FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1188

Date Filmed May 19, 1981 Camera No. --- 2

Cameraman GPC

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 29, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dorothy Albosta, Treasurer
Committee to Reelect Don Albosta
P.O. Box 2239
Midland, Michigan 48640

Re: MUR 1188

Dear Ms. Albosta:

Pursuant to the terms of the conciliation agreement between your committee and the Commission, the Commission received, on April 6, 1981, payment of a civil penalty and documentation which indicates that Vince McVinney has received a reimbursement of $1,000 from the committee. Accordingly, the file has been closed in this matter and it will become a part of the public record within thirty days.

Section 437g(a)(4)(B) of Title 2, United States Code, 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 Maura White at 202-523-4060.

Sincerely,

Charles N. Steele
General Counsel

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Committee to Reelect Don Albosta
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Midland, Michigan 48640

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If you have any questions please contact Maura White at 202-523-4060.

Sincerely,

MW 4/27/81

Charles N. Steele
General Counsel

8104025004

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 29, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Vince McVinney
P.O. Box 1041
Dunedin, Florida

Re: MUR 1188

Dear Mr. McVinney:

On November 5, 1980, the Commission found probable cause to believe you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with the above-referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action against you and close its file. The file will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within ten days.

The Commission reminds you that contributing to a federal candidate in excess of $1,000 per election is nevertheless a violation of 2 U.S.C. § 441a(a)(1)(A). You should insure that this activity does not occur in the future.

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mw 4/27/81

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 29, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William Topping
413 North Homer
Midland, Michigan 48640

Re: MUR 1188

Dear Mr. Topping:

This is in reference to the complaint you filed with the Commission on March 13, 1980, concerning possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act") by the Committee to Reelect Don Albosta.

After reviewing the information provided in your complaint and by the respondents in this matter, the Commission determined that there is no reason to believe the Committee to Reelect Don Albosta violated 2 U.S.C. § 434 and 11 C.F.R. § 104.3, and 2 U.S.C. § 441a(f) in regard to its receipt of a contribution from Charles McNally. The Commission also determined that there is no reason to believe Charles McNally violated 2 U.S.C. § 441a(a)(1)(A).

The Commission did determine, however, that there is reason to believe the Committee to Reelect Don Albosta violated 2 U.S.C. § 441a(f) in regard to its receipt of an in-kind contribution from Vince McVinney, and probable cause to believe Vince McVinney violated 2 U.S.C. § 441a(a)(1)(A). On March 9, 1981, the Commission accepted a conciliation agreement signed by the Committee to Reelect Don Albosta. A copy of this agreement is enclosed for your records. Additionally, the Commission further determined to take no further action against Vince McVinney and close its file in this matter.

The file number in this matter is MUR 1188. If you have any questions please contact Maura White, the staff member assigned to this matter, at 202-523-4060.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

8 1 0 4 0 2 5 0 0 0 8

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8 1 0 4 0 2 5 0 0 9

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Sincerely,

MW 4/27/81

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

8104025010

BEFORE THE FEDERAL ELECTION COMMISSION
February 11, 1981

In the Matter of	)	
	)	
Committee to Reelect	)	MUR 1188
Don Albosta	)	

CONCILIATION AGREEMENT

This matter having been initiated by a signed, sworn, and notarized complaint by William H. Topping, an investigation having been conducted, and the Commission having found reason to believe that the Committee to Reelect Don Albosta ("Respondent") violated 2 U.S.C. § 441a(f) by accepting a $2,000 contribution from Vince McVinney for the 1980 primary election;

NOW, THEREFORE, the Commission and Respondent, having 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.

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

1. Respondent is the principal campaign committee of Congressman Don Albosta for the 1980 election.

2. Respondent received a $1,000 in-kind contribution from Vince McVinney for the 1980 primary election on November 15, 1979. Said contribution was the payment of a portion of the entertainment fee at a December 1, 1979 fundraiser.

3. Respondent received a $1,000 in-kind contribution from Vince McVinney for the 1980 general election on December 1, 1979. Said contribution was payment for a portion of the cost of food and beverages served at a December 1, 1979 fundraiser.

4. Respondent reported both McVinney contributions in the next regularly scheduled report to the Commission but did not indicate the election to which either contribution was to be applied.

5. Respondent did not inform contributors to the December 1, 1979 fundraiser that their contributions, or a portion thereof, would be used specifically for either the primary or the general election except for Vince McVinney who was told before his second contribution was made that it would have to be designated for the general election.

6. Respondent has stated that the purpose of the December 1, 1979 fundraiser was to raise funds for the Congressman's 1980 reelection effort.

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7. Respondent did not receive any proceeds from the December 1, 1979 fundraiser which were designated for the general election, with the exception of Vince McVinney's $1,000 in-kind contribution.

8. Commission regulations at the time of the contribution permitted the Respondent to receive two cash contributions of $1,000 each before the primary election from one individual if designated by the contributor as contributions toward the primary and the general election respectively.

9. Respondent at the time the in-kind contribution from McVinney was received did have enough funds to have paid for the food and beverages rather than accepting them as an in-kind contribution.

10. Commission regulations at the time of the McVinney in-kind contribution permitted the acceptance prior to the primary election of a $1,000 cash contribution designated for the general election and permitted such a contribution to be kept in the same account as the funds for the primary election as long as the Respondent maintained separate books and records for each election. That portion of the funds in the account designated for the primary election could have been drawn upon to pay for the food and beverages at the fundraiser of December 1, 1979.

11. Regulations permitted the Respondent to transfer, after the primary election, the unused portion of funds originally designated for the primary election effort to the general election effort.

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12. Had Respondent divided cash proceeds from the December 1 fundraiser between the primary and the general election efforts, and informed contributors of this plan prior to the making of their contributions, then no objection to the in-kind contribution could have been sustained.

13. Respondent contends that regardless of the number or strength of the primary opponents, it was never the intent of the Respondent to use the full proceeds of the December 1, 1979 fundraiser in the primary election effort.

14. Respondent did not divide the proceeds of the December 1, 1979 fundraiser between the 1980 primary election and the 1980 general election.

15. At the time of the December 1, 1979 fundraiser, Commission regulations did not require that fundraisers be labeled as for the "primary", "general", or any other specific election, nor did any regulation establish a presumption that a fundraiser of a certain nature is for the primary, general, or other specific election. Contributors to the fundraiser, however, must be informed as to how their contributions will be used. If no designation is stated by either the contributor or the recipient pursuant to 11 C.F.R. § 110.1(a)(2)(ii), then the entire contribution is considered a contribution to the next election.

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16. Respondent did amend the 1979 year-end report to report a $1,000 in-kind contribution from Vince McVinney on November 15, 1979, designated for the 1980 primary election, and a $1,000 in-kind contribution from Vince McVinney on December 1, 1979 designated for the 1980 general election.

17. Respondent did establish, on June 2, 1980 an account separate from all other campaign accounts into which account Respondent deposited an amount equal to the value of all contributions which were then subject to complaint, which account and deposit remained untouched and unused in any way.

WHEREFORE, Respondent agrees:

V. Respondent violated 2 U.S.C. § 441a(f), which prohibits a political committee from accepting contributions which are in violation of 2 U.S.C. § 441a. Respondent contends that it did not knowingly and willfully violate any section of the law or regulations.

VI. Respondent, in addition to the actions already taken and described in paragraphs IV-16 and 17, will reimburse Vince McVinney in the amount of $1,000 from the account described in IV-17.

VII. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of one hundred dollars ($100) pursuant to 2 U.S.C. § 437g(a)(5)(A).

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GENERAL CONDITIONS

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

X. It is agreed that Respondent shall have 30 days from the date this agreement becomes effective to comply with and to implement the requirements contained in this agreement and to so notify the Commission.

11 March 1981
Date

Charles N. Steele
General Counsel
Federal Election Commission

2/27/81
Date

Dorothy Albosta
Treasurer
Committee to Reelect
Don Albosta

9 1 0 0 2 5 0 0 1 6

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1188
Committee to Reelect	)	
Don Albosta	)	
Vince McVinney	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 27, 1981, the Commission decided by a vote of 5-0 to take the following actions regarding MUR 1188:

1. Take no further action against Vince McVinney.
2. Close the file.
3. Send the letters as submitted with the General Counsel's April 15, 1981 report.

Voting for this determination were Commissioners Aikens, Harris, Reiche, Thomson and Tiernan. Commissioner McGarry did not cast a vote in this matter.

Attest:

4/27/81
Date

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

Report signed: 4-22-81
Received in Office of the Commission Secretary: 4-23-81, 11:50
Circulated on 48 hour vote basis: 4-23-81, 4:00

8104025017

April 23, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Phyllis A. Kaysen

SUBJECT: MUR 1188

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

Attachment

cc: White/Thomas

81040250018

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION
April 15, 1981

81 APR 23 A11: 50

In the Matter of)
)
Committee to Reelect Don) MUR 1188
Albosta; Vince McVinney)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On March 9, 1981, the Commission approved a conciliation agreement between the Committee to Reelect Don Albosta ("Committee") and the Commission. The agreement provided that the Committee would pay a civil penalty of one hundred dollars ($100), and return a one-thousand dollar($1,000) contribution which the Committee had received from Vince McVinney in violation of 2 U.S.C. § 441a(f). On April 6, 1981, the Office of General Counsel received a check for the civil penalty from the Committee, and documentation which indicates that the Committee has reimbursed Vince McVinney in the amount of one thousand dollars ($1,000) (Attachment 1).

In regard to Vince McVinney, the Commission had determined on November 5, 1980, that there is probable cause to believe he violated 2 U.S.C. § 441a(a)(1)(A) by making $2,000 worth of in-kind contributions to the Committee for primary election purposes. Notification of the Commission's finding and a proposed conciliation agreement were mailed to Vince McVinney on November 13, 1980. As no response to the notification was received, the General Counsel mailed

a letter to Vince McVinney on January 8, 1981, which informed him that he should contact the Office of General Counsel as soon as possible if he wished to negotiate an out of court settlement of this matter. To date, no response has been received from Vince McVinney and the maximum 90 day conciliation period has expired.

II. ANALYSIS

In view of the merits of the case, and the fact that the Committee has reimbursed Vince McVinney for the full amount of his excessive contribution, it is the position of the General Counsel that it would not be in the interest of the Commission to pursue Vince McVinney through litigation. The evidence suggests that the Committee informed Mr. McVinney at the time he made his second $1,000 contribution in-kind that it was permissible to do so. Moreover, because the Committee, and not Mr. McVinney, actually controlled the fundraiser involved and thereby caused the second contribution to be applied toward primary election purposes, there is less basis for proceeding against Mr. McVinney. As the Committee has admitted a violation of the Act, paid a civil penalty, and refunded the contribution causing the violation, it appears that a sufficient remedy has been obtained.

Accordingly, the General Counsel recommends that the Commission take no further action against Vince McVinney. It is further recommended that the Commission close the file

in this matter since the Committee has satisfied the requirements of the conciliation agreement.

III. Recommendations

1. Take no further action against Vince McVinney.

2. Close the file.

3. Send the attached letters.

22 April 1981
Date

Charles N. Steele
General Counsel

Attachments:
1--letter from Committee
2--proposed letters (3)

ATTACHMENT #1

8 1 0 4 0 2 5 0 0 2 2

Committee To ReElect

DON ALBOSTA

BCC# 4413

81 APR 6 A9:34

April 1, 1981

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

Dear Mr. Steele:

In fulfillment of the terms of the Conciliation Agreement between the Committee to Reelect Don Albosta and the Federal Election Commission executed March 9, 1981, this Committee provides the following:

1. A check made payable to the Treasurer of the United States in the amount of one hundred dollars ($100.00) as payment of the civil penalty described in the above mentioned Agreement.

2. A copy of the cancelled money order issued by this Committee pursuant to the above mentioned Agreement which was received and deposited by Mr. Vince McVinney and cleared by this Committee's bank.

3. A copy of the affidavit sworn by David E. McClernan who conveyed the money order to Mr. McVinney.

4. A copy of the cover letter from this Committee to Mr. McVinney which accompanied the money order.

5. A copy of the receipt signed by Mr. McVinney and returned to this Committee.

I believe that this notice along with these enclosures and our actions to implement the agreement serve to complete our obligations under the agreement. Should further action be required, please let us know so that we may take action within the required 30 days.

Sincerely yours,

Dorothy Albosta

Dorothy Albosta
Treasurer

DA/jn
Enclosures

81 APR 6 A11:49

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

81040250023

P. O. BOX 2239 • MIDLAND, MICHIGAN 48640

8 1 0 1 0 2 5 0 0 2 4

COMMITTEE TO REELECT
DON ALBOSTA
P.O. BOX 2239
MIDLAND, MICH. 48640

community state bank
ST. CHARLES, MICHIGAN

2191

74-1203
724

April 1 1981

PAY TO THE ORDER OF Treasurer of the United States $ 100.00

One Hundred and no/100 DOLLARS

Payment of civil penalty in accordance with
Federal Election Commission Conciliation Agreement
dated March 9, 1981, re: MUR 1188

Dorothy Albosta

⑆072412037⑆ 003 294 2 8⑈

White

BANK MONEY ORDER

74-1203
724

Committe to Re-Elect
REMITTER Don Albosta

COMMUNITY STATE BANK
ST. CHARLES • SHIELDS • CHESANING

No. 51279

DATE March 3, 1981

PAY TO THE ORDER OF Vince McVinney

$ 1,000.00

PAID
MAR 20 81
COMMUNITY STATE BANK
ST CHARLES MICH
74-1203

COMMUNITY STATE BANK
ST. CHARLES, MICHIGAN

Anna Marie Loubert
AUTHORIZED SIGNATURE

⑈051279⑈ ⑆072412037⑆ 000⑉0001⑉9⑈ ⑈0000100000⑈

Mar. 27/81

File in campaign comm.

D.A.

8 1 0 1 0 2 5 1 0 2 5

For Deposit Only
Acct. #063109692

PAY ANY BANK P.E.G.
DETROIT FRB 0720-0029-0
365 1880 10 03-20-81

MR 18 P.E.G.
C & S NAT'L BK.
ATLANTA, GA.

PAY ANY BANK, P.E.G.
CLEARWATER
OAKS BANK
CLEARWATER
FLORIDA

63-969

031781

RECEIVED

81 APR 6 A9:34

AFFIDAVIT

STATE OF MICHIGAN)
) ss.:
COUNTY OF SHIAWASSEE)

NOW COMES David E. McClernan, and being first duly sworn, deposes and says:

1. That he was formerly employed as legal counsel by J. Vincent McVinney.

2. That on March 4, 1981, he conveyed a Bank Money Order, No. 51279, in the amount of One Thousand ($1000.00) Dollars from the Committee to Reelect Don Albosta to J. Vincent McVinney by means of U.S. Registered Mail, Return Receipt Requested to Mr. McVinney's last known address.

3. That he has declined to divulge said McVinney's address, the same being part of the attorney/client privilege.

Further affiant sayeth not.

David E. McClernan

Subscribed and sworn to before me this 4th day of March, 1981.

Jodi D. Marrah

Jodi D. Marrah, Notary Public
Shiawassee County, Michigan
My Commission Expires: 12-09-84

8 1 0 4 0 2 5 0 2 6

Committee To ReElect

DON ALBOSTA

March 6, 1981

Mr. Vince McVinney
% David McClernan, Esq.
310 North Shiawassee
Owosso, Michigan 48867

Dear Mr. McVinney:

The Committee to Reelect Don Albosta has been found by the Federal Election Commission to have violated Federal election laws by accepting your in-kind contribution of December 1, 1979, which was designated for the 1980 General Election campaign of Congressman Don Albosta.

The Committee has therefore agreed to reimburse you for that contribution by sending you the enclosed certified check in the amount of $1000.00. We would appreciate your (1) endorsing and cashing the enclosed check, and (2) signing and dating the enclosed receipt, and mailing that receipt to us in the enclosed pre-addressed and pre-stamped envelope. This will confirm your receipt of the check and assist me in complying with the agreement with the F.E.C. I hope you can help us conclude this matter by returning the receipt as soon as possible.

Again, thank you for your interest and support of the successful campaign for reelection of Congressman Don Albosta.

Sincerely yours,

Dorothy Albosta

Dorothy Albosta
Treasurer

DA:jn
Enclosures: Check
Receipt
Envelope

P. O. BOX 2239 • MIDLAND, MICHIGAN 48640

8 1 0 4 0 2 5 0 2 7

No ========= DATE: 1981

Received from Committee to Reelect Don Albosta

A certified check
in the amount of ONE THOUSAND ---- and no 100 Dollars

A reimbursement for an In-kind contribution dated

December 1, 1979, to the Committee to Reelect Don Albosta

$ 1000.00

Vince McVinney

Vince McVinney

8104025028

ATTACHMENT #2: PROPOSED LETTERS

3 2 0 0 5 0 4 0 1 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dorothy Albosta, Treasurer
Committee to Reelect Don Albosta
P.O. Box 2239
Midland, Michigan 48640

Re: MUR 1188

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If you have any questions please contact Maura White at 202-523-4060.

