Steele, Esq. dated June 24, 1980;
4. Letter to Charles N. Steele, Esq. dated September 16, 1980; and
5. Reply brief filed by Guidera Congress Committee dated December 31, 1980.

When this matter is filed in the public records, I would ask that you send me a complete copy of the public record file. Additionally, I would request copies of all minutes of Commission meetings at which this matter was discussed.

In your letter of July 16 you "remind" me that acceptance of the contributions from the four unregistered committees is a violation of 2 U.S.C. § 441a(f). This Committee has consistently disputed that conclusion and its position remains unchanged. The law is not what either the Commission or the Committee believes it to be through interpretation or otherwise, but rather, the law is what Congress enacted as interpreted by Courts of law.

Very truly yours,

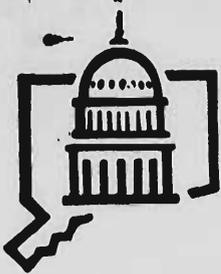
Richard J. Diviney  
Treasurer

RJD:vlf

ATTACHMENT I pg 4

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# Guidera CONGRESS

P. O. BOX 1035  
WESTON, CT. 06883

P. O. BOX 2838  
WATERBURY, CT. 06723

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March 10, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

558933

Mr. Robert O. Tiernan, Chairman  
Federal Election Commission  
1325 K Street N.W.  
Washington, DC 20463

Re: MUR 1155

Dear Mr. Tiernan:

Your letter of February 28 informing me that the Commission has reason to believe that I knowingly and willfully violated the Act by accepting excessive contributions from four local party committees is the most discouraging and distressing news since we lost the congressional race by a very narrow margin. All of the contributions in question, except for \$62.50, were received at the height of our campaign activity immediately preceding the general election. During that twenty-three day period, we received and processed \$45,489.07 of campaign contributions, using the recommended bookkeeping system to insure full compliance with the contribution limitations of the Act as I understood them to be at the time.

Shortly after the July 15th nominating convention, I spoke with the State Party Chairman and his Treasurer for the purpose of clarifying the handling of party organization contributions and coordinating our respective fund-raising plans and expectations. At that time, my understanding of the party organization contribution limitation was that all party organization contributions, whether from State Central, District level or Town Committees would be counted against the special State Party Expenditure Limitation for House Candidates as determined by your Commission. In order to avoid exceeding this limitation, I was asked to report to State Central all contributions received from the district level and town committees, and I did so. This procedure was later confirmed to my satisfaction after reading your advisory opinion (AO 1978-9) dealing with questions raised by the Iowa Republican Committees. The Commission's opinion was, after discussing the congressional intent to promote party participation at the local level, that it "will avoid rulings which unjustifiably discourage party activity at the local level. Furthermore, Congress has articulated in other parts of the Act a desire to place the fewest restrictions and administrative burdens on those groups that are least likely to need them, i.e., local political organizations which are either primarily involved in State and/or local elections or which are active in cam-

A COPY OF OUR REPORT IS FILED WITH THE FEDERAL ELECTION COMMISSION  
AND IS AVAILABLE FOR PURCHASE FROM THE FEDERAL ELECTION COMMISSION WASH. DC

PAID FOR BY GUIDERA CONGRESS COMMITTEE P O BOX 1035 WESTON CT 06883 WILLIAM F GOETJEN CHAIRMAN RICHARD DIVINEY TREASURER

ATTACHMENT II pg 5

Mr. Robert O. Tiernan  
March 10, 1980  
Page 2

paings for federal office, but on a very limited or seasonal basis. Consequently, the Commission has broad discretion to waive all reporting requirements for essentially local groups even though they may have made expenditures to influence federal campaigns in excess of \$1,000 and would otherwise be liable to report as political committees." Since State Central had asked me to report all district level and town committee contributions, both dollar and in-kind contributions, I understood that these would be counted against the special State party limitation for house candidates and not be subject to a separate limitation for either district level or town committee organizations. The July 10th notification from State Central as well as an example of my periodic report is enclosed.

It is clear that the town committees involved in this matter were unaware, as was I, that they must qualify as a multi-candidate committee in order to support my candidate. The Commission, of course, sent notification of that determination to each committee, including my own, in May, 1979. The alleged violation was then immediately corrected by this Committee in accordance with the Commission's recommendation by refunding the "excessive contributions" to the respective committees.

All correspondence which I have received from the Commission prior to your letter of February 29 was "prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended." The timely reports which I have filed, my immediate response to questions, recommendations and requests for additional information by the Commission, and this letter, is the best evidence I can provide of my intention and willingness to cooperate with the Commission and comply in every respect with the provisions of the Act.

I have established a system and procedure to insure that party organization contributions, considered as separate political committees, do not exceed a \$1,000 maximum or \$5,000 for a registered multi-candidate committee. The multi-candidate committee index as published by the Commission is being used to verify the status of each party organization contributor.

Your indication that the Commission has reason to believe that a knowing and willful violation of the Act has been committed is of grave concern to me, my Committee and to Mr. Guidera. This is not the path we have chosen to follow. I can assure you of

II 086





## Connecticut Republicans

Frederick K. Biebel, *State Chairman*  
Mrs. Jeanne R. Nelson, *Vice Chairman*  
Mrs. Lillian Ludlam, *Secretary*  
William H. T. Bush, *Treasurer*  
Donald J. Schmidt, *Deputy Chairman*  
Members of National Committee  
John Alsop  
Mrs. Mary E. Boatwright

July 10, 1978

To: All Congressional Candidates

From: Frederick K. Biebel, State Chairman

*Fred*

### IMPORTANT NOTICE FOR ALL CONGRESSIONAL CANDIDATES

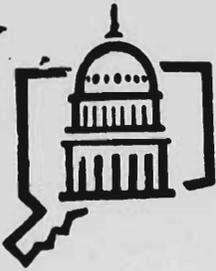
This is to inform you that I am requesting your treasurer to notify me at Connecticut Republicans, One High Street, Hartford, Connecticut 06103, every two weeks, concerning the total amount of contributions you receive from each town within your congressional district, including the congressional district organization itself, the womens clubs, or any on-going political organizational committee.