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General Counsel

8 1 0 4 0 2 5 0 0 3 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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General Counsel

8 1 0 4 0 5 0 3 1

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WASHINGTON, D.C. 20463

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8 1 0 4 0 2 5 0 3 2

The file number in this matter is MUR 1188. If you have any questions please contact Maura White, the staff member assigned to this matter, at 202-523-4060.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

8 1 0 4 0 2 5 0 0 3 3

Committee To ReElect

DON ALBOSTA

100 54 RECEIVED GCC# 4413

81 APR 6 A9:34

April 1, 1981 MUR1188

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

Dear Mr. Steele:

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Dorothy Albosta

Dorothy Albosta
Treasurer

DA/jn
Enclosures

81 APR 6 A11:49

81040050034

P. O. BOX 2239 • MIDLAND, MICHIGAN 48640

BANK MONEY ORDER

74-1203
724

COMMUNITY STATE BANK

No. 51279

ST. CHARLES • SHIELDS • CHESANING

REMITTER Committe to Re-Elect Don Albosta

DATE March 3, 1981

PAY TO THE ORDER OF Vince McVinney

$ 1,000.00

PAID

MAR 20 81

COMMUNITY STATE BANK
ST. CHARLES, MICHIGAN

Anna Marie Loubert
AUTHORIZED SIGNATURE

⑈051279⑈ ⑆072412037⑆ 000⑈000 1⑈9⑈ ⑈0000100000⑈

Mar. 27/81

File in campaign comm.

D.A.

PAY ANY BANK P.E.G.
DETROIT FRB 0720-0029-0
S65 1SSO 10 03-20-81

HR 18 P.E.G.
C & S NAT'L BK.
ATLANTA, GA.

PAY ANY BANK. P.E.G.
CLEARWATER
OAKS BANK
CLEARWATER
FLORIDA

For Deposit Only
Acc't #0631096992

RECEIVED.
81 APR 6 A9:34

AFFIDAVIT

STATE OF MICHIGAN)
) ss.:
COUNTY OF SHIAWASSEE)

NOW COMES David E. McClernan, and being first duly sworn, deposes and says:

1. That he was formerly employed as legal counsel by J. Vincent McVinney.

2. That on March 4, 1981, he conveyed a Bank Money Order, No. 51279, in the amount of One Thousand ($1000.00) Dollars from the Committee to Reelect Don Albosta to J. Vincent McVinney by means of U.S. Registered Mail, Return Receipt Requested to Mr. McVinney's last known address.

3. That he has declined to divulge said McVinney's address, the same being part of the attorney/client privilege.

Further affiant sayeth not.

David E. McClernan

Subscribed and sworn to before me this 4th day of March, 1981.

Jodi D. Marrah, Notary Public
Shiawassee County, Michigan
My Commission Expires: 12-09-84

810105036

Committee To ReElect

DON ALBOSTA

March 6, 1981

Mr. Vince McVinney
% David McClernan, Esq.
310 North Shiawassee
Owosso, Michigan 48867

Dear Mr. McVinney:

The Committee to Reelect Don Albosta has been found by the Federal Election Commission to have violated Federal election laws by accepting your in-kind contribution of December 1, 1979, which was designated for the 1980 General Election campaign of Congressman Don Albosta.

The Committee has therefore agreed to reimburse you for that contribution by sending you the enclosed certified check in the amount of $1000.00. We would appreciate your (1) endorsing and cashing the enclosed check, and (2) signing and dating the enclosed receipt, and mailing that receipt to us in the enclosed pre-addressed and pre-stamped envelope. This will confirm your receipt of the check and assist me in complying with the agreement with the F.E.C. I hope you can help us conclude this matter by returning the receipt as soon as possible.

Again, thank you for your interest and support of the successful campaign for reelection of Congressman Don Albosta.

Sincerely yours,

Dorothy Albosta

Dorothy Albosta
Treasurer

DA:jn
Enclosures: Check
Receipt
Envelope

P. O. BOX 2239 • MIDLAND, MICHIGAN 48640

No. ======== DATE: 1981

Received from Committee to Reelect Don Albosta

A certified check
in the amount of ONE THOUSAND ---- and no/100 Dollars

A reimbursement for an In-kind contribution dated

December 1, 1979, to the Committee to Reelect Don Albosta

$ 1000.00

Vince McVinney

Vince McVinney

8104025038

10402510039

COMMITTEE TO REELECT
DON ALBOSTA
P.O. BOX 2239
MIDLAND, MICH. 48640

community state bank
ST. CHARLES, MICHIGAN

2191

74-1203
724

April 1 19 81

PAY TO THE ORDER OF Treasurer of the United States $ 100.00

One Hundred and no/100 DOLLARS

Payment of civil penalty in accordance with
Federal Election Commission Conciliation Agreement
dated March 9, 1981, re: MUR 1188

Dorothy Albosta

⑆072412037⑆ 003⑈294 2⑈8⑈

Committee to Reelect
DON ALBOSTA
Post Office Box 2239
Midland, MI 48640

8 1 0 4 0 2 5 0 0 4 0

WASHINGTON, DC (SC)
APR 2 AM

Charles N. Steele, Gen. Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20467
ATTN: Maura White

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dorothy Albosta, Treasurer
Committee to Reelect Don
Albosta
P.O. Box 2239
Midland, Michigan 48640

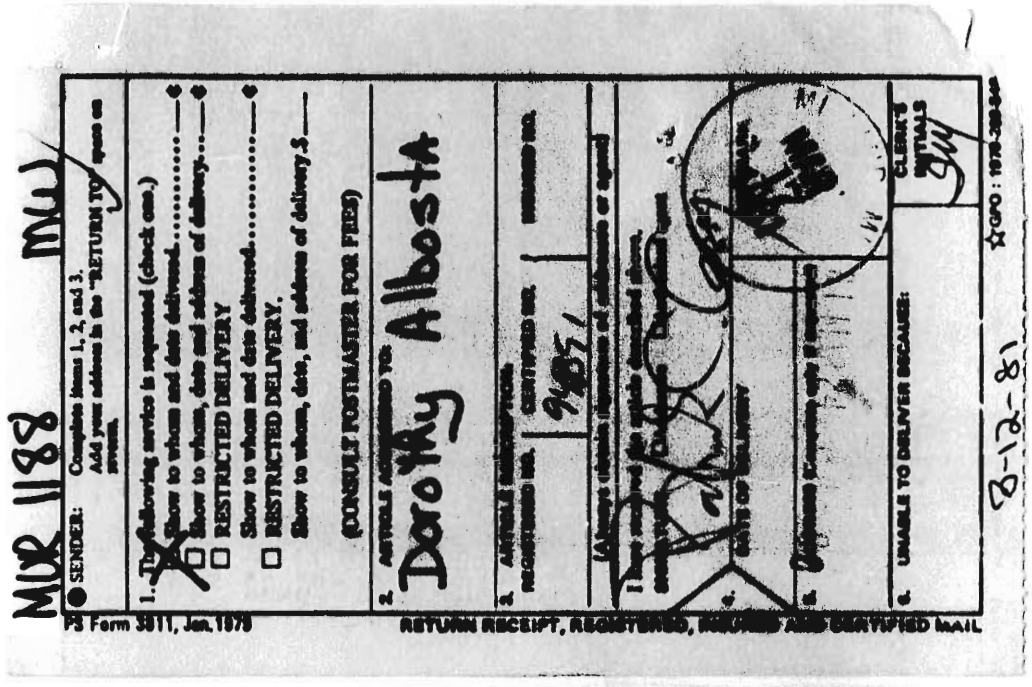
Re: MUR 1188

Dear Ms. Albosta:

On March 9 , 1981, the Commission accepted the conciliation agreement signed by you in settlement of a violation of 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended. Pursuant to the agreement, you have 30 days from the date of my execution of the agreement to implement the requirements contained in the agreement and to so notify the Commission.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files. If you have any questions please contact Maura White, the staff member assigned to this matter, at 202-523-4060.

Enclosure



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dorothy Albosta, Treasurer
Committee to Reelect Don
Albosta
P.O. Box 2239
Midland, Michigan 48640

Re: MUR 1188

Dear Ms. Albosta:

On , 1981, the Commission accepted the conciliation agreement signed by you in settlement of a violation of 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended. Pursuant to the agreement, you have 30 days from the date of my execution of the agreement to implement the requirements contained in the agreement and to so notify the Commission.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files. If you have any questions please contact Maura White, the staff member assigned to this matter, at 202-523-4060.

Sincerely,

mw 3/10/81

Charles N. Steele
General Counsel

Enclosure

8 1 0 1 0 2 5 0 0 4 2

BEFORE THE FEDERAL ELECTION COMMISSION
February 11, 1981

In the Matter of	)	
	)	
Committee to Reelect	)	MUR 1188
Don Albosta	)	

CONCILIATION AGREEMENT

This matter having been initiated by a signed, sworn, and notarized complaint by William H. Topping, an investigation having been conducted, and the Commission having found reason to believe that the Committee to Reelect Don Albosta ("Respondent") violated 2 U.S.C. § 441a(f) by accepting a $2,000 contribution from Vince McVinney for the 1980 primary election;

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

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

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

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

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

1. Respondent is the principal campaign committee of Congressman Don Albosta for the 1980 election.

2. Respondent received a $1,000 in-kind contribution from Vince McVinney for the 1980 primary election on November 15, 1979. Said contribution was the payment of a portion of the entertainment fee at a December 1, 1979 fundraiser.

3. Respondent received a $1,000 in-kind contribution from Vince McVinney for the 1980 general election on December 1, 1979. Said contribution was payment for a portion of the cost of food and beverages served at a December 1, 1979 fundraiser.

4. Respondent reported both McVinney contributions in the next regularly scheduled report to the Commission but did not indicate the election to which either contribution was to be applied.

5. Respondent did not inform contributors to the December 1, 1979 fundraiser that their contributions, or a portion thereof, would be used specifically for either the primary or the general election except for Vince McVinney who was told before his second contribution was made that it would have to be designated for the general election.

6. Respondent has stated that the purpose of the December 1, 1979 fundraiser was to raise funds for the Congressman's 1980 reelection effort.

9 1 0 4 0 2 5 0 4 4

7. Respondent did not receive any proceeds from the December 1, 1979 fundraiser which were designated for the general election, with the exception of Vince McVinney's $1,000 in-kind contribution.

8. Commission regulations at the time of the contribution permitted the Respondent to receive two cash contributions of $1,000 each before the primary election from one individual if designated by the contributor as contributions toward the primary and the general election respectively.

9. Respondent at the time the in-kind contribution from McVinney was received did have enough funds to have paid for the food and beverages rather than accepting them as an in-kind contribution.

10. Commission regulations at the time of the McVinney in-kind contribution permitted the acceptance prior to the primary election of a $1,000 cash contribution designated for the general election and permitted such a contribution to be kept in the same account as the funds for the primary election as long as the Respondent maintained separate books and records for each election. That portion of the funds in the account designated for the primary election could have been drawn upon to pay for the food and beverages at the fundraiser of December 1, 1979.

11. Regulations permitted the Respondent to transfer, after the primary election, the unused portion of funds originally designated for the primary election effort to the general election effort.

12. Had Respondent divided cash proceeds from the December 1 fundraiser between the primary and the general election efforts, and informed contributors of this plan prior to the making of their contributions, then no objection to the in-kind contribution could have been sustained.

13. Respondent contends that regardless of the number or strength of the primary opponents, it was never the intent of the Respondent to use the full proceeds of the December 1, 1979 fundraiser in the primary election effort.

14. Respondent did not divide the proceeds of the December 1, 1979 fundraiser between the 1980 primary election and the 1980 general election.

15. At the time of the December 1, 1979 fundraiser, Commission regulations did not require that fundraisers be labeled as for the "primary", "general", or any other specific election, nor did any regulation establish a presumption that a fundraiser of a certain nature is for the primary, general, or other specific election. Contributors to the fundraiser, however, must be informed as to how their contributions will be used. If no designation is stated by either the contributor or the recipient pursuant to 11 C.F.R. § 110.1(a)(2)(ii), then the entire contribution is considered a contribution to the next election.

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16. Respondent did amend the 1979 year-end report to report a $1,000 in-kind contribution from Vince McVinney on November 15, 1979, designated for the 1980 primary election, and a $1,000 in-kind contribution from Vince McVinney on December 1, 1979 designated for the 1980 general election.

17. Respondent did establish, on June 2, 1980 an account separate from all other campaign accounts into which account Respondent deposited an amount equal to the value of all contributions which were then subject to complaint, which account and deposit remained untouched and unused in any way.

WHEREFORE, Respondent agrees:

V. Respondent violated 2 U.S.C. § 441a(f), which prohibits a political committee from accepting contributions which are in violation of 2 U.S.C. § 441a. Respondent contends that it did not knowingly and willfully violate any section of the law or regulations.

VI. Respondent, in addition to the actions already taken and described in paragraphs IV-16 and 17, will reimburse Vince McVinney in the amount of $1,000 from the account described in IV-17.

VII. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of one hundred dollars ($100) pursuant to 2 U.S.C. § 437g(a)(5)(A).

GENERAL CONDITIONS

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

X. It is agreed that Respondent shall have 30 days from the date this agreement becomes effective to comply with and to implement the requirements contained in this agreement and to so notify the Commission.

11 March 1981
Date

Charles N. Steele
General Counsel
Federal Election Commission

2/27/81
Date

Dorothy Albosta
Dorothy Albosta
Treasurer
Committee to Reelect
Don Albosta

March 11, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1188

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

81040250049

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 11, 1981

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: MUR 1188--Erratum

It has come to my attention that the conciliation agreement between the Commission and the Committee to Reelect Don Albosta, approved by the Commission on March 9, 1981, contains a typographical error. The word "account" should be substituted for the word "amount" in Paragraph IV(10). The appropriate correction has been made in the agreement.

81 MAR 11 P5:00

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1188
Committee to Reelect	)	
Don Albosta	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on March 9, the Commission decided by a vote of 5-0 to approve the conciliation agreement and letter as submitted with the General Counsel's March 4, 1981 regarding MUR 1188.

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

Attest:

3/9/81
Date

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

Received in Office of the Commission Secretary: 3-5-81, 11:38
Circulated on 48 hour vote basis: 3-5-81, 4:00

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March 5, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1188

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

81040250052

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

81 MAR 5 A11: 38

March 4, 1981

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: MUR 1188 Conciliation Agreement

Attached is a conciliation agreement which has been signed by Dorothy Albosta, treasurer of the Committee to Reelect Don Albosta. The attached agreement includes all of the provisions which the Commission determined should be included. The Office of General Counsel recommends the acceptance of this agreement.

Recommendation

Approve the attached conciliation agreement and letter.

Attachments:
Conciliation Agreement (1)
Letter (1)

BEFORE THE FEDERAL ELECTION COMMISSION
February 11, 1981

In the Matter of	)	
	)	
Committee to Reelect	)	MUR 1188
Don Albosta	)	

CONCILIATION AGREEMENT

This matter having been initiated by a signed, sworn, and notarized complaint by William H. Topping, an investigation having been conducted, and the Commission having found reason to believe that the Committee to Reelect Don Albosta ("Respondent") violated 2 U.S.C. § 441a(f) by accepting a $2,000 contribution from Vince McVinney for the 1980 primary election;

NOW, THEREFORE, the Commission and Respondent, having 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.

8 1 0 4 0 2 5 0 5 4

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

1. Respondent is the principal campaign committee of Congressman Don Albosta for the 1980 election.

2. Respondent received a $1,000 in-kind contribution from Vince McVinney for the 1980 primary election on November 15, 1979. Said contribution was the payment of a portion of the entertainment fee at a December 1, 1979 fundraiser.

3. Respondent received a $1,000 in-kind contribution from Vince McVinney for the 1980 general election on December 1, 1979. Said contribution was payment for a portion of the cost of food and beverages served at a December 1, 1979 fundraiser.

4. Respondent reported both McVinney contributions in the next regularly scheduled report to the Commission but did not indicate the election to which either contribution was to be applied.

5. Respondent did not inform contributors to the December 1, 1979 fundraiser that their contributions, or a portion thereof, would be used specifically for either the primary or the general election except for Vince McVinney who was told before his second contribution was made that it would have to be designated for the general election.

6. Respondent has stated that the purpose of the December 1, 1979 fundraiser was to raise funds for the Congressman's 1980 reelection effort.

7. Respondent did not receive any proceeds from the December 1, 1979 fundraiser which were designated for the general election, with the exception of Vince McVinney's $1,000 in-kind contribution.

8. Commission regulations at the time of the contribution permitted the Respondent to receive two cash contributions of $1,000 each before the primary election from one individual if designated by the contributor as contributions toward the primary and the general election respectively.

9. Respondent at the time the in-kind contribution from McVinney was received did have enough funds to have paid for the food and beverages rather than accepting them as an in-kind contribution.

10. Commission regulations at the time of the McVinney in-kind contribution permitted the acceptance prior to the primary election of a $1,000 cash contribution designated for the general election and permitted such a contribution to be kept in the same amount as the funds for the primary election as long as the Respondent maintained separate books and records for each election. That portion of the funds in the account designated for the primary election could have been drawn upon to pay for the food and beverages at the fundraiser of December 1, 1979.

11. Regulations permitted the Respondent to transfer, after the primary election, the unused portion of funds originally designated for the primary election effort to the general election effort.

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12. Had Respondent divided cash proceeds from the December 1 fundraiser between the primary and the general election efforts, and informed contributors of this plan prior to the making of their contributions, then no objection to the in-kind contribution could have been sustained.

13. Respondent contends that regardless of the number or strength of the primary opponents, it was never the intent of the Respondent to use the full proceeds of the December 1, 1979 fundraiser in the primary election effort.

14. Respondent did not divide the proceeds of the December 1, 1979 fundraiser between the 1980 primary election and the 1980 general election.

15. At the time of the December 1, 1979 fundraiser, Commission regulations did not require that fundraisers be labeled as for the "primary", "general", or any other specific election, nor did any regulation establish a presumption that a fundraiser of a certain nature is for the primary, general, or other specific election. Contributors to the fundraiser, however, must be informed as to how their contributions will be used. If no designation is stated by either the contributor or the recipient pursuant to 11 C.F.R. § 110.1(a)(2)(ii), then the entire contribution is considered a contribution to the next election.