As you know, I must keep accurate accounting of this money which shall be deducted to see what we are permitted to contribute to you during your entire campaign, which is limited to \$5,000 per primary, \$5,000 after primary, plus \$11,000 coordinating expenses.

In a manner of explanation, this simply means that with all your political entities, including the State Central Committee, your campaign can't receive any more than \$21,000 from the state level.

FKB:jas

JUL 17 1978



# Guidera CONGRESS

P.O. BOX 1035  
WESTON CT. 06883

August 22, 1978

Mr. Frederick K. Biebel  
State Chairman  
Connecticut Republicans  
One High Street  
Hartford, Conn. 06103

Dear Mr. Biebel:

Per your notice of July 10th, listed below are contributions received.

6-21	Easton Republican Town Committee	155.00
7-26	GOP 5	100.00
8-17	New Canaan Women's Republican Committee	500.00
8-15	Prospect Town Committee	25.00

Very truly yours,

Richard J. Diviney  
Treasurer

RJD:jld

EXAMPLE OF PERIODIC REPORT TO STATE CENTRAL

II P89

A COPY OF OUR REPORT IS FILED WITH THE FEDERAL ELECTION COMMISSION  
AND IS AVAILABLE FOR PURCHASE FROM THE FEDERAL ELECTION COMMISSION WASH. DC



# Guidera

## CONGRESS

P. O. BOX 1035  
WESTON, CT. 06883

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P. O. BOX 2838  
WATERBURY, CT. 06723

May 6, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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10 MAY 9 P 3: 32

GENERAL INVESTIGATION

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

Re: MUR 1155

Dear Mr. Steele:

I have received your letter of April 25, 1980 in which you enclosed a Conciliation Agreement to serve as an informal settlement of this matter if approved by the Commission.

Unfortunately, I cannot sign the proposed agreement for the reason that it contains a written admission that federal law 2 U.S.C. 441a(f) was violated. That section provides:

"No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section."

The clear intent of this provision of the law is to prohibit intentional violations of the contribution and expenditure limitations. Congress obviously recognized that the contribution limitations might be exceeded accidentally or inadvertently by persons acting in good faith, for otherwise the word "knowingly" would not have been used. Miss Thedford told me that in her interpretation of this provision, the word "knowingly" merely modifies the word "accept", and if funds were accepted knowingly, that is to say, if the Committee was aware that it was in fact receiving the funds, then a violation occurred if the statutory dollar limitation was exceeded, whether or not the Committee was aware of it at the time. Applying this interpretation or construction to another provision which contains the same word ("knowingly") a Committee would violate Section 411(f) by knowingly accepting a contribution even though the Committee was unaware that the funds were actually given by one person in the name of another. I cannot believe that Congress intended such a result in either case.

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A COPY OF OUR REPORT IS FILED WITH THE FEDERAL ELECTION COMMISSION AND IS AVAILABLE FOR PURCHASE FROM THE FEDERAL ELECTION COMMISSION WASH DC

PAID FOR BY GUIDERA CONGRESS COMMITTEE P.O. BOX 1035 WESTON, CT 06883 WILLIAM F. GOETZEN CHAIRMAN RICHARD DIVINEY TREASURER

*II pg 10*

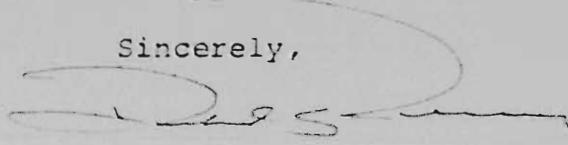
Charles N. Steele, Esq.  
May 6, 1980  
Page 2

My letter to Mr. Tiernan of March 10, 1980 contains my sworn statement explaining the circumstances in which the contributions were received, and they were not knowingly accepted in violation of the Act. Also, your draft of the agreement in Paragraph VI would have the parties agree that the violation was not knowing and willful. Not only can I not admit to a violation of federal law when no violation in fact occurred, but the Commission itself would most certainly refuse to accept your recommendation to approve the proposed Conciliation Agreement in view of the inconsistent and indeed, contradictory provisions of Paragraphs V and VI.

Since these are informal negotiations, I have taken the liberty to prepare the enclosed agreement which I have signed. This sets forth the pertinent facts, without any admission that a violation occurred, and concludes that no further action should be taken in this matter. No civil penalty is levied, and nothing further remains to be done.

I trust that upon your further consideration of the facts and review of the law, you will be able to recommend this agreement to the Commission for their approval.

Sincerely,



Richard J. Diviney,  
Treasurer

RJD:vlf  
Enclosure

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II pg 11

BEFORE THE FEDERAL ELECTION COMMISSION

April 3, 1980

In the Matter of )  
 )  
Guidera Congress Committee )

MUR 1155

CONCILIATION AGREEMENT

This matter having been initiated by the Federal Election Commission (hereinafter the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, the Commission, on February 26, 1980, found reason to believe that Guidera Congress Committee ("Respondent") may have violated 2 U.S.C. § 441a(f) by accepting excessive contributions from four unregistered committees.

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

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and while the Commission has not found probable cause to believe that Respondent violated 2 U.S.C. § 441a(f), none-the-less, this Agreement shall have the effect of a conciliation agreement under 2 U.S.C. § 441g(a)(4)(A).

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

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

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

1. Respondent, Guidera Congress Committee, is the

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II pg 12

principal campaign committee as defined by 2 U.S.C. § 431(n) [recodified 2 U.S.C. s 431(5)] for Congressional candidate George C. Guidera.

2. Respondent accepted contributions from four local party committees in connection with the 1978 general election as follows:

Waterbury Republican Town Committee	\$1,990.00
Ridgefield Republican Town Committee	\$1,287.50
Weston Republican Campaign Fund	\$1,150.00
Middlebury Republican Finance	\$1,500.00

3. Respondent relied upon information received from the State Central Party Organization and FEC Advisory Opinion 1978-9 in concluding that these contributions would be counted against the Special State Party limitation for house candidates and not subject to a separate limitation for each organization.
4. Pursuant to 2 U.S.C. § 441a(a)(1)(A) unregistered committees are subject to the \$1,000 contribution limitation per election.
5. The Commission notified the Respondent that the four above mentioned Committees were unregistered with the FEC and recommended that the amounts in excess of \$1,000 be refunded to the respective committees.

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6. The excessive contributions were refunded to the respective committees by the Respondent on June 29, 1979 and subsequently reported to the Commission.

WHEREFORE:

V. The Commission and Respondent agree that no violation of any federal statute or regulation was committed by Respondent.

VI. The Commission agrees that Respondent has demonstrated that no further action should be taken in this matter.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CHARLES W. STEELE  
GENERAL COUNSEL  
FEDERAL ELECTION COMMISSION

\_\_\_\_\_  
May 5, 1980  
DATE

\_\_\_\_\_  
GUIDERA CONGRESS COMMITTEE  
RESPONDENT'S NAME

\_\_\_\_\_  
BY   
Richard J. Diviney

Its Treasurer \_\_\_\_\_

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II pg 14



# Guidera CONGRESS

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WESTON, CT. 06883

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P. O. BOX 2838  
WATERBURY, CT. 06723

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June 24, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

008777

Re: MUR 1155

Dear Mr. Steele:

You indicated in your letter of June 13, 1980 that the Commission will require both an admission to a violation of the statutory campaign contribution limitations (2 U.S.C. 441a(f)) and payment of a civil penalty.

I have been unable to find in FEC publications or elsewhere any decisions, opinions, rulings or regulations by which Section 441a(f) could be construed to prohibit anything other than a willful, intentional and knowing violation of the contribution limitations. Until it is made clear to me that the law is as you and the Commission have indicated, that is to say that a 441a(f) violation may occur inadvertently, I will remain totally unwilling to sign a written admission to such a violation. While agreement on such a small point may look like a simple reasonable compromise and the most expedient thing to do, I cannot do so. Obviously, my reading and interpretation of the law differs from your own. If there is no case law on this point, perhaps the Commission or possibly your staff have researched the Congressional intent behind the words chosen for this provision. If you will kindly share this information with me, it will be most helpful since I would very much like to resolve this matter at this level. Other provisions of your agreement will require further negotiation as soon as the 441a(f) violation question has been answered.

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RECEIVED

A COPY OF OUR REPORT IS FILED WITH THE FEDERAL ELECTION COMMISSION  
AND IS AVAILABLE FOR PURCHASE FROM THE FEDERAL ELECTION COMMISSION WASH DC

FEDERAL ELECTION COMMISSION  
FOR BUYER'S USE ONLY: NAME, ADDRESS, PHONE NO., DAY, NIGHT, BUSINESS, CHAIRMAN, RICHARD DIVINEY, TREASURER

*II 1815*

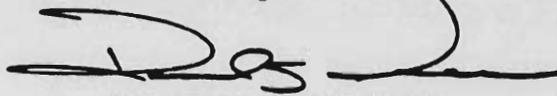
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Charles N. Steele, Esq.  
June 24, 1980  
Page 2

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Please address mail to me at my home address, 4 Turkey Hill Lane, Westport, Connecticut 06880. The Committee's post office box in Weston and Waterbury have been closed.

Sincerely,



Richard J. Diviney  
Treasurer

RJD:vlf

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II pg 16



# Guidera

## CONGRESS

P. O. BOX 1035  
WESTON, CT. 06883

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P. O. BOX 2838

WATERBURY, CT. 06723

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September 16, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

Re: MUR 1155

Dear Mr. Steele:

In response to your letter of September 10, 1980, you have previously received my counterproposed Conciliation Agreement dated April 3, 1980, which I now ask that you present to the Commission for reconsideration and approval. The issue in dispute concerns interpretation of U.S.C. 441a(f). On June 24, 1980, I inquired whether you would share with me any case law or research to support the Federal Election Commission interpretation, in an effort to resolve this matter at the informal level. Since you indicate that the Federal Election Commission position is simply it's interpretation, if the Commission votes to proceed with enforcement, unless a settlement is reached beforehand, the question ultimately will be left to judicial determination.

Please send mail to my home address, 4 Turkey Hill Lane, Westport, Connecticut 06880.

Sincerely,

Richard J. Diviney

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U.S. HOUSE OF REPRESENTATIVES  
**CONGRESS**

P.O. BOX 105  
 WASHINGTON, D.C. 20540

P.O. BOX 2030  
 WASHINGTON, D.C. 20540

March 10, 1980

CERTIFIED MAIL  
 RETURN RECEIPT REQUESTED

Mr. Robert O. Tiernan, Chairman  
 Federal Election Commission  
 1325 K Street N.W.  
 Washington, DC 20463

Re: MUR 1155

Dear Mr. Tiernan:

Your letter of February 28 informing me that the Commission has reason to believe that I knowingly and willfully violated the Act by accepting excessive contributions from four local party committees is the most discouraging and distressing news since we lost the congressional race by a very narrow margin. All of the contributions in question, except for \$62.50, were received at the height of our campaign activity immediately preceding the general election. During that twenty-three day period, we received and processed \$45,489.07 of campaign contributions, using the recommended bookkeeping system to insure full compliance with the contribution limitations of the Act as I understood them to be at the time.

Shortly after the July 15th nominating convention, I spoke with the State Party Chairman and his Treasurer for the purpose of clarifying the handling of party organization contributions and coordinating our respective fund-raising plans and expectations. At that time, my understanding of the party organization contribution limitation was that all party organization contributions, whether from State Central, District level or Town Committees would be counted against the special State Party Expenditure Limitation for House Candidates as determined by your Commission. In order to avoid exceeding this limitation, I was asked to report to State Central all contributions received from the district level and town committees, and I did so. This procedure was later confirmed to my satisfaction after reading your advisory opinion (AO 1978-9) dealing with questions raised by the Iowa Republican Committees. The Commission's opinion was, after discussing the congressional intent to promote party participation at the local level, that it "will avoid rulings which unjustifiably discourage party activity at the local level. Furthermore, Congress has articulated in other parts of the Act a desire to place the fewest restrictions and administrative burdens on those groups that are least likely to need them, i.e., local political organizations which are either primarily involved in State and/or local elections or which are active in cam-

Mr. Robert O. Tiernan  
March 10, 1980  
Page 2

paings for federal office, but on a very limited or seasonal basis. Consequently, the Commission has broad discretion to waive all reporting requirements for essentially local groups even though they may have made expenditures to influence federal campaigns in excess of \$1,000 and would otherwise be liable to report as political committees." Since State Central had asked me to report all district level and town committee contributions, both dollar and in-kind contributions, I understood that these would be counted against the special State party limitation for house candidates and not be subject to a separate limitation for either district level or town committee organizations. The July 10th notification from State Central as well as an example of my periodic report is enclosed.