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16. Respondent did amend the 1979 year-end report to report a $1,000 in-kind contribution from Vince McVinney on November 15, 1979, designated for the 1980 primary election, and a $1,000 in-kind contribution from Vince McVinney on December 1, 1979 designated for the 1980 general election.

17. Respondent did establish, on June 2, 1980 an account separate from all other campaign accounts into which account Respondent deposited an amount equal to the value of all contributions which were then subject to complaint, which account and deposit remained untouched and unused in any way.

WHEREFORE, Respondent agrees:

V. Respondent violated 2 U.S.C. § 441a(f), which prohibits a political committee from accepting contributions which are in violation of 2 U.S.C. § 441a. Respondent contends that it did not knowingly and willfully violate any section of the law or regulations.

VI. Respondent, in addition to the actions already taken and described in paragraphs IV-16 and 17, will reimburse Vince McVinney in the amount of $1,000 from the account described in IV-17.

VII. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of one hundred dollars ($100) pursuant to 2 U.S.C. § 437g(a)(5)(A).

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GENERAL CONDITIONS

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

X. It is agreed that Respondent shall have 30 days from the date this agreement becomes effective to comply with and to implement the requirements contained in this agreement and to so notify the Commission.

Date

Charles N. Steele
General Counsel
Federal Election Commission

2/27/81
Date

Dorothy Albosta
Dorothy Albosta
Treasurer
Committee to Reelect
Don Albosta

8 1 0 4 0 2 5 0 5 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dorothy Albosta, Treasurer
Committee to Reelect Don
Albosta
P.O. Box 2239
Midland, Michigan 48640

Re: MUR 1188

Dear Ms. Albosta:

On , 1981, the Commission accepted the conciliation agreement signed by you in settlement of a violation of 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended. Pursuant to the agreement, you have 30 days from the date of my execution of the agreement to implement the requirements contained in the agreement and to so notify the Commission.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files. If you have any questions please contact Maura White, the staff member assigned to this matter, at 202-523-4060.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

8 1 0 4 0 2 5 0 0 6 0

Committee To ReElect

DON ALBOSTA

GCC# 4051

February 27, 1981

81 FEB 27 A11:19

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

HAND DELIVERED

Mr. Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

Dear Mr. Steele:

The Committee to Reelect Don Albosta has received your most recent proposed Conciliation Agreement. The Committee accepts this proposal in its entirety. The signed agreement is attached.

The Committee also requests that you notify us of your acceptance of the proposed agreement and advise us of the effective date of that agreement.

Your assistance in this matter will enable us to begin our efforts to comply with the terms of the agreement.

Sincerely yours,

Dorothy Albosta

Dorothy Albosta
Treasurer

DA:jn
Attachment

81 FEB 27 A11:47

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

P. O. BOX 2239 • MIDLAND, MICHIGAN 48640

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William H. Topping
413 North Homer
Midland, Michigan 48640

Dear Mr. Topping:

This is in response to your telephone call of January 14, 1981, in which you requested information pertaining to the complaint you filed with the Commission against the Committee to Reelect Don Albosta.

Commission policy pursuant to 2 U.S.C. § 437g(a)(4)(B)(i) and (12)(A) prohibits any person from making public the fact of any notification or investigation by the Commission unless the party being investigated has agreed in writing that the matter be made public. Because there has been no written agreement that the matter be made public, we are not in a position to release any information at this time. As you were informed by letter of March 17, 1980, we will notify you as soon as the Commission takes either of the courses specified in 2 U.S.C. § 437g(a)(4)(B)(ii).

Sincerely,

Charles N. Steele
General Counsel

MW;rd
ST
KG

8104025062

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 8, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Vince McVinney
P.O. Box 1041
Dunedin, Florida

Re: MUR 1188

Dear Mr. McVinney:

On November 13, 1980, you were notified of the Commission's finding of probable cause to believe that you violated 2 U.S.C. § 441a(a)(1)(A). On that same date, you were sent a conciliation agreement offered by the Commission in settlement of this matter.

As of this date, we have received no response from you. However, I am still hopeful that this matter can be settled through a conciliation agreement.

If your intention is to negotiate an out of court settlement regarding the above-referenced violation, please advise this office in writing no later than the close of business January 21, 1981. Please note that pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), the maximum 90 day time period for conciliation in this matter expires on February 11, 1981. In the absence of a response from you, a recommendation concerning the filing of civil suit against you will be made by the Office of General Counsel to the Commission.

Should you have any questions, please call Maura White at (202) 523-4060.

Sincerely,

Charles N. Steele
General Counsel

8104250063

MUR 088 White

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:
Vince McKinney
P.O. Box 1041
Pueblo, Florida

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	947700	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
JAN 1 8 1981

POSTMARK
JAN

5. ADDRESS (Complete only if requested)
80 16 AV 12

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO : 1979-288-848

8 1 0 4 0 2 5 0 0 6 4

1188

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 23, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William H. Topping
413 North Homer
Midland, Michigan 48640

Dear Mr. Topping:

This is in response to your telephone call of January 14, 1981, in which you requested information pertaining to the complaint you filed with the Commission against the Committee to Reelect Don Albosta.

Commission policy pursuant to 2 U.S.C. § 437g(a)(4)(B)(i) and (12)(A) prohibits any person from making public the fact of any notification or investigation by the Commission unless the party being investigated has agreed in writing that the matter be made public. Because there has been no written agreement that the matter be made public, we are not in a position to release any information at this time. As you were informed by letter of March 17, 1980, we will notify you as soon as the Commission takes either of the courses specified in 2 U.S.C. § 437g(a)(4)(B)(ii).

Sincerely,

Charles N. Steele
General Counsel

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NHR 1188 Mims

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:
Wm. H. Topping
413 North Homer
Midland, Michigan
48640

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	948013	

(Always obtain signature of addressee or agent)

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

4. [signature]

DATE OF DELIVERY	POSTMARK
1/28/81	

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO : 1979-288-848

8104025006 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MWE

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY
OFFICE OF THE SECRETARY TO THE COMMISSION

DATE: JANUARY 14, 1981

SUBJECT: MUR 1188 - Interim Conciliation Report #1, dated 1-2-81; Signed 1-12-81; Received in OCS 1-13-81, 12:32

The above-named document was circulated to the Commission on a no-objection basis at 4:00, January 13, 1981.

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

81040250067

January 13, 1981

MEMORANDUM TO: Marjorie Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1188

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

Attachment

81040250068

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION
January 2, 1981

81 JAN 13 P12: 32

In the Matter of	)	
	)	
Committee to Reelect Don Albosta; Vince McVinney	)	MUR 1188
	)	

INTERIM CONCILIATION REPORT #1

On November 5, 1980, the Commission found probable cause to believe Vince McVinney violated 2 U.S.C. § 441a(a)(1)(A) and approved conciliation agreements to be sent to Mr. McVinney and the Committee to Reelect Don Albosta ("Committee"). The agreements were mailed to both respondents on November 13, 1980. To date, no response has been received from Mr. McVinney. Two conciliation meetings have, however, been conducted between representatives of the Committee and staff of the Office of General Counsel. The Committee is expected to submit an additional counterproposal during the first week of January 1981. The Office of General Counsel will contact Mr. McVinney in the immediate future if no response is received from him during the next week.

12 January 1980
Date

Charles N. Steele
General Counsel

MW
ST
KAG

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Vince McVinney
P.O. Box 1041
Dunedin, Florida

Re: MUR 1188

Dear Mr. McVinney:

On November 5, 1980, the Commission determined there is probable cause to believe that you committed a violation of § 441a(a)(1)(A) of the Federal Election Campaign Act of 1971, as amended ("the Act"), in connection with the making of a $2,000 contribution to the Committee to Reelect Don Albosta for the 1980 primary election.

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 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 Maura White, the staff member assigned to this matter, at 202/523-4060.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

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PS Form 3811, 3-1979

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:
Vince McVinney
P.O. Box 1041
Dunedin, Fla.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	[illegible]	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY | POSTMARK

5. ADDRESS (Complete only if requested)
NOV 18 1980

DUNEDIN, FL
NOV 18 1980

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS

MUR 1188 (M White)

☆GPO : 1979-288-848

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Vince McVinney
P.O. Box 1041
Dunedin, Florida

Re: MUR 1188

Dear Mr. McVinney:

On November 5, 1980, the Commission determined there is probable cause to believe that you committed a violation of § 441a(a)(1)(A) of the Federal Election Campaign Act of 1971, as amended ("the Act"), in connection with the making of a $2,000 contribution to the Committee to Reelect Don Albosta for the 1980 primary election.

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 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 Maura White, the staff member assigned to this matter, at 202/523-4060.

Sincerely,

MW 11/12/80

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1188
Vince McVinney)

CONCILIATION AGREEMENT

This matter having been initiated by a signed, sworn, and notarized complaint by William H. Topping, an investigation having been conducted, and probable cause to believe having been found that Vince McVinney ("Respondent") violated 2 U.S.C. § 441a(a)(1)(A) by making a $2,000 contribution to the Committee to Reelect Don Albosta for the 1980 primary election;

NOW, THEREFORE, the Commission and Respondent, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A) 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 made a $1,000 contribution to the Committee to Reelect Don Albosta on November 15, 1979, designated for the 1980 primary election, and a $1,000 contribution to the same committee on December 1, 1979, designated for the 1980 general election. Both contributions were in-kind contributions of entertainment, food, and beverages for a fundraiser held by that committee on December 1, 1979.

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2. The Committee to Reelect Don Albosta did not inform contributors to the December 1, 1979, fundraiser than their contributions or a portion thereof, would be used in the 1980 general election.

3. No proceeds raised at the December 1, 1979, fundraiser by the Committee to Reelect Don Albosta, with the exception of Respondent's $1,000 in-kind contribution of December 1, 1979, were designated for the 1980 general election.

4. Respondent's in-kind contributions of November 15, 1979, and December 1, 1979, were both used to raise proceeds for the 1980 primary election.

WHEREFORE, Respondent agrees:

V. Respondent violated 2 U.S.C. § 441a(a)(1)(A), which prohibits an individual from contributing more than $1,000 to a federal candidate with respect to each election to federal office.

VI. 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).

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

GENERAL CONDITIONS

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it

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may institute a civil action for relief in the United States District Court for the District of Columbia.

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

X. It is mutually agreed that Respondent will comply with the requirement to pay a civil penalty in Paragraph VI above within thirty (30) days from the date this agreement becomes effective.

Date	Charles N. Steele General Counsel Federal Election Commission
Date	Vince McVinney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dorothy Albosta, Treasurer
Committee to Reelect Don Albosta
P.O. Box 2239
Midland, Michigan

Re: MUR 1188

Dear Ms. Albosta:

On September 29, 1980, the Office of General Counsel received your letter of September 24, 1980, in which you request to resolve this matter through informal conciliation.

Enclosed please find 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 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 Maura White, the staff member assigned to this matter, at 202/523-4060.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

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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.)
- [x] 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:
Dorothy Alberta, Treas.
P.O. Box 2239
Midland, Michigan

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	04CLHD	

(Always obtain signature of addressee or agent)

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

4. Virginia Balazs
DATE OF DELIVERY 11-18-80

POSTMARK: MIDLAND NOV 18 1980

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

MUR 1188 (Milwhite)

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

Form 3811, Jan 1979

8104025 0077

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dorothy Albosta, Treasurer
Committee to Reelect Don Albosta
P.O. Box 2239
Midland, Michigan

Re: MUR 1188

Dear Ms. Albosta:

On September 29, 1980, the Office of General Counsel received your letter of September 24, 1980, in which you request to resolve this matter through informal conciliation.

Enclosed please find 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 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 Maura White, the staff member assigned to this matter, at 202/523-4060.

Sincerely,

mw 11/12/80

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1188
Committee to Reelect	)	
Don Albosta	)	

CONCILIATION AGREEMENT

This matter having been initiated by a signed, sworn, and notarized complaint by William H. Topping, an investigation having been conducted, and the Commission having found reason to believe that the Committee to Reelect Don Albosta ("Respondent") violated 2 U.S.C. § 441a(f) by accepting a $2,000 contribution from Vince McVinney for the 1980 primary election;

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

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

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

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

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

1. Respondent is the principal campaign committee of Congressman Don Albosta for the 1980 election.

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2. Respondent received a $1,000 in-kind contribution from Vince McVinney for the 1980 primary election on November 15, 1979. Said contribution was used to pay a portion of the entertainment fee at a December 1, 1979, fundraiser.

3. Respondent received a $1,000 in-kind contribution from Vince McVinney for the 1980 general election on December 1, 1979. Said contribution was used to pay for a portion of the food and beverages served at a December 1, 1979, fundraiser.

4. Respondent has stated that the purpose of the December 1, 1979, fundraiser was to raise funds for the Congressman's 1980 reelection effort.

5. Respondent did not inform contributors to the December 1, 1979, fundraiser that their contributions, or a portion thereof, would be used in the 1980 general election.

6. Respondent did not receive any proceeds from the December 1, 1979, fundraiser, with the exception of Vince McVinney's $1,000 in-kind contribution, which were designated for the general election.

7. Respondent did not divide the proceeds of the December 1, 1979, fundraiser between the 1980 primary election and 1980 general election.

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WHEREFORE, Respondent agrees:

V. Respondent violated 2 U.S.C. § 441a(f), which prohibits a political committee from accepting contributions which are in violation of 2 U.S.C. § 441a.

VI. 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).

VII. 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

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

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X. It is mutually agreed that Respondent will comply with the requirement to pay a civil penalty in Paragraph VI above within thirty (30) days from the date this agreement becomes effective.

Date	Charles N. Steele General Counsel Federal Election Commission
Date	Dorothy Albosta Treasurer Committee to Reelect Don Albosta

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1188
Committee to Reelect Don Albosta	)	
Vince McVinney	)	

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on November 5, 1980, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 1188:

1. Find probable cause to believe that Vince McVinney violated 2 U.S.C. §441a(a)(1)(A).

2. Approve the conciliation agreement and letter to Vince McVinney, as submitted with the General Counsel's September 30, 1980 report in this matter.

3. Approve the conciliation agreement and letter to the Committee to Reelect Don Albosta, as submitted with the General Counsel's September 30, 1980 report in this matter.

Commissioners Aikens, Friedersdorf, Harris, Reiche, and Tiernan voted affirmatively for the decision; Commissioner McGarry dissented.

Attest:

11-7-80
Date

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

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BEFORE THE FEDERAL ELECTION COMMISSION
September 30, 1980

EXECUTIVE SESSION
November 6, 1980

In the Matter of)
) MUR 1188
Committee to Reelect Don Albosta)
Vince McVinney)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 15, 1980, the Federal Election Commission found reason to believe that Vince McVinney violated 2 U.S.C. § 441a(a)(1)(A) by contributing $2,000 to the Committee to Reelect Don Albosta for the 1980 primary election, and reason to believe that the Committee to Reelect Don Albosta violated 2 U.S.C. § 441a(f) by accepting a $2,000 contribution from Vince McVinney for the 1980 primary election. On September 2, 1980, the Office of General Counsel mailed a brief to Vince McVinney and a brief to the Committee to Reelect Don Albosta which informed each respondent that it is the General Counsel's recommendation that the Commission find probable cause to believe that a violation of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f), respectively, has occurred (Attachments 1 and 2). No response to the General Counsel's brief was filed by Vince McVinney. The Committee to Reelect Don Albosta notified the Commission on September 29, 1980, that it was their desire to resolve this matter through informal conciliation (Attachment 3).

II. LEGAL ANALYSIS

Because we have received no response from Vince McVinney, and as the Committee to Reelect Don Albosta wishes to engage

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in informal conciliation, the legal analyses, as presented in the General Counsel's briefs (Attachments 1 and 2), remain the same.

We recommend, hereinafter, a finding of probable cause to believe against Vince McVinney and the sending of a proposed conciliation agreement and, further, the sending of a proposed agreement for informal conciliation to the Committee to Reelect Don Albosta.

III DISCUSSION OF A CIVIL PENALTY

The General Counsel recommends that the Commission impose a $500 civil penalty on each of the respondents, Vince McVinney and the Committee the Reelect Don Albosta, as both the making and accepting of contributions in excess of the contribution limitations are serious violations of the Act, and as the contribution causing the violation was of a substantial amount.

RECOMMENDATIONS

1. Find probable cause to believe that Vince McVinney violated 2 U.S.C. § 441a(a)(1)(A).
2. Approve the attached conciliation agreement and letter to Vince McVinney.
3. Approve the attached conciliation agreement and letter to the Committee to Reelect Don Albosta.

23 October 1980
Date

Charles N. Steele
General Counsel

Attachments:
1-- Brief
2-- Brief
3-- Letter
Proposed letters and conciliation agreements

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ATTACHMENT #1

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BEFORE THE FEDERAL ELECTION COMMISSION
June 30, 1980

In the Matter	)	
	)	MUR 1188
Vince McVinney	)	

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On March 13, 1980, William H. Topping filed a complaint with the Federal Election Commission against the Committee to Re-elect Don Albosta ("committee") based on information reported by the committee in its 1979 Year-End Report. The complaint alleged, among other things, that the committee violated 2 U.S.C. § 441a by accepting two in-kind contributions of $1,000 each from Vince McVinney towards the 1979 election. 1/ The contributions, the complaint stated, were not designated by the committee for a specific election.

On April 7, 1980, both the committee and Mr. McVinney responded to the allegations contained in the complaint. The committee's response stated that on December 1, 1979, a fundraiser was held "for Congressman Albosta's 1980 reelection bid" and that Mr. McVinney's $1,000 in-kind contribution of November 15, 1979, was used to pay a portion of the entertainment fee at the December 1 fundraiser. The November 15 contribution was considered by both the committee and Mr. McVinney as an "in-kind contribution to

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1/ As Congressman Albosta was not a candidate in a 1979 election, the allegations have been applied to the 1980 primary election.

the Congressman's 1980 primary election." The committee further explained that Mr. McVinney's $1,000 in-kind contribution of December 1, 1979, was used to pay for food at that same fundraiser and was given with the "understanding that it would be in furtherance of the Congressman's 1980 general election campaign." Mr. McVinney's response to the complaint concurred with the response of the committee. The committee filed an amended 1979 Year-End Report on April 10, 1980, which reports Mr. McVinney's $1,000 contribution of November 15, 1979, as an in-kind contribution to the 1980 primary election and his $1,000 in-kind contribution of December 1, 1979, as an in-kind contribution to the 1980 general election.

On May 15, 1980, the Commission determined that there is reason to believe that Vince McVinney violated 2 U.S.C. § 441a(a)(1)(A) by contributing $2,000 to the committee for the 1980 primary election. A reason to believe notification letter was mailed to Vince McVinney on May 16, 1980. On June 2, 1980, the committee's response to the reason to believe notification was received by the Commission. To date, Mr. McVinney has not responded to the notification. The committee's response stated that the purpose of the December 1, 1979, fundraiser "was to raise money for the Congressman's 1980 reelection effort" and that potential contributors to the event "were told that the fundraiser was being held to receive individual contributions toward the Congressman's 1980 reelection effort. No specification was made as to whether contributions would go towards the Congressman's 1980 primary election effort or toward his 1980 general election effort." Furthermore, the proceeds of the event were used to

pay for the cost[illegible] the event and addition[illegible] roceeds were used for expenditures relating directly to the primary election and and to the primary and general combined." According to the committee, "funds not specifically designated for the 1980 general election have been spent on the purchase of bumper stickers, yard signs, and appliques which will be used in both the primary and general election campaigns." As of May 23, 1980, the committee spent $1,814.53 on such items.

II. ANALYSIS

2 U.S.C. § 441a(a)(1)(A) prohibits any person from contributing in excess of $1,000 per candidate per election. 2 U.S.C. § 441a(f) prohibits a candidate or political committee from receiving contributions which are in violation of 2 U.S.C.§ 441a.

Commission regulations specifically permit the making of contributions to the general election prior to the primary election. 11 C.F.R. § 102.9(e). Such contributions could include in-kind contributions. However, the value of the in-kind contribution must be clearly attributable to the general election effort.

In this matter, the committee accepted the value of $1,000 in food for the December 1 fundraiser from Vince McVinney as his contribution to the 1980 general election. The value of this contribution was clearly consumed at the fundraiser. While the purpose of the fundraiser was described by the committee to be for the "1980 reelection effort," the committee has stated that none of the proceeds from the fundraiser, except for Mr. McVinney's in-kind contribution of food, were designated for the 1980 general election. Since all the proceeds of the event,

with the exception of Mr. McVinney's in-kind contribution, were considered by the committee to be contributions to the primary election, the fundraising event should be considered an event to benefit the primary election effort alone. As such, all of Mr. McVinney's $2,000 in-kind contributions were used to raise proceeds for the primary election and should be considered contributions to the 1980 primary election.

III. GENERAL COUNSEL'S RECOMMENDATION

The General Counsel recommends that the Commission find probable cause to believe that Vince McVinney violated 2 U.S.C. § 441a(a)(1)(A).

2 Sept. 1980
Date

Charles N. Steele
General Counsel

8104025090

ATTACHMENT #2

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BEFORE THE FEDERAL ELECTION COMMISSION
July 2, 1980

In the Matter of	)	
	)	MUR 1188
Committee to Re-Elect	)	
Don Albosta	)	

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On March 13, 1980, William H. Topping filed a complaint with the Federal Election Commission against the Committee to Re-elect Don Albosta ("Committee") based on information reported by the committee in its 1979 Year-End Report. The complaint alleged, among other things, that the committee violated 2 U.S.C. § 441a by accepting two in-kind contributions of $1,000 each from Vince McVinney towards the 1979 election. 1/ The contributions, the complaint stated, were not designated by the committee for a specific election.

On April 7, 1980, the committee responded to the allegations contained in the complaint. This response stated that on December 1, 1979, a fundraiser was held "for Congressman Albosta's 1980 reelection bid" and that Mr. McVinney's $1,000 in-kind contribution of November 15, 1979, was used to pay a portion of

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1/ As Congressman Albosta was not a candidate in a 1979 election, the allegations have been applied to the 1980 primary election.

the entertainment fee at the December 1 fundraiser. The November 15 contribution was considered by both the committee and Mr. McVinney as an "in-kind contribution to the Congressman's 1980 primary election." The committee further explained that Mr. McVinney's $1,000 in-kind contribution of December 1, 1979, was used to pay for food at that same fundraiser and was given with the "understanding that it would be in furtherance of the Congressman's 1980 general election campaign." The committee filed an amended 1979 Year-End Report on April 10, 1980, which reports Mr. McVinney's $1,000 contribution of November 15, 1979, as an in-kind contribution to the 1980 primary election and his $1,000 in-kind contribution of December 1, 1979, as an in-kind contribution to the 1980 general election.

On May 15, 1980, the Commission determined that there is reason to believe that the committee violated 2 U.S.C. § 441a(f) by accepting $2,000 from Vince McVinney towards the 1980 primary election. A reason to believe notification letter and questions were mailed to the committee on May 16, 1980. On June 2, 1980, the committee's response was received by the Commission. This response stated that the purpose of the December 1, 1979, fundraiser "was to raise money for the Congressman's 1980 reelection effort" and that potential contributors to the event "were told that the fundraiser was being held to receive individual contributions toward the Congressman's 1980 reelection effort. No specification was made as to whether contributions would go towards the Congressman's 1980 primary election effort or toward

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his 1980 general election effort." Furthermore, the proceeds of the event were used to pay for the cost of the event and additional proceeds were used "for expenditures relating directly to the primary election and to the primary and general combined." According to the committee, "funds not specifically designated for the 1980 general election have been spent on the purchase of bumper stickers, yard signs, and appliques which will be used in both the primary and general election campaigns." As of May 23, 1980, the committee spent $1,814.53 on such items.

II. ANALYSIS

2 U.S.C. § 441a(a)(1)(A) prohibits any person from contributing in excess of $1,000 per candidate per election. 2 U.S.C. § 441a(f) prohibits a candidate or political committee from receiving contributions which are in violation of 2 U.S.C. § 441a.

Commission regulations specifically permit the making of contributions to the general election prior to the primary election. 11 C.F.R. § 102.9(e). Such contributions could include in-kind contributions. However, the value of the in-kind contribution must be clearly attributable to the general election effort.

In this matter, the committee accepted the value of $1,000 in food for the December 1 fundraiser from Vince McVinney as his contribution to the 1980 general election. The value of this contribution was clearly consumed at the fundraiser. While the purpose of the fundraiser was described by the committee

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to be for the "1980 reelection effort," the committee has stated that none of the proceeds from the fundraiser, except for Mr. McVinney's in-kind contribution of food, were designated for the 1980 general election. Since all the proceeds of the event, with the exception of Mr. McVinney's in-kind contribution, were considered by the committee to be contributions to the primary election, the fundraising event should be considered an event to benefit the primary election effort alone. As such, all of Mr. McVinney's $2,000 in-kind contributions were used to raise proceeds for the primary election.

Although the committee has stated that some proceeds of the event were used to pay for campaign materials which would be used in both the primary and general election, the committee caused a violation of the Act and regulations when it failed to maintain separate accounts for the primary and general elections. In order for Mr. McVinney's contribution to be considered a contribution to the general election, the committee would have had to divide the proceeds of the event between the primary and general elections. 11 C.F.R. § 102.9(e). Had this been done, and those proceeds set aside for the general election were used to benefit the general election alone, Mr. McVinney's contribution would have been permissible. The committee, however, did not choose to divide the proceeds of the event between the two elections but, instead, accounted for all the proceeds as primary election proceeds.

III. GENERAL COUNSEL'S RECOMMENDATIONS

The General Counsel recommends that the Commission find probable cause to believe that the Committee to Reelect Don Albosta violated 2 U.S.C. § 441a(f).

26 August 1980
Date

Charles N. Steele
General Counsel

ATTACHMENT #3

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Committee to Reelect

DON ALBOSTA

910327

80 SEP 25 AM 12

September 24, 1980

Mr. Charles N. Steele
General Counsel
Federal Election Commission
1815 K Street, N.W.
Washington, D. C. 20468

MUR: 1188

Dear Mr. Steele:

I write to acknowledge receipt of your letter of September 2, 1980 (which this Committee received on September 9, 1980), advising this Committee that you are ready to recommend that the Federal Elections Commission find probable cause to believe that a violation has occurred in connection with the above referenced complaint.

After reviewing your brief and the concerns and position of this Committee as stated in previous correspondence, it is the opinion of this Committee that all parties would be best served by a cordial effort at informal conciliation. Therefore, the Committee to Reelect Don Albosta hereby requests the opportunity to undertake informal conciliation discussions with your office on the matter.

Please advise this Committee in writing of the next step to be taken and the procedures you would have us follow.

The Committee looks forward to working with your staff on an amicable solution to this question.

Sincerely yours,

Dorothy Albosta

Dorothy Albosta
Treasurer

DA/vb

P.O. BOX 2239 • MIDLAND, MICHIGAN 48640

PROPOSED LETTERS AND CONCILIATION AGREEMENTS

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dorothy Albosta, Treasurer
Committee to Reelect Don Albosta
P.O. Box 2239
Midland, Michigan

Re: MUR 1188

Dear Ms. Albosta:

On September 29, 1980, the Office of General Counsel received your letter of September 24, 1980, in which you request to resolve this matter through informal conciliation.

Enclosed please find 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 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 Maura White, the staff member assigned to this matter, at 202/523-4060.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

8104250100

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1188
Committee to Reelect	)	
Don Albosta	)	

CONCILIATION AGREEMENT

This matter having been initiated by a signed, sworn, and notarized complaint by William H. Topping, an investigation having been conducted, and the Commission having found reason to believe that the Committee to Reelect Don Albosta ("Respondent") violated 2 U.S.C. § 441a(f) by accepting a $2,000 contribution from Vince McVinney for the 1980 primary election;

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

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

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

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

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

1. Respondent is the principal campaign committee of Congressman Don Albosta for the 1980 election.

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2. Respondent received a $1,000 in-kind contribution from Vince McVinney for the 1980 primary election on November 15, 1979. Said contribution was used to pay a portion of the entertainment fee at a December 1, 1979, fundraiser.

3. Respondent received a $1,000 in-kind contribution from Vince McVinney for the 1980 general election on December 1, 1979. Said contribution was used to pay for a portion of the food and beverages served at a December 1, 1979, fundraiser.

4. Respondent has stated that the purpose of the December 1, 1979, fundraiser was to raise funds for the Congressman's 1980 reelection effort.

5. Respondent did not inform contributors to the December 1, 1979, fundraiser that their contributions, or a portion thereof, would be used in the 1980 general election.

6. Respondent did not receive any proceeds from the December 1, 1979, fundraiser, with the exception of Vince McVinney's $1,000 in-kind contribution, which were designated for the general election.

7. Respondent did not divide the proceeds of the December 1, 1979, fundraiser between the 1980 primary election and 1980 general election.

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WHEREFORE, Respondent agrees:

V. Respondent violated 2 U.S.C. § 441a(f), which prohibits a political committee from accepting contributions which are in violation of 2 U.S.C. § 441a.

VI. 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).

VII. 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

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

X. It is mutually agreed that Respondent will comply with the requirement to pay a civil penalty in Paragraph VI above within thirty (30) days from the date this agreement becomes effective.

Date	Charles N. Steele General Counsel Federal Election Commission
Date	Dorothy Albosta Treasurer Committee to Reelect Don Albosta

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Vince McVinney
P.O. Box 1041
Dunedin, Florida

Re: MUR 1188

Dear Mr. McVinney:

On , 1980, the Commission determined there is probable cause to believe that you committed a violation of § 441a(a)(1)(A) of the Federal Election Campaign Act of 1971, as amended ("the Act"), in connection with the making of a $2,000 contribution to the Committee to Reelect Don Albosta for the 1980 primary election.

The Commission has a duty to attempt to correct such violations for a period of at least 15 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 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 Maura White, the staff member assigned to this matter, at 202/523-4060.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1188
Vince McVinney)

CONCILIATION AGREEMENT

This matter having been initiated by a signed, sworn, and notarized complaint by William H. Topping, an investigation having been conducted, and probable cause to believe having been found that Vince McVinney ("Respondent") violated 2 U.S.C. § 441a(a)(1)(A) by making a $2,000 contribution to the Committee to Reelect Don Albosta for the 1980 primary election;

NOW, THEREFORE, the Commission and Respondent, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A) 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 made a $1,000 contribution to the Committee to Reelect Don Albosta on November 15, 1979, designated for the 1980 primary election, and a $1,000 contribution to the same committee on December 1, 1979, designated for the 1980 general election. Both contributions were in-kind contributions of entertainment, food, and beverages for a fundraiser held by that committee on December 1, 1979.

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2. The Committee to Reelect Don Albosta did not inform contributors to the December 1, 1979, fundraiser than their contributions or a portion thereof, would be used in the 1980 general election.

3. No proceeds raised at the December 1, 1979, fundraiser by the Committee to Reelect Don Albosta, with the exception of Respondent's $1,000 in-kind contribution of December 1, 1979, were designated for the 1980 general election.

4. Respondent's in-kind contributions of November 15, 1979, and December 1, 1979, were both used to raise proceeds for the 1980 primary election.

WHEREFORE, Respondent agrees:

V. Respondent violated 2 U.S.C. § 441a(a)(1)(A), which prohibits an individual from contributing more than $1,000 to a federal candidate with respect to each election to federal office.

VI. 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).

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

GENERAL CONDITIONS

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it

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may institute a civil action for relief in the United States District Court for the District of Columbia.

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

X. It is mutually agreed that Respondent will comply with the requirement to pay a civil penalty in Paragraph VI above within thirty (30) days from the date this agreement becomes effective.

Date	Charles N. Steele General Counsel Federal Election Commission
Date	Vince McVinney

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Committee to Reelect

DON ALBOSTA

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2802

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September 24, 1980

Mr. Charles N. Steele
General Counsel
Federal Election Commission
1815 K Street, N.W.
Washington, D. C. 20468

MUR: 1188

Dear Mr. Steele:

I write to acknowledge receipt of your letter of September 2, 1980 (which this Committee received on September 9, 1980), advising this Committee that you are ready to recommend that the Federal Elections Commission find probable cause to believe that a violation has occurred in connection with the above referenced complaint.

After reviewing your brief and the concerns and position of this Committee as stated in previous correspondence, it is the opinion of this Committee that all parties would be best served by a cordial effort at informal conciliation. Therefore, the Committee to Reelect Don Albosta hereby requests the opportunity to undertake informal conciliation discussions with your office on the matter.

Please advise this Committee in writing of the next step to be taken and the procedures you would have us follow.

The Committee looks forward to working with your staff on an amicable solution to this question.

Sincerely yours,

Dorothy Albosta

Dorothy Albosta
Treasurer

DA/vb

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P. O. BOX 2239 • MIDLAND, MICHIGAN 48640

COMMITTEE TO REELECT DON ALBOSTA
P. O. Box 2239
Midland, Michigan 48640

SAGINAW, MICH. 48
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1980

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Mr. Charles N. Steele
General Counsel
Federal Election Commission
1815 K Street, N.W.
Washington, D.C. 20468

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

September 2, 1980

Vince McVinney
P.O. Box 1041
Dunedin, Florida

Re: MUR 1188

Dear Mr. McVinney:

Based on a complaint filed with the Commission on March 13, 1980, and information supplied by you, the Commission determined on May 15, 1980, that there was reason to believe that you violated section 441a(a)(1)(A) of the Federal Election Campaign Act of 1971, as amended and instituted an investigation of this matter.

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

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

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

Should you have any questions, please contact Maura White at (202) 523-4060.