It is clear that the town committees involved in this matter were unaware, as was I, that they must qualify as a multi-candidate committee in order to support my candidate. The Commission, of course, sent notification of that determination to each committee, including my own, in May, 1979. The alleged violation was then immediately corrected by this Committee in accordance with the Commission's recommendation by refunding the "excessive contributions" to the respective committees.

All correspondence which I have received from the Commission prior to your letter of February 29 was "prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended." The timely reports which I have filed, my immediate response to questions, recommendations and requests for additional information by the Commission, and this letter, is the best evidence I can provide of my intention and willingness to cooperate with the Commission and comply in every respect with the provisions of the Act.

I have established a system and procedure to insure that party organization contributions, considered as separate political committees, do not exceed a \$1,000 maximum or \$5,000 for a registered multi-candidate committee. The multi-candidate committee index as published by the Commission is being used to verify the status of each party organization contributor.

Your indication that the Commission has reason to believe that a knowing and willful violation of the Act has been committed is of grave concern to me, my Committee and to Mr. Guidera. This is not the path we have chosen to follow. I can assure you of

*II pg 19*





# Connecticut Republicans

Frederick K. Biebel, *State Chairman*  
Mrs. Jeanne R. Nelson, *Vice Chairman*  
Mrs. Lillian Ludlam, *Secretary*  
William H. F. Bush, *Treasurer*  
Donald J. Schmidt, *Deputy Chairman*  
Members of National Committee  
John Alsop  
Mrs. Mary E. Boatwright

July 10, 1978

To: All Congressional Candidates

From: Frederick K. Biebel, State Chairman

*Fred*

IMPORTANT NOTICE FOR ALL CONGRESSIONAL CANDIDATES

This is to inform you that I am requesting your treasurer to notify me at Connecticut Republicans, One High Street, Hartford, Connecticut 06103, every two weeks, concerning the total amount of contributions you receive from each town within your congressional district, including the congressional district organization itself, the womens clubs, or any on-going political organizational committee.

As you know, I must keep accurate accounting of this money which shall be deducted to see what we are permitted to contribute to you during your entire campaign, which is limited to \$5,000 per primary, \$5,000 after primary, plus \$11,000 coordinating expenses.

In a manner of explanation, this simply means that with all your political entities, including the State Central Committee, your campaign can't receive any more than \$21,000 from the state level.

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# Guidera CONGRESS

P.O. BOX 1035  
WESTON CT. 06883

August 22, 1978

Mr. Frederick K. Biebel  
State Chairman  
Connecticut Republicans  
One High Street  
Hartford, Conn. 06103

Dear Mr. Biebel:

Per your notice of July 10th, listed below are contributions received.

6-21	Easton Republican Town Committee	155.00
7-26	GOP 5	100.00
8-17	New Canaan Women's Republican Committee	500.00
8-15	Prospect Town Committee	25.00

Very truly yours,

Richard J. Diviney  
Treasurer

RJD:jld

EXAMPLE OF PERIODIC REPORT TO STATE CENTRAL

*II pg 22*

A COPY OF OUR REPORT IS FILED WITH THE FEDERAL ELECTION COMMISSION  
AND IS AVAILABLE FOR PURCHASE FROM THE FEDERAL ELECTION COMMISSION WASH DC

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BOOK 3678

DATE: December 31, 1980

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

1 JAN 5 12:12

RE: MUR 1155

Enclosed herewith please find the following:

Three (3) copies of Reply Brief in connection with the above captioned.

BY: Richard J. Divney/bib

SHERWOOD, GARLICK & COWELL  
ATTORNEYS AT LAW  
101 POST ROAD EAST  
P. O. BOX 529  
WESTPORT, CONN. 06881

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BEFORE THE FEDERAL ELECTION COMMISSION

In The Matter of )

MUR 1155

Guidera Congress Committee )

December 31, 1980

REPLY BRIEF

Honorable Commissioners:

The Guidera Congress Committee (Committee) is by law afforded this opportunity to reply to General Counsel's Brief dated December 19, 1980. You are about to vote on whether there exists probable cause to believe that the Committee violated 2 USC 441 a (f), which provides that:

"No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section."

You are already aware of the facts in this case, having found last February reason to believe that a violation may have occurred. In March you had before you the Committee's response, given under oath, to demonstrate that no further action should be taken. (See Exhibit 1) Your lawyer was instructed to proceed with enforcement, and in April he submitted a proposed Conciliation Agreement to the Committee for signature which set forth incomplete facts, contained an admission to the alleged 441 a (f) violation, sought acquiescence to a \$500 civil penalty, required an agreement to not violate the act in the future and changed U. S. District Court venue by stipulation from Connecticut to Washington D.C. The Committee submitted a counter-proposed agreement which for reasons known to you was not approved.

*II pg 24*

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Referring to the letter of March 10th addressed to Mr. Tiernan (Exhibit I), it was noted that in its prior correspondence the Commission expressed "an interest in assisting candidates and committees who wish to comply with the Act." The "assistance" was there when needed, especially when questions came up or forms were confusing. The FEC was of help, and that help was appreciated. There were times when your staff needed the Committee's assistance, to verify or correct amounts reported for contributions and expenditures, to complete items of information, and to clarify some transactions appearing in the Committee's periodic reports. This assistance was always promptly provided. When the FEC staff pointed to a possible violation of the contribution limitations with respect to the Town Committee contributions, the Committee attempted to confirm or refute the FEC determination. When it became clear that neither could be done for lack of adequate information, the contributions were refunded. Seven months later the Committee received your notice of "reason to believe a violation may have occurred." This came as both a surprise and a shock, especially after reading the enforcement provisions of the Act (2 USC 437g). Clearly, Congress gave the Commission the necessary powers "to prevent and to correct violations of the act." Since the Committee had reported the Town Committee contributions as already received, the Commission could not prevent the alleged violation. However, the Commission could, and your staff did, correct the alleged violation by recommending that the Committee refund the amounts determined to be excessive. A response to your request for an explanation of how and why these gifts were accepted was provided in the March 10, 1980 letter to Mr. Tiernan. Despite the fact that the alleged violation was corrected, your general counsel is now engaged in this "civil prosecution", albeit at the agency level, to extract an admission to an alleged U. S. Code violation and payment of a \$500 fine.

*II 11825*

The image of an FEC "prompted by an interest in assisting . . . etc." has vanished and is now replaced by a police power, able not only to summon alleged violators of the act, but to also judge them and impose fines.

Underlying the issue of whether a 2 USC 441 a (f) violation occurred in this case is a question of statutory construction or interpretation. Does the word "knowingly" modify the word "accept" in 441 a (f) or does it modify the phrase "in violation of the provisions of this section"?

The Committee searched for legal authority in cases, rulings, opinions, regulations and advisory publications for an answer, and could find none. The Committee asked Mr. Steele to share his research, and by letter of September 10, 1980 he responded as follows:

"The Commission's interpretation of a Section 441 a (f) violation is that the receiving entity knowingly accepted the contribution in question, not that it was aware of the illegality of the accepted contributions."

Mr. Steele argues that the word "knowingly" modifies the verb "accepted". This interpretation is inconsistent with the generally accepted meaning of the words "knowingly" and "accept" and when applied to 441 a (f) produces an illogical result.

*E pg. 26*



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There is a maxim of statutory construction "expressio unius est exclusio alterius." Where a statute prohibits doing something under certain conditions it carries with it an implied exclusion or allowance that the same thing may be done under other conditions. Applying this maxim to Mr. Steele's interpretation, the statute which prohibits the "knowing acceptance" of contributions in violation of the Act, would allow a candidate or committee to "unknowingly accept" a contribution which may violate the Act. If a committee can "knowingly accept" a campaign contribution, it must be true that a committee can "unknowingly accept" a campaign contribution. A committee which unknowingly accepted a contribution would be unaware of the gift, it could not therefore report the gift to the FEC, and it could not use the gift for campaign expenses. The reason why this sounds so absurd is because, by definition, one cannot unknowingly accept anything. The verb "to accept" has as an inseparable element and precondition, knowledge or cognition or understanding (a process of the mind). So the term "knowingly" as used in the statute cannot modify the word "accept" and it is therefore either superfluous or it modifies the phrase "in violation of the provisions of this section."

General Counsel cites American Timber & Trading Co. V. First National Bank of Oregon 334 F. Supp. 888 as authority for the meaning of the term "knowingly." The American Timber case involved a usury statute which prohibited the charging of interest greater than allowed by 12 USC 85, and "when knowingly done" imposed a forfeiture of all interest as well as double damages. The Court applied the Criminal Law definition of "knowingly" as handed down in U. S. v. International Minerals, 402 U. S. 558 The American Timber Court found:



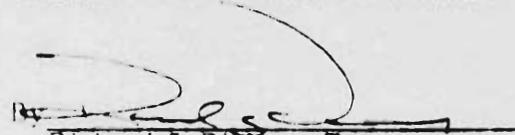
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General Counsel does not distinguish in his brief 2 USC 441 a (f) and 2 USC 441 f. In the later section, Congress provided that "no person shall knowingly accept a contribution made by one person in the name of another person." Both sections contain the same phrase "knowingly accept" and applying Mr. Steele's interpretation to the later section, a person may "knowingly accept" a contribution while unaware that it was made by one person in the name of another, and be in violation of 441 f if that form of gift is thereafter proved. Congress clearly did not intend such a result as to a 441 f violation, nor, using the same statutory language the result which General Counsel would have you reach in this case.

The clear intent of 2 USC 441 a (f) is to prohibit intentional violations of the contribution and expenditure limitations. Congress obviously recognized that the contribution limitations might be exceeded accidentally or inadvertently by persons acting in good faith, for otherwise the word "knowingly" would not have been used.

Respectfully submitted,

GUIDERA CONGRESS COMMITTEE

  
Richard J. Diviney, Treasurer

*II pg 30*



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Richard J. Diviney, Treasurer  
Guidera Congress Committee  
4 Turkey Hill Lane  
Westport, Connecticut 06880

Re: MUR 1155

Dear Mr. Diviney:

This letter is in response to your letter of July 23, 1981. First, 2 U.S.C. § 437g(a)(4)(B)(i) provides:

"No action by the Commission or any person, and no information derived, in connection with any conciliation attempt by the Commission ... may be made public by the Commission without the written consent of the respondent and the Commission. (emphasis added)

Your letters of May 6, 1980, June 24, 1980, and September 16, 1980, and one paragraph of your December 31, 1980 Reply Brief were not going to be included on the public record as they involved the conciliation process. Likewise, a number of other documents including General Counsel reports to the Commission and letters to you were not going to be included in the public record as they also involved the conciliation process. Information derived from conciliation can only be made public by the consent of both the respondent and the Commission. Accordingly, the Commission has no objection to agreeing to place the documents which you listed in your letter on the public record if you also agree to place all other documents dealing with conciliation on the public record. In effect, the entire file would then be on the public record and the record would be complete with regard to your position as well as to the position of the Commission.

Second, you have requested a complete copy of the public record file. A copy of the MUR 1155 file can be obtained by contacting the Public Records Division of the

ATTACHMENT IV pg 77

Richard J. Diviney  
Page Two

Commission either by letter or telephone (800-424-9530). The file will be placed on the public record pending resolution of what is to be made part of the public record.

Third, you have requested "copies of all minutes of Commission meetings at which this matter [MUR 1155] was discussed." A review of the file reveals that MUR 1155 was discussed at four Executive Sessions, February 26, 1980, June 10, 1980, March 24, 1981, and July 14, 1981. Those portions of the Commission's minutes which pertain to MUR 1155 are enclosed for your information.

Please let me know if you agree to make all documents dealing with conciliation part of the public record.