Sincerely,

Charles N. Steele
General Counsel

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PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

(CONSULT POSTMASTER FOR FEES)

RECEIVED
80 SEP 12 AM 11:47

2. ARTICLE ADDRESSED TO:
Vince McKinney
P.O. Box 1041
Dunedin, Fla.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	82.0946	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY | POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS

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DUNEDIN, FL SEP 9 1980 USPO

☆ GPO: 1978-272-382

Mar 1988 White

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 2, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dorothy Albosta, Treasurer
Committee to Reelect Don Albosta
Box 2239
Midland, Michigan 48640

Re: MUR 1188

Dear Ms. Albosta:

Based on a complaint filed with the Commission on March 13, 1980, and information supplied by your committee, the Commission determined on May 15, 1980, that there was reason to believe that your committee violated section 441a(f) of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of 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 General Counsel.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

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

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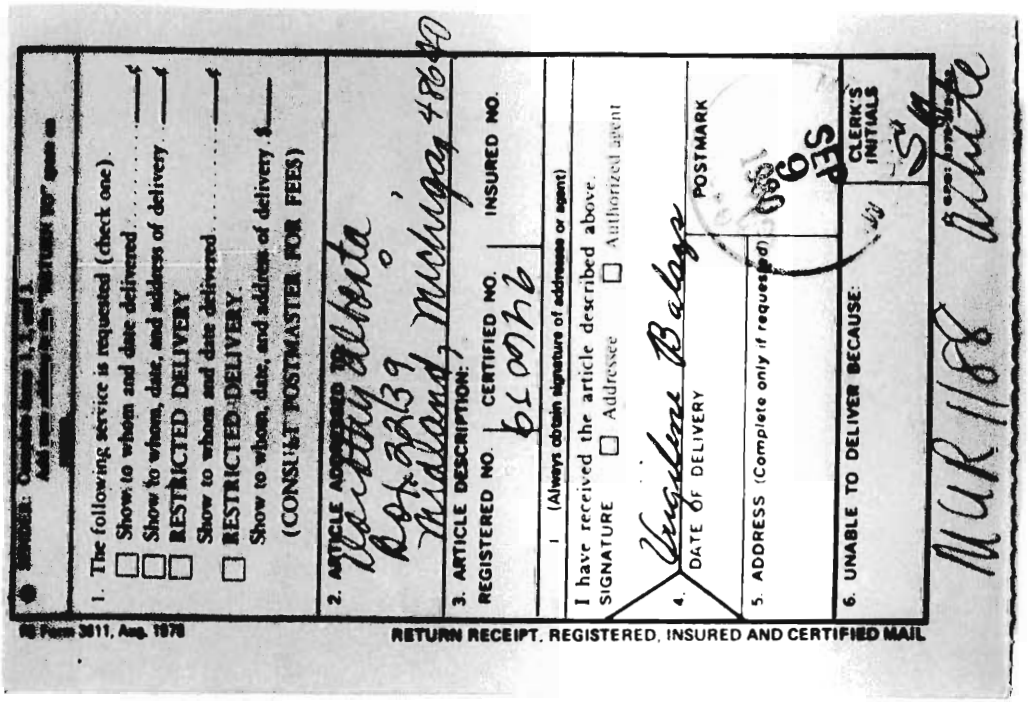
Should you have any questions, please contact Maura White at (202) 523-4060.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Brief



September 2, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1188

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 2, 1980

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: MUR 1188

Attached for the Commission's review are two briefs stating the positions of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of each brief and a letter notifying each respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed to the Committee to Reelect Don Albosta on September 2,1980, and to Vince McVinney on August 29 , 1980. Following receipt of each respondent's reply to the notice this office will make a further report to the Commission.

Attachments
1. Briefs
2. Letters to Respondents

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY
80 SEP 2 P5: 14

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BEFORE THE FEDERAL ELECTION COMMISSION
July 2, 1980

In the Matter of	)	
	)	MUR 1188
Committee to Re-Elect	)	
Don Albosta	)	

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On March 13, 1980, William H. Topping filed a complaint with the Federal Election Commission against the Committee to Re-elect Don Albosta ("Committee") based on information reported by the committee in its 1979 Year-End Report. The complaint alleged, among other things, that the committee violated 2 U.S.C. § 441a by accepting two in-kind contributions of $1,000 each from Vince McVinney towards the 1979 election. 1/ The contributions, the complaint stated, were not designated by the committee for a specific election.

On April 7, 1980, the committee responded to the allegations contained in the complaint. This response stated that on December 1, 1979, a fundraiser was held "for Congressman Albosta's 1980 reelection bid" and that Mr. McVinney's $1,000 in-kind contribution of November 15, 1979, was used to pay a portion of

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1/ As Congressman Albosta was not a candidate in a 1979 election, the allegations have been applied to the 1980 primary election.

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the entertainment fee at the December 1 fundraiser. The November 15 contribution was considered by both the committee and Mr. McVinney as an "in-kind contribution to the Congressman's 1980 primary election." The committee further explained that Mr. McVinney's $1,000 in-kind contribution of December 1, 1979, was used to pay for food at that same fundraiser and was given with the "understanding that it would be in furtherance of the Congressman's 1980 general election campaign." The committee filed an amended 1979 Year-End Report on April 10, 1980, which reports Mr. McVinney's $1,000 contribution of November 15, 1979, as an in-kind contribution to the 1980 primary election and his $1,000 in-kind contribution of December 1, 1979, as an in-kind contribution to the 1980 general election.

On May 15, 1980, the Commission determined that there is reason to believe that the committee violated 2 U.S.C. § 441a(f) by accepting $2,000 from Vince McVinney towards the 1980 primary election. A reason to believe notification letter and questions were mailed to the committee on May 16, 1980. On June 2, 1980, the committee's response was received by the Commission. This response stated that the purpose of the December 1, 1979, fundraiser "was to raise money for the Congressman's 1980 reelection effort" and that potential contributors to the event "were told that the fundraiser was being held to receive individual contributions toward the Congressman's 1980 reelection effort. No specification was made as to whether contributions would go towards the Congressman's 1980 primary election effort or toward

his 1980 general election effort." Furthermore, the proceeds of the event were used to pay for the cost of the event and additional proceeds were used "for expenditures relating directly to the primary election and to the primary and general combined." According to the committee, "funds not specifically designated for the 1980 general election have been spent on the purchase of bumper stickers, yard signs, and appliques which will be used in both the primary and general election campaigns." As of May 23, 1980, the committee spent $1,814.53 on such items.

II. ANALYSIS

2 U.S.C. § 441a(a)(1)(A) prohibits any person from contributing in excess of $1,000 per candidate per election. 2 U.S.C. § 441a(f) prohibits a candidate or political committee from receiving contributions which are in violation of 2 U.S.C. § 441a.

Commission regulations specifically permit the making of contributions to the general election prior to the primary election. 11 C.F.R. § 102.9(e). Such contributions could include in-kind contributions. However, the value of the in-kind contribution must be clearly attributable to the general election effort.

In this matter, the committee accepted the value of $1,000 in food for the December 1 fundraiser from Vince McVinney as his contribution to the 1980 general election. The value of this contribution was clearly consumed at the fundraiser. While the purpose of the fundraiser was described by the committee

to be for the "1980 reelection effort," the committee has stated that none of the proceeds from the fundraiser, except for Mr. McVinney's in-kind contribution of food, were designated for the 1980 general election. Since all the proceeds of the event, with the exception of Mr. McVinney's in-kind contribution, were considered by the committee to be contributions to the primary election, the fundraising event should be considered an event to benefit the primary election effort alone. As such, all of Mr. McVinney's $2,000 in-kind contributions were used to raise proceeds for the primary election.

Although the committee has stated that some proceeds of the event were used to pay for campaign materials which would be used in both the primary and general election, the committee caused a violation of the Act and regulations when it failed to maintain separate accounts for the primary and general elections. In order for Mr. McVinney's contribution to be considered a contribution to the general election, the committee would have had to divide the proceeds of the event between the primary and general elections. 11 C.F.R. § 102.9(e). Had this been done, and those proceeds set aside for the general election were used to benefit the general election alone, Mr. McVinney's contribution would have been permissible. The committee, however, did not choose to divide the proceeds of the event between the two elections but, instead, accounted for all the proceeds as primary election proceeds.

III. GENERAL COUNSEL'S RECOMMENDATIONS

The General Counsel recommends that the Commission find probable cause to believe that the Committee to Reelect Don Albosta violated 2 U.S.C. § 441a(f).

26 August 1980
Date

Charles N. Steele
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION
June 30, 1980

In the Matter)
) MUR 1188
Vince McVinney)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On March 13, 1980, William H. Topping filed a complaint with the Federal Election Commission against the Committee to Re-elect Don Albosta ("committee") based on information reported by the committee in its 1979 Year-End Report. The complaint alleged, among other things, that the committee violated 2 U.S.C. § 441a by accepting two in-kind contributions of $1,000 each from Vince McVinney towards the 1979 election. 1/ The contributions, the complaint stated, were not designated by the committee for a specific election.

On April 7, 1980, both the committee and Mr. McVinney responded to the allegations contained in the complaint. The committee's response stated that on December 1, 1979, a fundraiser was held "for Congressman Albosta's 1980 reelection bid" and that Mr. McVinney's $1,000 in-kind contribution of November 15, 1979, was used to pay a portion of the entertainment fee at the December 1 fundraiser. The November 15 contribution was considered by both the committee and Mr. McVinney as an "in-kind contribution to

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1/ As Congressman Albosta was not a candidate in a 1979 election, the allegations have been applied to the 1980 primary election.

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the Congressman's 1980 primary election." The committee further explained that Mr. McVinney's $1,000 in-kind contribution of December 1, 1979, was used to pay for food at that same fundraiser and was given with the "understanding that it would be in furtherance of the Congressman's 1980 general election campaign." Mr. McVinney's response to the complaint concurred with the response of the committee. The committee filed an amended 1979 Year-End Report on April 10, 1980, which reports Mr. McVinney's $1,000 contribution of November 15, 1979, as an in-kind contribution to the 1980 primary election and his $1,000 in-kind contribution of December 1, 1979, as an in-kind contribution to the 1980 general election.

On May 15, 1980, the Commission determined that there is reason to believe that Vince McVinney violated 2 U.S.C. § 441a(a)(1)(A) by contributing $2,000 to the committee for the 1980 primary election. A reason to believe notification letter was mailed to Vince McVinney on May 16, 1980. On June 2, 1980, the committee's response to the reason to believe notification was received by the Commission. To date, Mr. McVinney has not responded to the notification. The committee's response stated that the purpose of the December 1, 1979, fundraiser "was to raise money for the Congressman's 1980 reelection effort" and that potential contributors to the event "were told that the fundraiser was being held to receive individual contributions toward the Congressman's 1980 reelection effort. No specification was made as to whether contributions would go towards the Congressman's 1980 primary election effort or toward his 1980 general election effort." Furthermore, the proceeds of the event were used to

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pay for the cost of the event and additional proceeds were used for expenditures relating directly to the primary election and and to the primary and general combined." According to the committee, "funds not specifically designated for the 1980 general election have been spent on the purchase of bumper stickers, yard signs, and appliques which will be used in both the primary and general election campaigns." As of May 23, 1980, the committee spent $1,814.53 on such items.

II. ANALYSIS

2 U.S.C. § 441a(a)(1)(A) prohibits any person from contributing in excess of $1,000 per candidate per election. 2 U.S.C. § 441a(f) prohibits a candidate or political committee from receiving contributions which are in violation of 2 U.S.C.§ 441a.

Commission regulations specifically permit the making of contributions to the general election prior to the primary election. 11 C.F.R. § 102.9(e). Such contributions could include in-kind contributions. However, the value of the in-kind contribution must be clearly attributable to the general election effort.

In this matter, the committee accepted the value of $1,000 in food for the December 1 fundraiser from Vince McVinney as his contribution to the 1980 general election. The value of this contribution was clearly consumed at the fundraiser. While the purpose of the fundraiser was described by the committee to be for the "1980 reelection effort," the committee has stated that none of the proceeds from the fundraiser, except for Mr. McVinney's in-kind contribution of food, were designated for the 1980 general election. Since all the proceeds of the event,

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with the exception of Mr. McVinney's in-kind contribution, were considered by the committee to be contributions to the primary election, the fundraising event should be considered an event to benefit the primary election effort alone. As such, all of Mr. McVinney's $2,000 in-kind contributions were used to raise proceeds for the primary election and should be considered contributions to the 1980 primary election.

III. GENERAL COUNSEL'S RECOMMENDATION

The General Counsel recommends that the Commission find probable cause to believe that Vince McVinney violated 2 U.S.C. § 441a(a)(1)(A).

2 Sept. 1980
Date

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

September 2, 1980

Vince McVinney
P.O. Box 1041
Dunedin, Florida

Re: MUR 1188

Dear Mr. McVinney:

Based on a complaint filed with the Commission on March 13, 1980, and information supplied by you, the Commission determined on May 15, 1980, that there was reason to believe that you violated section 441a(a)(1)(A) of the Federal Election Campaign Act of 1971, as amended and instituted an investigation of this matter.

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

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

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

Should you have any questions, please contact Maura White at (202) 523-4060.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 2, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dorothy Albosta, Treasurer
Committee to Reelect Don Albosta
Box 2239
Midland, Michigan 48640

Re: MUR 1188

Dear Ms. Albosta:

Based on a complaint filed with the Commission on March 13, 1980, and information supplied by your committee, the Commission determined on May 15, 1980, that there was reason to believe that your committee violated section 441a(f) of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of 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 General Counsel.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

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

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Should you have any questions, please contact Maura White at (202) 523-4060.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Brief

81040501128

MEMO TO THE FILE MUR 88

DATE: June 13, 1980

The attached letter to Charles McNally, informing him that the Commission found no reason to believe that he violated 2 U.S.C. § 441a, was returned to the Commission "unclaimed." I spoke with the Owosso City Clerk(517-743-3421) who informed me that Mr. McNally had left town. The clerk did provide, however, the address of Mr. McNally's employer:

Jones Lawler
16291 West Fourteen Mile Rd.
Birmingham, Michigan 48009

It was decided that this letter should not be sent to the employer's address.

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ELECTION COMMISSION
TON,D.C. 20463

Mr. Charles McNally
100 S. Washington
Owosso, Michigan 48867

UNCLAIMED

POSTAGE AND FEES PAID

CLAIM CHECK NO.

HOLD

DATE RRB 5-17-80

1ST NOTICE

MAY 28 1980

2ND NOTICE

RETURN

Detached from PS Form 3849-A May 1979

CERTIFIED

GY-185

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 16, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles McNally
100 South Washington
Owosso, Michigan 48867

Re: MUR 1188

Dear Mr. McNally:

On March 19, 1980, the Commission notified you of a complaint alleging that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on May 15, 1980, determined that on the basis of the information in the complaint and information provided by you that there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter.

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles McNally
100 South Washington
Owosso, Michigan 48867

Re: MUR 1188

Dear Mr. McNally:

On March 19, 1980, the Commission notified you of a complaint alleging that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on May 15, 1980, determined that on the basis of the information in the complaint and information provided by you that there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter.

Charles N. Steele mw 5/16
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 16, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Vince McVinney
100 South Washington
Owosso, Michigan

Re: MUR 1188

Dear Mr. McVinney:

The Federal Election Commission notified you on March 19, 1980, of a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at the time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on May 15, 1980, determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A). Specifically, it appears that your December 1, 1979, in-kind contribution of $1,000 to the Committee to Re-Elect Congressman Don Albosta was in excess of the contribution limitations. A copy of the Commission's finding is enclosed for your information.

You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

In absence of any additional information which demonstrates that no further action should be taken against you, 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.

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

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Letter to: Vince McVinney
Page 2

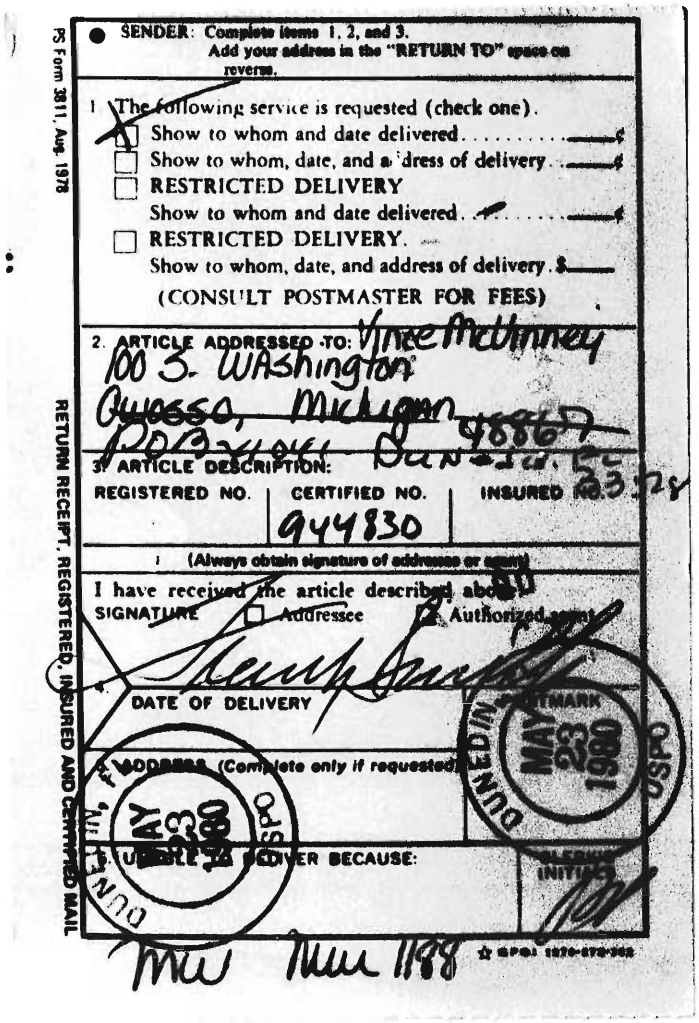
If you have any questions, please contact Maura White, the staff member assigned to this matter at 202/523-4060.

Sincerely,

Robert O Tiernan

Robert O. Tiernan
Chairman

Enclosure


PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
- [x] 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: Vince McVinney
100 S. Washington
Owosso, Michigan 48867
PO Box 4041 Dunedin, FL 33528

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	944830	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

DUNEDIN, FL MAY 23 1980 USPO

MW Mar 1188

☆ GPO: 1979-272-362

Committee to Reelect

DON ALBOSTA

RECEIVED
GCC # 1520
'79 JUN 2 AM 9:50

May 28, 1980

Mr. Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, NW
Washington, D.C. 20463

C08249

'80 JUN 2 A11:07

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Dear Mr. Steele:

The Committee to Reelect Don Albosta, of which I am Treasurer, has received your letter of May 16, 1980, and the enclosed interrogatories. I am enclosing the Committee's reply with this letter.

It is still the belief of this Committee that there has been no violation of the Federal election laws by the Committee. Some confusion does exist and for that the Committee is truly sorry. It is our intent to provide you with whatever information you may feel necessary to gain a better understanding of our actions and our intent to adhere to the law.

This Committee held a fundraiser in Owosso, Michigan, on December 1, 1979. The purpose of that event was to raise money for the Congressman's reelection. No effort was made to specify that it was for the primary or for the general election exclusively. To the Committee and to the people in the Congressman's District, there is one year-long reelection effort, not two specific elections. Perhaps therein lies some confusion. The Committee, in its review of the law, sees no problem with accepting an IN-KIND contribution to help pay for an event which solicits funds for the two-election period, and assigning that contribution toward the general election. The Committee is aware of the $1000 contribution limit and, in fact, advised Mr. McVinney of it prior to his second $1000 contribution to a 1980 election. He stipulated that his second $1000 contribution was to be credited against general election expenditures.

To further illustrate points in the responses to interrogatories, I am also submitting copies of the newspaper ads, the radio ad script and our separate ledger for 1980 general election contributions made prior to the 1980 primary election.

Under separate cover the Committee is sending a second amendment to the January 31, 1980, report designating non-operating expenditures as being for the primary or general election. Following a discussion between this Committee and the FEC General Counsel's office, it was determined that only non-operating expenditures need be designated for a specific election. Furthermore, the second amendment will revise the reporting of one expenditure for $2000 originally marked for Chemical Bank and Trust and cause it to read Jan Murray, as requested by the Commission.

P. O. BOX 2239 • MIDLAND, MICHIGAN 48640

Again, let me thank the Commission for its assistance in resolving this matter. We wish to abide by the law and stand ready to work with the Commission to assure that we do.

Sincerely yours,

Dorothy Albosta

Dorothy Albosta
Treasurer

DA

Enclosures

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INTERROGATORIES / REQUESTS FOR INFORMATION

ASKED BY: The Federal Election Commission
ASKED OF: Committee to Reelect Don Albosta
RE: FEC Complaint MUR 1188

1. STATE THE PURPOSE OF THE FUNDRAISER HELD ON DECEMBER 1, 1979.

The purpose of the fundraiser held by the Committee to Reelect Don Albosta on December 1, 1979, in Owosso, Michigan, was to raise money for the Congressman's 1980 reelection effort.

2. WHAT WERE POTENTIAL CONTRIBUTORS TO THE DECEMBER 1, 1979, FUNDRAISER TOLD AS TO THE PURPOSE OF THE FUNDRAISER?

Potential contributors to the December 1, 1979, fundraiser were told that the fundraiser was being held to receive individual contributions toward the Congressman's 1980 reelection effort. No specification was made as to whether contributions would go towards the Congressman's 1980 primary election effort or toward his 1980 general election effort.

3a. HOW WERE CONTRIBUTIONS TO THE DECEMBER 1, 1979, FUNDRAISER SOLICITED?

Contributions to the December 1, 1979, fundraiser were solicited by three means: personal contact, radio advertisements, and newspaper advertisements.

3b. DID THE SOLICITATION OF CONTRIBUTIONS TO THE DECEMBER 1, 1979, FUNDRAISER INCLUDE ANY STATEMENT THAT THE PROCEEDS WOULD BE USED IN THE GENERAL ELECTION?

Radio and newspaper advertisements soliciting contributions to the December 1, 1979, fundraiser did not include any statement that proceeds would be used in the general election. Neither did they include any statement that proceeds would be used exclusively in the primary elections. Persons soliciting contributions to the December 1, 1979, fundraiser were not advised by the Committee to state that the proceeds would be used in the general election. Neither were they advised to state that the proceeds would be used exclusively in the primary election.

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4. WERE ANY PROCEEDS FROM THE DECEMBER 1, 1979, FUNDRAISER DESIGNATED FOR THE GENERAL ELECTION?

Yes, a $1000.00 IN-KIND contribution by Mr. Vince McVinney, on December 1, 1979.

IF THE ANSWER IS YES, STATE THE AMOUNT AND INDICATE WHETHER OR NOT ANY PORTION HAS BEEN EXPENDED, TO DATE, ON GENERAL ELECTION EFFORTS.

The full amount of Mr. McVinney's contribution IN-KIND ($1000.00) was expended upon receipt. In addition, funds not specifically designated for the 1980 general election have been spent on the purchase of bumper stickers, yard signs, and appliques which will be used in both the primary and general election campaigns. The Committee has no way of determining exactly what portion of the expenditures for bumper stickers, yard signs, and appliques will be used in each election, but fully intends that they be used in both. The Committee has thus far (as of May 23, 1980) spent $307.70 on bumper stickers; $585.00 on yard signs (with an equal payment due on delivery); and $921.83 on appliques.

5. STATE HOW THE PROCEEDS OF THE DECEMBER 1, 1979, FUNDRAISER WERE USED.

The proceeds of the December 1, 1979, fundraiser were used first to pay for the costs of the event. This included newspaper advertising, $140.94; radio advertising, $99.00; entertainer, $2000.00; beer and wine, $126.30; and other incidental expenses.

Additional proceeds have been used for expenditures relating directly to the primary election and to the primary and general combined (as detailed in Question 4).

SPECIAL LEDGER

CONTRIBUTIONS TOWARD 1980 GENERAL ELECTION before the PRIMARY ELECTION (August 5, 1980)

12	1	Vince McVinney 100 S. Washington St. Owosso, MI 48867	IN KIND	1000	

8104025013 8

© WILSON JONES COMPANY G7502 GREEN PAT APPL FOR 1178 MADE IN U.S.A.

JIM WRIGHT, THE MAJORITY LEADER OF THE U.S. HOUSE OF REPRESENTATIVES, AND AN EXPERT ON ENERGY, WILL BE THE GUEST SPEAKER AT A BIRTHDAY BUFFET FOR CONGRESSMAN DON ALBOSTA, SATURDAY DECEMBER 1, IN OWOSSO AT THE PRESIDENTIAL ARMS HOTEL.

IN ADDITION TO CONGRESSMAN WRIGHT, MICHIGAN CONGRESSMEN DALE KILDEE, BOB CARR AND BOB TRAXLER WILL BE ATTENDING.

ENTERTAINMENT WILL BE PROVIDED BY STAGE AND TELEVISION STAR JAN MURRAY.

TICKETS FOR THE EVENT WHICH BEGINS AT 6 P.M. ARE $20 PER PERSON.

CALL THE PRESIDENTIAL ARMS HOTEL AT 723-5221 FOR TICKET INFORMATION.

THAT'S U.S. HOUSE MAJORITY LEADER JIM WRIGHT, IN OWOSSO SATURDAY, DECEMBER 1, TO CELEBRATE CONGRESSMAN DON ALBOSTA'S BIRTHDAY. FOR MORE INFORMATION CALL THE PRESIDENTIAL ARMS HOTEL AT 723-5221.

JOIN CONGRESSMAN ALBOSTA'S FRIENDS IN WISHING HIM A HAPPY BIRTHDAY.

PAID FOR AND AUTHORIZED BY THE ALBOSTA FOR CONGRESS '78 COMMITTEE. DUDLEY KIRBY TREASURER.

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Sag. Valley News
11-23-79

BIRTHDAY CELEBRATION FOR
U.S. CONGRESSMAN DON ALBOSTA
GUEST SPREAKER
House Majority Leader

JIM WRIGHT
(D-Texas)
SATURDAY,
DECEMBER 1, 1979

Presidential
Arms Hotel
100 Washington
St., Owosso
Elaborate
Gourmet
Buffet
6-8 PM

Don Albosta

Jim Wright

Michigan Congressmen Bob Traxler, Bob Carr, and Dale Kildee will attend
Entertainment; TV and Stage Star Jan Murray
$20.00 per person
Ticket information call 517-723-5221

A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission Washington D.C. Paid for and authorized by the Albosta for Congress '78" Committee.

Birthday Celebration for U.S. Congressman Don Albosta

Don Albosta

Jim Wright

Guest Speaker
U.S. House Majority Leader
Jim Wright
(D-Texas)

An Elaborate Gourmet Buffet

SATURDAY, DECEMBER 1, 1979
Presidential Arms Hotel
100 Washington St., Owosso
Michigan Congressmen Bob Traxler, Bob Carr
and Dale Kildee will attend.
Entertainment: TV and Stage Star Jan Murray
$20 per person 6-8 p.m.
Ticket information: Call 517-723-5221

A copy of our report is filed with the Federal Election Commission, and is available for purchase from the Federal Election Commission, Washington, D.C.
Paid for and authorized by the Albosta for Congress '78 Committee.

Owosso Argus 11-21-79

Sag. Daily News

Congressman Jim Wright To Appear At Congressman Albosta Function

11-23-79

U.S. House Majority Leader Jim Wright, will be the guest speaker at a Birthday Party in Owosso for 10th District Congressman Don Albosta on December 1, from 6 to 8 p.m.

Wright, a Texas Democrat, and one of the most powerful men in the House of Representatives will speak on issues being worked on in Washington, and will concentrate on the energy issue.

The birthday celebration for Albosta, a first term Democrat from St. Charles, will be held in the Presidential Arms Hotel in Owosso. In addition to Wright, Michigan Congressman, Bob Traxler, Dale Kildee and Bob Carr are scheduled to attend.

In 1975 Wright was appointed chairman of the House Democratic Task Force on Energy and the Economy and led in the development of historic Congressional programs in these fields.

Those interested in purchasing tickets for the event should call 517-835-9862. The price for the tickets is $20.

An elaborate gourmet buffet is planned. Musical entertainment will also be provided.

Clearing - Montrose Argus 11-21-79

Birthday Party Slated For Albosta

U.S. House Majority Leader Jim Wright, will be the guest speaker at a Birthday party in Owosso for 10th District Congressman Don Albosta on December 1 from 6 to 8 p.m.

Wright, a Texas Democrat, and one of the most powerful men in the House of Representatives will speak on issues being worked on in Washington, and will concentrate on the energy issue.

The birthday celebration for Albosta, a first term Democrat from St. Charles, will be held in the Presidential Arms Hotel, in Owosso. In addition to Wright, Michigan Congressmen, Bob Traxler, Dale Kildee and Bob Carr are scheduled to attend.

Wright, represents the city of Fort Worth, in Congress, and was once praised by President John F. Kennedy who said, "I know of no other city that's better represented in the Congress of the United States than Fort Worth."

In 1975 Wright was appointed chairman of the House Democratic Task Force on Energy and the Economy, and led the development of historic Congressional programs in these fields.

Wright is coming to the area to honor Albosta, and help raise funds for the Congressman's campaign.

Those interested in purchasing tickets for the event shold call 517-835-9862. The price for the tickets is $20.00.

An elaborate gourmet buffet is planned.

Albosta Birthday Party

OWOSSO – U.S. House Majority Leader Jim Wright, will be the guest speaker at this Saturday evening's birthday party of 10th District Congressman Don Albosta.

The party, from 6 until 8 p.m. on Saturday will be held at the Presidential Arms Hotel, in Owosso.

Wright, a Texas Democrat, and one of the most powerful men in the House of Representatives, will speak on issues being worked on in Washington, and will concentrate on the energy issue.

Also on hand for the observance will be Michigan Congressmen, Bob Traxler, Dale Kildee and Bob Carr.

The evening is planned to honor Albosta and to raise funds for the first term democrat's campaign in 1980.

An elaborate gourmet buffet is planned. Tickets are $20.00 and can be purchased by phoning (517) 835-9862.

Clearing - Montrose Argus 11-28-79

COMMITTEE TO REELECT DON ALBOSTA
P. O. Box 2239
Midland, Michigan 48640

Mr. Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

ATTN: Ms. Maura White

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FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE May 16, 1980

MUR NO. 1188
STAFF MEMBER(S) & TEL. NO.
M. White/ D. Branch
202/523-4060 & 523-4166

RESPONDENT Vince McVinney

SOURCE OF MUR: COMPLAINT FILED

BACKGROUND

On March 13, 1980, William Topping filed a complaint with the Federal Election Commission alleging that Vince McVinney violated the limits of 2 U.S.C. § 441a by contributing $2,000 to Congressman Albosta's 1979 campaign.* Vince McVinney was notified by the Commission on March 19, 1980, that a complaint had been filed; his response to the complaint was received on April 7, 1980.

FACTUAL BASIS AND LEGAL ANALYSIS

The 1979 Year-End Report of the Committee to Re-Elect Congressman Don Albosta (the "Committee") reports the receipt of two in-kind contributions from Vince McVinney; $1,000 was received on November 15, 1979, and $1,000 was received on December 1, 1979. The report does not designate an election to which either contribution is to be applied. According to responses to the complaint

*/ As Congressman Albosta (MI-10) was not a candidate in a 1979 congressional race, the allegations have been applied to the next election, the 1980 primary election.

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received from Vince McVinney and the Committee, Mr. McVinney's in-kind contribution of November 15, 1979, was for the 1980 primary election and his contribution of December 1, 1979, was for the 1980 general election.

It is permissible to make contributions to the general election prior to the primary election. 11 C.F.R. § 102.9(e) (former § 101.2(d)). However, the making of an in-kind contribution designated for a general election prior to a primary election may raise additional problems.

Mr. McVinney's December 1, 1979, contribution (designated for the 1980 general election) was an in-kind contribution to the committee to assist it in holding a fundraiser. Although the fundraiser has been described as for the Congressman's 1980 re-election bid, there is no indication that any money raised at this function was designated for the 1980 general election. Also, it is not known if the solicitations to this event indicated that the fundraiser was for both the 1980 primary and general elections. If the fundraiser was conducted for the primary election alone, and no funds designated for the general election were raised, then Mr. McVinney's $1,000 in-kind contribution of December 1, 1979, for the cost of the fundraiser should be considered as a contribution to the 1980 primary rather than general election.

2 U.S.C. § 441a(a)(1)(A) prohibits any person from contributing in excess of $1,000 per candidate per election.

Based on the foregoing analysis, the Commission has found:

1. Reason to believe that Vince McVinney violated 2 U.S.C. § 441a(a)(1)(A).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 16, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dorothy Albosta, Treasurer
Committee to Re-Elect
Congressman Don Albosta
P.O. Box 2239
Midland, Michigan

Re: MUR 1188

Dear Ms. Albosta:

The Federal Election Commission notified you on March 17, 1980, of a complaint which alleges that your committee, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on May 15, 1980, determined that there is reason to believe that your committee violated 2 U.S.C. § 441a(f). Specifically, it appears that the committee's acceptance of a $1,000 in-kind contribution from Vince McVinney on December 1, 1979, was in violation of 2 U.S.C. § 441a.

Enclosed is a copy of the Commission's finding for your information.

Please submit answers to the enclosed questions within 10 days of receipt of this letter. Where appropriate statements should be submitted under oath.

In 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.

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

Additionally, on May 15, 1980, the Commission determined that on the basis of information contained in the complaint and information provided by you that there is no reason to believe that your committee violated 2 U.S.C. § 434, or 11 C.F.R. § 104.3, or 2 U.S.C. § 441a(f) in regard to the contributions of Charles McNally. Please be advised that contributions designated for the purpose of debt retirement from a previous election may only be used for that purpose. 11 C.F.R. § 110.1.

On April 10, 1980, your committee filed an amended 1979 Year-End Report. While this amendment did rectify previous omissions in regard to contributor information it failed to amend expenditure information. The expenditure schedule should be amended to: 1) designate expenditures for either the primary or general elections, and 2) report the expenditure of $2,000 on November 3, 1979, to Jan Murray as Mr. Murray was the ultimate payee and not the Chemical Bank and Trust. Please submit this amendment within 15 days of receipt of this letter.

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

Sincerely,

Robert O. Tiernan

Robert O. Tiernan
Chairman

Enclosures

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PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one)
- [X] 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: Dorothy Albosta
Committee to Re-elect Congressman
Don Albosta
Box 2239 Midland, MI 48640

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	944831	

(Always obtain signature of addressee or agent)

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

Patrick E Carey

4. DATE OF DELIVERY

POSTMARK: MAY 20 1980

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE

CLERK'S INITIALS

MW Mun 1188

☆ GPO: 1978-272-302

INTERROGATORIES/ REQUESTS FOR INFORMATION

1. State the purpose of the fundraiser held on December 1, 1979.

2. What were potential contributors to the December 1, 1979, fundraiser told as to the purpose of the fundraiser?

3a. How were contributions to the December 1, 1979, fundraiser solicited?

3b. Did the solicitation of contributions to the December 1, 1979, fundraiser include any statement that the proceeds would be used in the general election?

4. Were any proceeds from the December 1, 1979, fundraiser designated for the general election? If the answer is yes, state the amount and indicate whether or not any portion has been expended, to date, on general election efforts.

5. State how the proceeds of the December 1, 1979, fundraiser were used.

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FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE May 16, 1980

MUR NO. 1188
STAFF MEMBER(S) & TEL. NO.
M. White/ D. Branch
202/523-4060 & 523-4143

RESPONDENT Committee to Re-Elect Congressman Don Albosta

SOURCE OF MUR: COMPLAINT FILED

BACKGROUND

On March 13, 1980, William Topping filed a complaint with the Federal Election Commission alleging that the Committee to Re-Elect Congressman Don Albosta (the "Committee") violated 2 U.S.C. § 441a(f) by accepting a $2,000 contribution for the 1979* election from Vince McVinney.

The Committee was notified of the filing of the complaint on March 17, 1980, and responded to the allegations on April 7, 1980. The Committee filed an amended Year-End Report on April 10, 1980.

FACTUAL BASIS AND LEGAL ANALYSIS

The 1979 Year-End Report of the Committee to Re-Elect Congressman Don Albosta (the "Committee") reports the receipt of two in-kind contributions from Vince McVinney; $1,000 was received on November 15, 1979, and $1,000 was received on December 1, 1979. The report does not designate an election to which either contribution is to be applied. According to responses to the complaint received from Vince McVinney and the Committee, Mr. McVinney's in-kind contribution of November 15, 1979,

*/ As Congressman Albosta (MI-10) was not a candidate in a 1979 congressional race, the allegations have been applied to the next election, the 1980 primary.