Sincerely,

Charles N. Steele,  
General Counsel

BY:  
Kenneth A. Gross  
Associate General Counsel

Enclosure:  
Meeting Minutes

W pg 100



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *mwe*  
FROM: MARJORIE W. EMMONS, JODY CUSTER *JC*  
DATE: AUGUST 13, 1981  
SUBJECT: OBJECTION - MUR 1155 Memorandum to the  
Commission dated 8-11-81; Received in OCS,  
8-11-81, 4:40

The above-named document was circulated on a 48  
hour vote basis at 11:00, August 12, 1981.

Commissioner Harris submitted an objection at  
10:28, August 13, 1981.

This matter will be placed on the Executive Session  
Agenda for Tuesday, August 18, 1981.

82040304515

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of                    )  
  )  
Guidera Congress Committee )                   MUR 1155

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on August 18, 1981, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions with respect to MUR 1155:

1. Consent to making public the entire file in MUR 1155.
2. Approve the sending of the edited Commission Minutes to Mr. Diviney.
3. Request the Office of General Counsel to revise the draft letter to Mr. Diviney which had been submitted with the Counsel's August 11, 1981 report in this matter.

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

Attest:

8/31/81

Date

Marjorie W. Emmons  
Marjorie W. Emmons

8204704627



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 25, 1981

Richard J. Diviney, Treasurer  
Guidera Congress Committee  
4 Turkey Hill Lane  
Westport, Connecticut 06880

Re: MUR 1155

Dear Mr. Diviney:

This letter is in response to your letter of July 23, 1981. First, 2 U.S.C. § 437g(a)(4)(B)(i) provides:

"No action by the Commission or any person, and no information derived, in connection with any conciliation attempt by the Commission ... may be made public by the Commission without the written consent of the respondent and the Commission. (emphasis added)

Your letters of May 6, 1980, June 24, 1980, and September 16, 1980, and one paragraph of your December 31, 1980 Reply Brief were not going to be included on the public record as they involved the conciliation process. Likewise, a number of other documents including General Counsel reports to the Commission and letters to you were not going to be included in the public record as they also involved the conciliation process. Information derived from conciliation can only be made public by the consent of both the respondent and the Commission. Accordingly, the Commission has no objection to agreeing to place the documents which you listed in your letter on the public record if you also agree to place all other documents dealing with conciliation on the public record. The file would then be on the public record and the record would be complete with regard to your position as well as to the position of the Commission.

Second, you have requested a complete copy of the public record file. Your request has been forwarded to the Commission's Public Records Division. A copy of the public record file on MUR 1155 will be sent to you.

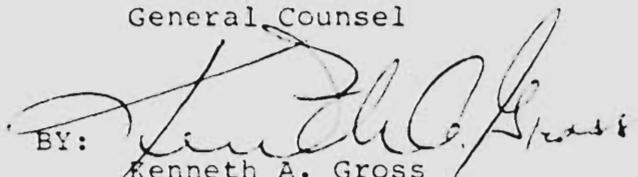
Richard J. Diviney  
Page Two

Third, you have requested "copies of all minutes of Commission meetings at which this matter [MUR 1155] was discussed." A review of the file reveals that MUR 1155 was discussed at four Executive Sessions, February 26, 1980, June 10, 1980, March 24, 1981, and July 14, 1981. Those portions of the Commission's minutes which pertain to MUR 1155 are enclosed for your information.

Please let me know if you agree to make all documents dealing with conciliation part of the public record.

Sincerely,

Charles N. Steele  
General Counsel

BY:   
Kenneth A. Gross  
Associate General Counsel

Enclosure:  
Meeting Minutes

82040304527

Richard J. Diviney, Treasurer  
Guidera Congress Committee  
4 Turkey Hill Lane  
Westport, Connecticut 06880

Re: HUR 1155

Dear Mr. Diviney:

This letter is in response to your letter of July 23, 1981. First, 2 U.S.C. § 437g(a)(4)(B)(i) provides:

"No action by the Commission or any person, and no information derived, in connection with any conciliation attempt by the Commission ... may be made public by the Commission without the written consent of the respondent and the Commission. (emphasis added)

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Richard J. Diviney  
Page Two

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Please let me know if you agree to make all documents dealing with conciliation part of the public record.

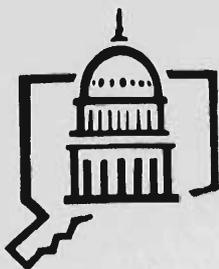
Sincerely,

Charles R. Steele  
General Counsel

BY: Kenneth A. Cross  
Associate General Counsel

Enclosure:  
Meeting Minutes

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# Guidera CONGRESS

P. O. BOX 1035  
WESTON, CT. 06883

10532

REC'D  
Gcc# 5379

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P. O. BOX 2838  
WATERBURY, CT. 06723

SEP 1 10:09

August 28, 1981

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Kenneth A. Gross, Esquire  
Associate General Counsel  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 1155

Dear Mr. Gross:

Thank you for your letter of August 25, 1981 enclosing the Commission meeting minutes. The public record in this matter should be as complete as possible. While I of course have General Counsel's letters to this Committee and have no objection to making them public, you refer to "a number of other documents including General Counsel's reports to the Commission" which I have not seen. If you will provide copies of all such documents and reports which the Commission would like to make part of the public record, upon review I will promptly let you know whether the Committee will give its consent.

In reading the Commission meeting minutes reference is made (February 26, 1980 at Page 6) to General Counsel's First Report, (June 10, 1980 at Page 7) to General Counsel's May 29, 1980 Report, (March 24, 1981 at Page 3) to General Counsel's February 5, 1981 PCTB Report and (July 14, 1981 at Page 7) to General Counsel's June 8, 1981 Report. I assume that these reports form part of the file for which the Commission seeks this Committee's consent to public disclosure. Please send me copies of the four reports for my file, if I may have access to them, even if they are not part of the record which the Commission is asking be made public.

Thank you for your assistance.