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was designated for the 1980 primary election and his contribution of December 1, 1979, was designated for the 1980 general election. The amended Year-End Report reflects this information.

It is permissible to receive contributions to the general election prior to the primary election. 11 C.F.R. § 102.9(e) (former § 101.2(d)). However, if such activity occurs, a committee must maintain an acceptable accounting method to distinguish between contributions received for the primary election and contributions received for the general election. 11 C.F.R. § 102.9(e) (former § 101.2(d)). Also, the making of an in-kind contribution designated for a general election prior to a primary election may raise additional problems.

Mr. McVinney's December 1, 1979, contribution (designated for the 1980 general election) was an in-kind contribution to the Committee to assist it in holding a fundraiser. Although the fundraiser has been described as for the Congressman's 1980 re-election bid, there is no indication that any money raised at this function was designated for the 1980 general election. Also, it is not known if the solicitations to this event indicated that the fundraiser was for both the 1980 primary and general elections. If the fundraiser was conducted for the primary election alone, and no funds designated for the general election were raised, then Mr. McVinney's $1,000 in-kind contribution of December 1, 1979, for the cost of the fundraiser should be considered as a contribution to the 1980 primary rather than general election.

2 U.S.C. § 441a(f) prohibits any political committee from accepting a contribution in violation of 2 U.S.C. § 441a.

Based on the foregoing analysis, the Commission has found:

1. Reason to believe that the Committee to Re-Elect Congressman Don Albosta violated 2 U.S.C. § 441a(f).

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1188
Committee to Re-Elect	)	
Congressman Don Albosta	)	
Charles McNally	)	
Vince McVinney	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 15, 1980, the Commission decided by a vote of 6-0 to take the following actions regarding MUR 1188:

1. Find NO REASON TO BELIEVE that the Committee to Re-Elect Congressman Don Albosta violated 2 U.S.C. § 434 and 11 C.F.R. § 104.3.

2. Find NO REASON TO BELIEVE that the Committee to Re-Elect Congressman Don Albosta violated 2 U.S.C. § 441a(f) in regard to the contributions of Charles McNally.

3. Find REASON TO BELIEVE that the Committee to Re-Elect Congressman Don Albosta violated 2 U.S.C. §441a(f).

4. Find REASON TO BELIEVE that Vince McVinney violated 2 U.S.C. § 441a(a)(1)(A).

(Continued)

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5. Find NO REASON TO BELIEVE that Charles McNally violated 2 U.S.C. § 441a(a)(1)(A).

6. Send the letters as attached to the above-named report.

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

Attest:

5/15/80
Date

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

Received in Office of Commission Secretary: 5-12-80, 3:19
Circulated on 48 hour vote basis: 5-13-80, 11:00

8104025152

May 12, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1188

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

81040250113

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

FIRST GENERAL COUNSEL'S REPORT

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

MUR # 1188
DATE COMPLAINT RECEIVED BY OGC March 13, 1980

STAFF MEMBER M. White

COMPLAINANT'S NAME: William H. Topping

RESPONDENT'S NAME: Committee to Re-Elect Congressman Don Albosta
Charles McNally
Vince McVinney

RELEVANT STATUTE: 2 U.S.C. § 441a
2 U.S.C. § 434

INTERNAL REPORTS CHECKED: Committee Reports

FEDERAL AGENCIES CHECKED: None

80 MAY 12 P 3:19

SUMMARY OF ALLEGATIONS

On March 13, 1980, William H. Topping filed a complaint with the Federal Election Commission against the Committee to Re-Elect Congressman Don Albosta (the "Committee"). The complaint alleges that the Committee accepted excessive contributions from two individuals, used a contribution for a purpose other than which it was intended, failed to properly report an expenditure, and failed to provide the occupation, address, principal place of business, and election designation for a significant number of receipts, in violation of 2 U.S.C. §§ 434 and 441a and 11 C.F.R. §§ 104.3(a)(4) and 104.3(b)(4) (formerly §§ 104.2) (Attachment 1). Also named in the complaint are Charles McNally and and Vince McVinney as having contributed to the Committee in excess of the § 441a limits. The allegations are based on information reported in the 1979 Year-End Report of the Committee. On April 10, 1980, the Committee filed an amended 1979 Year-End Report.

The complaint makes reference to violations of the Act in regard to the 1979 election. As there was no 1979 congressional election in which Congressman Albosta (MI-10) was a candidate, it is assumed that the allegations pertain to the 1980 primary election. This same assumption has been made by the Committee according to their response to the complaint.

FACTUAL BASIS AND LEGAL ANALYSIS

On March 17, 1980, and March 19, 1980, the Commission notified the Committee, Charles McNally and Vince McVinney, respectively, that a complaint had been filed against them alleging violations of certain sections of the Act. On April 7, 1980, the responses of the Committee, Charles McNally, and Vince McVinney were received by the Commission (Attachments 2, 3, and 4).

Allegations of § 441a violations

The complaint alleges several violations of section 441a(f) against the Committee and violations of § 441a(a)(1)(A) against Charles McNally and Vince McVinney. 2 U.S.C. § 441a(f) prohibits political committees from knowingly receiving contributions which are in violation of 2 U.S.C. § 441a. 2 U.S.C. § 441a(a)(1)(A) prohibits individuals from contributing more than $1,000 per candidate per election.

A review of the 1979 Year-End Report of the Committee has indicated that on December 17, 1979, Charles McNally contributed $1,000 to the 1978 general debt, $1,000 to the 1978 primary debt, and on December 1, 1979, contributed $200 in-kind to an undesignated election. The complaint alleges that Mr. McNally's contributions violated the limits of § 441a because the $1,000 designated for the 1978 general election debt was not used for that purpose, but was used for the 1979 election thereby resulting in a $1,200 contribution to the 1979 campaign. As there was no 1979 election, it is assumed that the complaint alleges a $1,200 contribution to the 1980 primary election. The complaint's contention that the contribution was used for another purpose is based on the fact that the Committee's 1978 general election debt was not reduced during the last quarter of 1979 even though the Committee received contributions to retire those debts.

The Committee responded to the allegations by stating that Mr. McNally did indeed contribute $2,000 to the Committee on December 17, 1979. The Committee explains that the $2,000 contribution was equally split, as per the intention of the contributor, between the 1978 primary and 1978 general election debts. The $200 contributed in-kind by Mr. McNally was given with the understanding that it would "be credited against the contribution limits for the 1980 primary." Mr. McNally's response substantiates the position of the Committee in regard to the purpose or intention of his contributions. As Mr. McNally's contributions are within the limits of § 441a, and the Year-End Report has been amended to indicate that Mr. McNally's $200 in-kind contribution is designated for the 1980 primary election, the General Counsel recommends that the Commission find no reason to believe that either Mr. McNally or the Committee violated this section of the Act.

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The allegation that the Committee used Mr. McNally's contribution intended for the 1978 general debt for the 1980 primary election is without merit as well. A review of the Committee's Year-End Report indicates that the complaint is correct in stating that the Committee's debt was not retired at all in the last quarter of 1979. However, there is no requirement under the FECA, as amended, that payments to retire debts must be made during the reporting period that contributions to retire those debts are received. The Committee has responded to the complaint by stating that the "funds are still in the Committee's account and have been used for no other purpose." The Committee stated that it did not make immediate payment because it did not know that this was required by the Act and that it was their preference "to make payments on the debts in larger sums." In view of the fact that there is no requirement that debts be immediately reduced, and considering the responses of both Mr. McNally and the Committee, the General Counsel recommends that the Commission find no reason to believe that a violation of § 441a(f) has occurred. The Committee should, however, be reminded that contributions designated for the purpose of debt retirement from a previous election may only be used for that purpose. 11 C.F.R. § 110.1.

The second allegation concerning a § 441a violation is in regard to the contributions made by Vince McVinney to the Committee. The complaint alleges that Mr. McVinney contributed $2,000 to the 1979 election in violation of § 441a. Again, as there was no 1979 election it is assumed that the complaint alleges a $2,000 contribution to the 1980 primary election. The Year-End Report of the Committee reports the receipt of two in-kind contributions from Vince McVinney; $1,000 in-kind was received on November 15, 1979, and $1,000 in-kind was received on December 1, 1979. The report does not designate an election to which either contribution is to be applied and it therefore appears that both Mr. McVinney and the Committee may have violated § 441a. According to the Committee's response, a fundraiser was held on December 1, 1979, "for the explicit purpose of raising funds for Congressman Albosta's 1980 re-election bid." The Committee further explains that Mr. McVinney's $1,000 in-kind contribution of November 15, 1979, was used to pay a portion of the entertainment fee at the December 1 fundraiser, and was considered by both the Committee and Mr. McVinney an "in-kind contribution to the Congressman's 1980 primary election"; Mr. McVinney's $1,000 in-kind contribution of December 1, 1979, was used to pay for food at that same fundraiser and was given with the "understanding that it would be in furtherance of the Congressman's 1980 general election campaign." Mr. McVinney's response to the complaint concurs with this statement. The amended Year-End report has reported Mr. McVinney's contributions as a $1,000 in-kind contribution to the 1980 primary and a $1,000 in-kind contribution to the 1980 general election.

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It is permissible for campaign committees to receive contributions designated for the general election prior to the primary election. 11 C.F.R. § 102.9(e) (former § 101.2(d). However, if such activity occurs, a committee must maintain an acceptable accounting method to distinguish between contributions received for the primary election and contributions received for the general election. 11 C.F.R. § 102.9(e) (former § 101.2(d)). Also, the making of an in-kind contribution designated for a general election prior to a primary election may raise additional problems.

Mr. McVinney's December 1, 1979, contribution (designated for the 1980 general election) was an in-kind contribution to the committee to assist it in holding a fundraiser. Although the fundraiser has been described as for the Congressman's 1980 re-election bid, there is no indication that any funds raised at this event were designated for the 1980 general election. Also it is not known if solicitations to this function indicated that the fundraiser was for both the 1980 primary and general elections. If the fundraiser was conducted for the primary election alone and no funds designated for the general election were raised, then Mr. McVinney's $1,000 in-kind contribution of December 1, 1979, for the cost of the fundraiser should be considered as a contribution to the 1980 primary rather than general election.

2 U.S.C. § 441a(a)(1)(A) prohibits any person from contributing in excess of $1,000 per candidate per election. 2 U.S.C. § 441a(f) prohibits a candidate or political committee from receiving contributions which are in violation of 2 U.S.C. § 441a. The General Counsel, therefore, recommends that the Commission find reason to believe that Vince McVinney and the Committee violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f), respectively.

<u>Reporting Violations 2 U.S.C. § 434 and 11 C.F.R. § 104.3 (former § 104.2)</u>

The complaint alleges a violation of 11 C.F.R. § 104.3(b)(4) (former § 104.2(b)(9)) and several violations of 11 C.F.R. § 104.3(a)(4) (former § 104.2(b)(2)). 11 C.F.R. § 104.3(b)(4) requires that the purpose (formerly "particulars") of all expenditures which are required to be itemized, as well as the name and address of all persons to whom expenditures are made which are required to be itemized, be reported. 11 C.F.R. § 104.3(a)(4) requires that all reports filed include the name, address, occupation, and name of employer (formerly principal place of business) of all contributors who are required to be itemized.

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The complaint alleges a violation of 11 C.F.R. § 104.3(b)(4) in that the Committee failed to report the recipient of a $2,000 money order which was reported as an expenditure on the Year-End Report. The Year-End Report listed an expenditure of $2,000 to the Chemical Bank and Trust, the purpose of which was for a money order. The purpose of the money order was listed as being for an "entertainer." The Committee responded to the allegation by stating that they did report the "actual expenditure and the party to whom the check was made payable." They further explain that the money order was given to Jan Murray, as an entertainment fee for his appearance at a December 1, 1979, fundraiser event.

While it is the committee's contention that they reported the "actual expenditure," the name of the ultimate payee is in fact the name that should be reported. The ultimate payee in this instance is Jan Murray and the committee should be instructed to amend their report to reflect this information. Since the Committee originally reported the expenditure, and has explained its exact nature, their failure to report the expenditure correctly due to a misunderstanding of the reporting requirements should not be viewed as a violation of those requirements. Accordingly, the General Counsel recommends that the Commission find that there is no reason to believe that a violation of 11 C.F.R. § 104.3(b)(4) has occurred.

Lastly, the complaint alleges that the reporting of contributor information is incomplete in violation of 11 C.F.R. § 104.3(a)(4). A review of the Year-End Report has shown that while the addresses of all of the individual contributors are listed, the addresses of five political committees are omitted and the principal place of business has also been omitted in the majority of instances. The Committee's response to the complaint noted that the principal place of business was "regretably left out, not due to a desire to evade requirements, but due to difficulty in obtaining information." Additionally, the Committee stated that the occupation of 13 individual contributors was omitted only because "they were not easily determined." The Committee pointed out that addresses are available for all but six of the fifty-two political committee contributions and that all contributions listed in the report, with the exception of those otherwise designated, were made for the 1980 primary election. The amended Year-End Report has corrected all previous ommissions of information required by 11 C.F.R. § 104.3(a)(4). Accordingly, since the Committee originally reported the addresses of all individual contributors, and has amended their report, the General Counsel recommends that the Commission find that there is no reason to believe

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that a violation of 11 C.F.R. § 104.3(a)(4) has occurred. The General Counsel recommends that the Commission:

1. Find no reason to believe that the Committee to Re-Elect Congressman Don Albosta violated 2 U.S.C. §§ 434 and 11 C.F.R. § 104.3.

2. Find no reason to believe that the Committee to Re-Elect Congressman Don Albosta violated 2 U.S.C. § 441a(f) in regard to the contributions of Charles McNally.

3. Find reason to believe that the Committee to Re-Elect Congressman Don Albosta violated 2 U.S.C. § 441a(f).

4. Find reason to believe that Vince McVinney violated 2 U.S.C. § 441a(a)(1)(A).

5. Find no reason to believe that Charles McNally violated 2 U.S.C. § 441a(a)(1)(A).

6. Send the attached letters.

Attachments:

1. Exhibits #1-4
2. Letters to Dorothy Albosta, Vince McVinney, and Charles McNally

8104025159

ATTACHMENT #1

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GCC 720

Office of General Counsel
Federal Election Commission

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FEDERAL ELECTION
COMMISSION

ch, 1980

'80 MAR 13 PM 2:57

Congressman Don Albosta's January 31 report shows contributions totalling $2,200 from one Charles McNalley in Owosso, Michigan. $200 was contributed "in-kind" while the other $2,000 apparently was given by check. You will notice the two $1,000 contributions were earmarked, respectively, for the primary and general elections of 1978. You also will notice on Schedule C that none of Congressman Albosta's debt for the general election in 1978 was retired.

In conversations with a number of specialists at FEC, I understand funds contrubuted to retire a debt for previous elections must, in fact, be used for that purpose. I also understand the contributor must specify, in the event of contributions to retire old debts, the purpose for which the contribution is to be used. Since I assume the contributor did specify that $1,000 be used for the general election of 1978, and since Schedule C does not reflect debt retirement of $1,000 for the general of 1978, I must assume there is a good possibility the contribution was used for Albosta's 1979 campaign. I believe that would imply Albosta's committee received an effective 1979 contribution of $1,200. That appears to violate the $1,000 limit.

In addition, one Vince McVinney of Owosso, Michigan,

10 MAR 13 P4:00

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GENERAL COUNSEL

036930

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contributed $2,000 "in-kind" to Congressman Albosta. Since there is no indication as to whether or not these contributions were intended for other elections, and since I assume it's impossible to contribute "in-kind" for previous elections in any event, I must assume the $2,000 all was used for the 1979 campaign year and therefore violates the $1,000 limit.

Finally, Albosta's report indicates a $2,000 expenditure for an "entertainer" in the form of a money order. The problem is, of course, we have no idea of who received the money. This question takes on some importance since you will notice two $1,000 "in-kind" contributions to pay for an entertainer on 11-15-79.

I find Congressman Albosta's report confusing, incomplete and carelessly completed."Principal place of business," "occupation," addresses and indication as to whether or not a contribution is meant for a certain election or certain year all are items which for the most part are missing. I also find the particular contributions in question and the one expenditure item sufficiently suspicious so that I feel compelled to make this complaint and request an investigation by FEC as to whether or not Congressman Albosta did solicit and/or receive illegal campaign contributions.

William H. Toppins
413 North Homer
Midland, MI
48640

81 0 1 0 2 5 0 1 6 2

STATE OF MICHIGAN)
) ss.
COUNTY OF MIDLAND)

On this 10th day of March, 1980, before me personally appeared the said William H. Topping who has made oath that he has read the foregoing letter by him subscribed and that the same is true of his own knowledge, except as to those matters herein stated to be on information and belief, and that to those matters he believes them to be true.

Gerald L. White

Gerald L. White, Notary Public
Midland County, Michigan
My Commission Expires: 2/4/84

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ATTACHMENT #2

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Committee to Reelect

DON ALBOSTA

JCC 940

April 2, 1980

30 APR 7 P10:35

THE COUNSEL

007335

Mr. Charles N. Steele
General Counsel
Federal Elections Commission
1325 K Street, N.W.
Washington D.C. 20463

RE: MUR 1188

Dear Mr. Steele:

I write in response to your letter of March 17, 1980, advising me that a complaint has been filed with the Federal Election Commission concerning the report filed by the Albosta Congress '78 Committee (now called the Committee to Reelect Don Albosta) for the last quarter of 1979. In the paragraphs below, we shall respond to the allegations made in the complaint and present the Committee's position on them.