Sincerely,

Richard J. Diviney

kjn

Reply to: 4 Turkey Hill Lane  
Westport, CT 06880

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# Guidera CONGRESS

P.O. BOX 2838  
WATERBURY, CT 06723



Kenneth A. Gross, Esquire  
Associate General Counsel  
Federal Election Commission  
Washington, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

**CERTIFIED**  
P34 2109414  
**MAIL**



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 8, 1981

Richard J. Diviney, Treasurer  
Guidera Congress Committee  
4 Turkey Hill Lane  
Westport, Ct 06880

Re: MUR 1155

Dear Mr. Diviney:

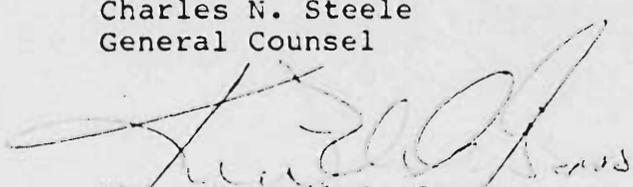
This letter is in response to your letter of August 28, 1981. Enclosed for your review are the General Counsel reports and correspondence letters which the Commission is recommending be made a part of the public record. Please note that these documents contain two of the reports you requested copies of, the May 29, 1980 Memorandum to the Commission and the February 5, 1981 Probable Cause to Believe Report. The two other reports, the First General Counsel's Report and the June 8, 1981 General Counsel's Report, are currently part of the public record and were forwarded to you by the Public Records Division.

We request that you review these documents and, if you agree to make the documents public, send your written consent to the Commission. The documents will then be made a part of the public record.

If you have any questions or have not received your copy of the public record file, please contact Judy Thedford at (202) 523-4057.

Sincerely,

Charles N. Steele  
General Counsel

  
BY: Kenneth A. Gross  
Associate General Counsel

Enclosure:  
Reports and Letters

101623 600# 5478  
SEP 21 10:35

SHERWOOD, GARLICK & COWELL

ATTORNEYS AT LAW

101 POST ROAD EAST

P. O. BOX 529

WESTPORT, CONN. 06881

HARRY R. SHERWOOD (1929-1986)  
EDWARD E. GARLICK  
THADDEUS G. COWELL, JR.  
WARREN P. DOBLIN  
RICHARD J. DIVINEY  
STANLEY P. ATWOOD  
FREDERIC S. URY  
\*ALSO ADMITTED IN NEW YORK\*

TEL. 227-8400  
AREA CODE 203

September 17, 1981

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Kenneth A. Gross Esquire  
Associate General Counsel  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 1155

Dear Mr. Gross:

I have not reviewed the package of documents which the Commission wishes to make part of the public record. The Committee gives its consent to include all of the documents in the public record, with specific reference to the following items with attachments.

<u>NAME</u>	<u>ITEM</u>	<u>DATE</u>
Garr	Memorandum	April 21, 1980
Steele	Memorandum	April 21, 1980
Emmons	Certification	April 24, 1980
Steele	Letter	April 25, 1980
Jane (illegible)	Memorandum	May 29, 1980
Steele	Memorandum	May 29, 1980
Emmons	Memorandum	June 3, 1980
Emmons	Certification	June 12, 1980
Garr	Memorandum	July 14, 1980
Steele	Report	July 9, 1980
Emmons	Memorandum	July 22, 1980
Garr	Memorandum	September 4, 1980
Steele	Memorandum	September 4, 1980
Emmons	Certification	September 9, 1980
Emmons	Memorandum	December 24, 1980
Steele	Memorandum	December 22, 1980
Steele	Report	February 5, 1981
Emmons	Certification	March 24, 1981
Committee	Letter	July 23, 1981
Kayson	Memorandum	August 11, 1981

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*Handwritten:* Attached

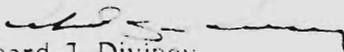
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Kenneth A. Gross, Esquire  
Page Two  
September 17, 1981

Steele	Memorandum	August 11, 1981
Emmons	Memorandum	August 13, 1981
Emmons	Certification	August 21, 1981
Committee	Letter	August 28, 1981
Gross	Letter	September 8, 1981

At the Executive Session of the Commission held on March 24, 1981, Vice Chairman Reiche recommended that the Commission seek congressional clarification for the use of the word "knowingly" contained in 2 U.S.C. §44a(f) because it had repeatedly been an issue in conciliation of enforcement actions. What steps, if any, have been taken to date to obtain congressional clarification? Any information which you can provide will be most helpful to this Committee and others which have encountered a similar problem.

Sincerely,

  
Richard J. Diviney

kjn

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SHERWOOD, GARLICK & COWELL  
101 POST ROAD EAST  
WESTPORT, CONN. 06881

SEP 21 10:35

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Kenneth A. Gross, Esquire  
Associate General Counsel  
Federal Election Commission  
Washington, D.C. 20463



SENSITIVE



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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October 22, 1981

MEMORANDUM TO: The Commission

FROM: Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel *KAG*

SUBJECT: MUR 1155

On August 18, 1981, the Commission agreed to place the documents listed in Mr. Diviney's July 23, 1981 letter on the public record if the Committee would agree to make public all other documents dealing with conciliation. Mr. Diviney was notified of the Commission's determination by a letter dated August 25, 1981. On August 28, 1981, Mr. Diviney responded to the Commission's letter and requested copies of these additional documents for his review. Upon review of the documents, Mr. Diviney would notify the Commission if the Committee consented to making the documents public. Copies of the documents were mailed to Mr. Diviney on September 8, 1981 by the Office of the General Counsel. Subsequently, Mr. Diviney gave written consent to include the documents on the public record (See September 17, 1981 letter attached).

In addition, the last paragraph of Mr. Diviney's September 17, 1981 letter states that in his review of the edited Commission Meeting Minutes of March 24, 1981, he noted that Commissioner Reiche recommended that the Commission seek Congressional clarification of the use of the word "knowingly" in 2 U.S.C. § 441a(f). Mr. Diviney questions if the Congressional clarification has been obtained, and if so, that the information be provided to the Committee and others.

The tape of Executive Session of March 24, 1981 clarifies the Minutes. As the Minutes indicate, Commissioner Reiche discussed seeking Congressional clarification of § 441a(f),

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particularly concerning the use of the word "knowingly." However, further discussion of the matter revealed that Commissioner Reiche did not request the Office of the General Counsel to take action on his recommendation nor was the recommendation put into a motion. Therefore, while the recommendation was verbalized by Commissioner Reiche, no formal Commission action was taken to seek congressional clarification. Furthermore, recommendations outlined in the 1980 Annual Report to Congress do not include clarification of section 441a(f). Therefore, there has been no further congressional clarification of section 441a(f) and the General Counsel's interpretation of 2 U.S.C. § 441a(f) is unchanged from its previous interpretation outlined in the General Counsel's Brief of December 19, 1980.

Recommendation

1. Make the file public in MUR 1155 concerning conciliation attempts as consented to by Mr. Diviney, treasurer of Guidera Congress Committee and the Commission in writing.
2. Send the attached letter (Attachment II) to Mr. Diviney.

Attachments:

- I - Diviney Letter
- II - Proposed Letter

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Sheffield

SHERWOOD, GARLICK & COWELL  
ATTORNEYS AT LAW  
101 POST ROAD EAST  
P. O. BOX 529  
WESTPORT, CONN. 06881

HARRY R. SHERWOOD 1899-1990  
EDWARD E. GARLICK  
THADDEUS G. COWELL, JR.  
WARREN P. JOBLIN  
RICHARD J. DIVINEY  
STANLEY P. ATWOOD  
FREDERIC S. URY  
\*ALSO ADMITTED IN NEW YORK

TEL. 227-9595  
AREA CODE 203

September 17, 1981

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Kenneth A. Gross Esquire  
Associate General Counsel  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 1155

Dear Mr. Gross:

I have not reviewed the package of documents which the Commission wishes to make part of the public record. The Committee gives its consent to include all of the documents in the public record, with specific reference to the following items with attachments.

<u>NAME</u>	<u>ITEM</u>	<u>DATE</u>
Garr	Memorandum	April 21, 1980
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Steele	Memorandum	May 29, 1980
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Emmons	Certification	June 12, 1980
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Emmons	Certification	September 9, 1980
Emmons	Memorandum	December 24, 1980
Steele	Memorandum	December 22, 1980
Steele	Report	February 5, 1981
Emmons	Certification	March 24, 1981
Committee	Letter	July 23, 1981
Kayson	Memorandum	August 11, 1981

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ATTACHMENT I pg 3

Kenneth A. Gross, Esquire  
Page Two  
September 17, 1981

Steele	Memorandum	August 11, 1981
Emmons	Memorandum	August 13, 1981
Emmons	Certification	August 21, 1981
Committee	Letter	August 28, 1981
Gross	Letter	September 8, 1981

At the Executive Session of the Commission held on March 24, 1981, Vice Chairman Reiche recommended that the Commission seek congressional clarification for the use of the word "knowingly" contained in 2 U.S.C. §44a(f) because it had repeatedly been an issue in conciliation of enforcement actions. What steps, if any, have been taken to date to obtain congressional clarification? Any information which you can provide will be most helpful to this Committee and others which have encountered a similar problem.

Sincerely,



Richard J. Diviney

kjn

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Richard J. Diviney  
Sherwood, Garlick & Cowell  
101 Post Road East  
P.O. Box 529  
Westport, Conn. 06881

Re: MUR 1155

Dear Mr. Diviney:

This letter is in response to your September 17, 1981 letter and to notify you that the documents dealing with conciliation will be part of the public record in MUR 1155.

In response to your request for Congressional clarification of section 441a(f), no Congressional clarification has been obtained. While the Minutes reflect Commissioner Reiche's recommendation, no formal action was taken by the Commission to act on the recommendation as is evidenced by the lack of corresponding motion in the Minutes. Furthermore, recommendations to Congress concerning the Federal Election Campaign Act of 1971, as amended, are outlined in the 1980 Annual Report. The Report does not contain a recommendation seeking clarification of Section 441a(f). Therefore, the General Counsel's interpretation of section 441a(f) concerning the use of the word "knowingly" is as stated in the General Counsel's Brief of December of 1980.

Should you have any further questions, please contact Judy Theford at (202) 523-4057.

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Assistant General Counsel

ATTACHMENT II

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Guidera Congress Committee ) MUR 1155

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 26, 1981, the Commission decided by a vote of 6-0 to take the following actions regarding MUR 1155:

1. Make the file public in MUR 1155 concerning conciliation attempts as consented to by Mr. Diviney, treasurer of Guidera Congress Committee and the Commission in writing.
2. Send the letter to Mr. Diviney as submitted with the General Counsel's October 22, 1981 Memorandum to the Commission (Attachment II) .

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

Attest:

10/29/81

Date

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

Received in Office of Commission Secretary:  
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827091611



FEDERAL ELECTION COMMISSION  
WASHINGTON, DC 20463

October 28, 1981

Richard J. Liviney  
Sherwood, Garlick & Cowell  
101 Post Road East  
P.O. Box 529  
Westport, Connecticut 06881

RE: MUR 1155

Dear Mr. Diviney:

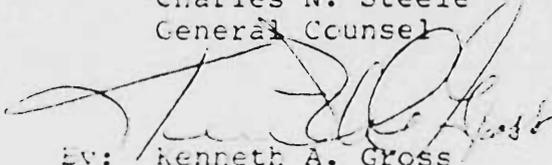
This letter is in response to your September 17, 1981 letter and to notify you that the documents dealing with conciliation will be part of the public record in MUP 1155.

In response to your request for Congressional clarification of section 441a(f), no congressional clarification has been obtained. While the Minutes reflect Commissioner Reiche's recommendation, no formal action was taken by the Commission to act on the recommendation as is evidenced by the lack of a corresponding motion in the Minutes. Furthermore, recommendations to Congress concerning the Federal Election Campaign Act of 1971, as amended, are outlined in the 1980 Annual Report. The Report does not contain a recommendation seeking clarification of Section 441a(f). Therefore, the General Counsel's interpretation of section 441a(f) concerning the use of the word "knowingly" is as stated in the General Counsel's Brief of December of 1980.

Should you have any further questions, please contact Judy Tiedford at (202) 523-4057.

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel



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1325 K STREET NW  
WASHINGTON DC 20463

END OF ADDITIONAL MATERIAL FOR CLOSED M/R 1155.

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