The complaint discusses contributions made by Mr. Charles McNalley totaling $2200 during the last quarter of 1979. On December 1, 1979, Mr. McNalley made an in-kind contribution of food valued at $200 for a fund-raising party the Committee gave in Owosso on that date. This event was held for the explicit purpose of raising funds for Congressman Albosta's 1980 reelection bid. Food for the party cost $1200. Mr. Vince McVinney contributed $1000 worth of food and Mr. McNalley agreed to contribute the balance, food valued at $200. Mr. McNalley gave the contribution with the understanding that it would be considered an in-kind contribution and would be credited against the contribution limits for the 1980 primary election.

This particular contribution, as well as all others listed in the report in question (with two exceptions cited below), were considered by the Committee as being for the 1980 primary election. Those contributions for other elections were so marked. Hindsight seems to indicate that this pattern was difficult to detect, and for clarity the 101 receipts and 61 expenditures for the 1980 primary election should have been so marked. An amendment to the report in question will do so.

Two weeks later (on December 17, 1979) Mr. McNalley gave the Committee a check for $2000 which he indicated he was giving as a $1000 contribution to the 1978 primary election and a $1000 contribution to the 1978 general election to help the Committee retire its substantial debts from those elections. Both Mr. McNalley and the Committee had a clear understanding of this intention, and he wrote and the Committee accepted one check for the combined amount for his convenience.

Although Mr. McNalley's December 17, 1979, contributions totaling $2000 were for the 1978 elections, they were not immediately applied to the reduction of the Committee's debts for those elections. A review of the Federal election laws and accompanying regulations by the Committee found no indication that we must make immediate application of the funds to the retirement of the debts. The funds are still in the Committee's account, have been used for no other purpose, and, if the Commission so prefers, the Committee will apply the funds to the retirement of the debts immediately. It was the preference of the Committee to make payments on the debts in larger sums.

P. O. BOX 2239 • MIDLAND, MICHIGAN 48640

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The Committee is confused by the complaint's reference in paragraphs two and three to the "1979" campaign and assumes that this is a reference to the 1980 primary campaign which was started in calendar year 1979.

The Committee agrees with the complaint's statement that funds contributed to retire a debt for previous elections must be used for that purpose. Mr. McNalley's check was given and accepted with that understanding. Mr. McNalley stated that the purpose of his contributions were to help retire the 1978 primary election debt and the 1978 general election debt in the amount of $1000 each. It is the Committee's belief that there are no further requirements in the law or the regulations concerning the designation of funds used to retire debts from previous elections. The complaint's assumption that the contributions were used for future elections is ill-founded, for the report in question clearly indicates the contributions were accepted for reduction of the debts from previous elections, and the Committee's balance on hand clearly shows a surplus above the amount of the McNalley contributions.

Mr. McNalley has not violated the Federal election law, for he contributed $1000 to the Committee for the Congressman's 1978 primary election debt retirement, $1000 for his 1978 general election debt retirement--both of which were clearly marked in the report in question--and $200 for his 1980 primary election contest--an item not marked, but left unmarked in the same pattern as all other 1980 primary contributions in the report in question. He therefore reached, but did not exceed, the maximum individual contribution limit for each of the 1978 elections, and he is under the maximum limit for the 1980 primary election.

The complaint also discusses two contributions by Mr. Vince McVinney during the last quarter of 1979. Mr. McVinney made an in-kind contribution to the Committee on November 15, 1979, by virtue of paying $1000 of the $4000 fee charged by the entertainer (Jan Murray) for appearing at the fund-raising party held by the Committee on December 1, 1979, in Owosso. When Mr. McVinney notified the Committee of his interest in making this payment, he expressed a desire that it be considered an in-kind contribution toward the Congressman's 1980 primary election. The Committee accepted his contribution on these grounds and advised Mr. McVinney that the contribution was the maximum contribution the Committee could accept from him toward the 1980 primary election. This contribution is not marked in the report in question, but falls in the pattern of other 1980 contributions not marked.

Mr. McVinney later approached the Committee about contributing food as an in-kind contribution for the fund-raising party on December 1, 1979, in Owosso. The Committee advised Mr. McVinney that he could not make further contributions toward the Congressman's 1980 primary campaign, but that he could contribute to the Committee for the Congressman's 1980 general election campaign. Mr. McVinney decided to make an in-kind contribution of food valued at $1000 for the December 1, 1979, event with the understanding that it would be in furtherance of the Congressman's 1980 general election campaign. Although this was the intention and understanding of both Mr. McVinney and the Committee, through oversight the Committee failed to mark Mr. McVinney's December 1, 1979, in-kind contribution of food as being for the 1980 general election. This is an omission the Committee sincerely regrets and one which will be corrected in the amendment to be submitted.

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The question of making in-kind contributions to previous campaigns, in the Committee's opinion, has no relevance to these contributions by Mr. McVinney.

The Committee sought to abide by the laws and regulations governing reporting requirements by stating that it had an expenditure of $2000 on November 30, 1979, for a money order from Chemical Bank and Trust Co. (Committee check No. 1445). This was the actual expenditure and the party to whom the check was made payable. The money order was subsequently given to the entertainer (Jan Murray) who appeared at the December 1, 1979, fund-raising party in Owosso, as one half of his $4000 fee. ($1000 each was also paid the entertainer by Mr. Vince McVinney and by Mr. Robert Craig. Both gentlemen advised the Commmittee on November 15, 1979, of their desire and intent to make the payment, and both contributions were reported in the report in question.) The Committee provides this information in response to the complaint, but does not feel it was required by the laws and regulations to be in the report in question.

The complaint states, "'Principal place of business,' 'occupation,' addresses and indication was to whether or not a contribution is meant for a certain year all are items which for the most part are missing." The Committee considers this an unfair and misleading statement. Principal place of business was regretably left out, not due to desire to evade requirements, but due to difficulty in obtaining information. Only 13 of the 103 individual contributions did not reflect the occupation of the contributor, and those were omitted because they were not easily determined. Addresses are available for all 103 individual contributors and for all but six of the 52 political committee contributions. Only 21 of the 61 expenditures did not have addresses. Where no indication is made to the contrary, all contributions listed in the report in question were given and received for the Congressman's 1980 primary election campaign, with two exceptions: Mr. McVinney's second contribution, cited above; and the Committee is now aware that contributions already given by the Tenth District Democratic Committee, by resolution of that committee, are intended for retirement of the 1978 primary election debt. These funds are also still in the Committee's account and can be transferred immediately to debt retirement if that is the wish of the Commission.

In summary, the Committee feels there has been no violation of the letter or spirit of the Federal election laws or regulations. We have tried through explanations in this letter to provide the background information concerning each of these contributions which will assure the Commission of the propriety of our actions and those of Mr. McNalley and Mr. McVinney. We have explained beyond requirement the background on payments to the entertainer for our December 1, 1979, fund-raising party. We regret the difficulty some readers have had in understanding our report because we failed to put check marks in the boxes marked "primary" thus indicating a contribution was made for the 1980 primary election campaign. We will submit an amendment to our report clarifying this and other misunderstandings discussed above.

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We appreciate the Commission's concerns about this complaint and hope that the explanations provided herein will lay to rest those concerns.

Sincerely yours,

Dorothy Albosta

Dorothy Albosta
Treasurer

DA/jn

STATE OF MICHIGAN)
) ss.
COUNTY OF SAGINAW)

On this 4th day of April, 1980, before me personally appeared the said Dorothy Albosta who has made oath that she has read the foregoing letter by her subscribed and that the same is true of her own knowledge, except as to those matters herein stated to be on information and belief, and that to those matters she believes them to be true.

Susan K. Tribfelner

Notary Public
Saginaw County, Michigan
My commission expires: June 4, 1983

SUSAN K. TRIBFELNER
Notary Public, Saginaw County, Michigan
My Commission Expires, June 4, 1983

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ATTACHMENT #3

8104025169

100 S. Washington
Owosso, MI 48867
April 1980

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
80 APR 7 P12:56

Mr. Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, Northwest
Washington, D.C. 20463

80 APR 7 A2:33

Dear Mr. Steele:

I received your recent letter advising me that a complaint has been filed against Congressman Don Albosta's campaign committee in connection with contributions I have made. I appreciate the opportunity to respond to that complaint, for I have every reason to believe that my contributions were in accordance with the law and your regulations.

It was my pleasure to make three contributions to Congressman Albosta's Committee during 1979. When I heard that he wanted to have a fund raising affair in our area, I offered to help. When the time came, I specifically made a donation of food for his birthday party held in Owosso on December 1, 1979. The total cost of the food for the party was $1200. Mr. Vince McVinney contributed $1,000 worth of food, and I contributed the balance, $200 worth. Since this party was being held to raise funds for his 1980 campaigns, it was my intention and assumption that this "in kind" contribution would be for his primary race in 1980.

Don and I also discussed the large debts he had left over from his 1978 races. I told him I hated to see him having that hang over him. So on December 17, I wrote him a check for $2,000 to help him reduce both his primary and general debts for 1978. My check, on its face, says "For Primary and General 1978".

I really don't see how there might be any misdoing on my part. If there was, it was certainly unintentional, and I am still not aware of it. Apparently the report filed by the Congressman's committee did not make clear that my contribution of $200 worth of food was for the 1980 primary campaign. I regret the problem this has caused the Congressman and me, and hope that this letter will clarify any questions raised in the complaint or in the minds of your commission. If you need any further information, I would be happy to discuss this further.

Very truly yours,

Charles E. McNally

Charles E. McNally

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State of Michigan)
) ss.
County of Shiawasee)

On this 4th day of April, 1980, before me personally appeared the said Charles E. McNally who has made oath that he has read the foregoing letter by him subscribed and that the same is true of his own knowledge, except as to those matters herein stated to be on information and belief, and that to those matters he believes them to be true.

DAVID E. McCLERNAN
Notary Public
Shiawassee County, Michigan
My commission expires: 11-19-80

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ATTACHMENT #4

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RECEIVED
OFFICE OF
GENERAL COUNSEL

[illegible] S. Washington
Owosso, MI 48867
80 APR 7 P12:55
April 4, 1980

MUR 942

80 APR 7 P10:35

Mr. Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, Northwest
Washington, D.C. 20463

007334

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Dear Mr. Steele:

Apparently from your letter to me, the Commission has received a complaint against Representative Don Albosta's campaign committee which involves the two contributions I made to him late last year. I'll certainly tell you my understanding of the situation and hope that it will clear up any misconceptions about my efforts.

Don told me he was having a birthday party in Owosso to help raise some money for his upcoming re-election. When I asked how I could help, he mentioned that Jan Murray had agreed to come, but his fee was $4,000. I offered to help pay the costs and Don told me that an individual was now limited to $1000 per election by Federal law. I said I would pick up $1000 of Murray's fee, which I did. Don explained that his committee would report this as an "in-kind" contribution. It was my understanding that this contribution (which was to become the first of two) was toward his primary 1980 re-election bid.

A few days later, I got in touch with some of Don's people to see if I could contribute food for his birthday party on the first of December. His people told me that I had made the maximum contribution toward Don's primary campaign, and if I wanted to contribute food for the party, it would have to be as an "in-kind contribution" toward his general election campaign. They indicated the cost of the food would be $1200, but that my contirbution could not exceed $1000. I told them, yes, I wanted to contribute and to consider my second contribution--food valued at $1000--as being for his general election campaign. (Mr. Charles McNally contributed the balance, food valued at $200.) They advised me that this would preclude my making any further contributions to the Congressman for 1980 and I stated that I understood that completely.

As far as I know, this is proper. I am not fully familiar with all the campaign laws, and would certainly not have knowingly violated any of them in letter or spirit. The complaint seems to indicate that my contributions were not marked for specific elections, and that's the problem. I only know that Don's people and I both understood my contributions to be as I have stated them above. I hope that this information and any the Congressman's people may give you will iron out any problems.

Sincerely,

Vince McVinney

Vince McVinney

State of Michigan)
) ss.
County of Shiawassee)

On this 4TH day of April, 1980, before me personally appeared the said Vince McVinney who has made oath that he has read the foregoing letter by him subscribed and that the same is true of his own knowledge, except as to those matters herein stated to be on information and belief, and that to those matters he beleives them to be true.

DAVID E. McCLERNAN
Notary Public
Shiawassee County, Michigan
My commission expires: 11-19-80

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles McNally
100 South Washington
Owosso, Michigan 48867

Re: MUR 1188

Dear Mr. McNally:

On March 19, 1980, the Commission notified you of a complaint alleging that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on April , 1980, determined that on the basis of the information in the complaint and information provided by you that there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter.

Sincerely,

Charles N. Steele
General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Vince McVinney
100 South Washington
Owosso, Michigan

Re: MUR 1188

Dear Mr. McVinney:

The Federal Election Commission notified you on March 19, 1980, of a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at the time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on April , 1980, determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A). Specifically, it appears that your December 1, 1979, in-kind contribution of $1,000 to the Committee to Re-Elect Congressman Don Albosta was in excess of the contribution limitations. A copy of the Commission's finding is enclosed for your information.

You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

In absence of any additional information which demonstrates that no further action should be taken against you, 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.

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

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

Sincerely,

Enclosure

8104250177

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE _____

MUR NO. 1188
STAFF MEMBER(S) & TEL. NO.
M. White/ D. Branch
202/523-4060 & 523-4166

RESPONDENT Vince McVinney

SOURCE OF MUR: COMPLAINT FILED

BACKGROUND

On March 13, 1980, William Topping filed a complaint with the Federal Election Commission alleging that Vince McVinney violated the limits of 2 U.S.C. § 441a by contributing $2,000 to Congressman Albosta's 1979 campaign.* Vince McVinney was notified by the Commission on March 19, 1980, that a complaint had been filed; his response to the complaint was received on April 7, 1980.

FACTUAL BASIS AND LEGAL ANALYSIS

The 1979 Year-End Report of the Committee to Re-Elect Congressman Don Albosta (the "Committee") reports the receipt of two in-kind contributions from Vince McVinney; $1,000 was received on November 15, 1979, and $1,000 was received on December 1, 1979. The report does not designate an election to which either contribution is to be applied. According to responses to the complaint

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*/ As Congressman Albosta (MI-10) was not a candidate in a 1979 congressional race, the allegations have been applied to the next election, the 1980 primary election.

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received from Vince McVinney and the Committee, Mr. McVinney's in-kind contribution of November 15, 1979, was for the 1980 primary election and his contribution of December 1, 1979, was for the 1980 general election.

It is permissible to make contributions to the general election prior to the primary election. 11 C.F.R. § 102.9(e) (former § 101.2(d)). However, the making of an in-kind contribution designated for a general election prior to a primary election may raise additional problems.

Mr. McVinney's December 1, 1979, contribution (designated for the 1980 general election) was an in-kind contribution to the committee to assist it in holding a fundraiser. Although the fundraiser has been described as for the Congressman's 1980 re-election bid, there is no indication that any money raised at this function was designated for the 1980 general election. Also, it is not known if the solicitations to this event indicated that the fundraiser was for both the 1980 primary and general elections. If the fundraiser was conducted for the primary election alone, and no funds designated for the general election were raised, then Mr. McVinney's $1,000 in-kind contribution of December 1, 1979, for the cost of the fundraiser should be considered as a contribution to the 1980 primary rather than general election.

2 U.S.C. § 441a(a)(1)(A) prohibits any person from contributing in excess of $1,000 per candidate per election.

Based on the foregoing analysis, the Commission has found:

1. Reason to believe that Vince McVinney violated 2 U.S.C. § 441a(a)(1)(A).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dorothy Albosta, Treasurer
Committee to Re-Elect
Congressman Don Albosta
P.O. Box 2239
Midland, Michigan

Re: MUR 1188

Dear Ms. Albosta:

The Federal Election Commission notified you on March 17, 1980, of a complaint which alleges that your committee, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on April , 1980, determined that there is reason to believe that your committee violated 2 U.S.C. § 441a(f). Specifically, it appears that the committee's acceptance of a $1,000 in-kind contribution from Vince McVinney on December 1, 1979, was in violation of 2 U.S.C. § 441a.

Enclosed is a copy of the Commission's finding for your information.

Please submit answers to the enclosed questions within 10 days of receipt of this letter. Where appropriate statements should be submitted under oath.

In 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.

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

Additionally, on April , 1980, the Commission determined that on the basis of information contained in the complaint and information provided by you that there is no reason to believe that your Committee violated 2 U.S.C. § 434, or 11 C.F.R. § 104.3, or 2 U.S.C. § 441a(f) in regard to the contributions of Charles McNally. Please be advised that contributions designated for the purpose of debt retirement from a previous election may only be used for that purpose. 11 C.F.R. § 110.1.

On April 10, 1980, your committee filed an amended 1979 Year-End Report. While this amendment did rectify previous ommissions in regard to contributor information it failed to amend expenditure information. The expenditure schedule should be amended to: 1) designate expenditures for either the primary or general elections, and 2) report the expenditure of $2,000 on November 3, 1979, to Jan Murray as Mr. Murray was the ultimate payee and not the Chemical Bank and Trust. Please submit this amendment within 15 days of receipt of this letter.

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

Sincerely,

Enclosures

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INTERROGATORIES/ REQUESTS FOR INFORMATION

1. State the purpose of the fundraiser held on December 1, 1979.

2. What were potential contributors to the December 1, 1979, fundraiser told as to the purpose of the fundraiser?

3a. How were contributions to the December 1, 1979, fundraiser solicited?

3b. Did the solicitation of contributions to the December 1, 1979, fundraiser include any statement that the proceeds would be used in the general election?

4. Were any proceeds from the December 1, 1979, fundraiser designated for the general election? If the answer is yes, state the amount and indicate whether or not any portion has been expended, to date, on general election efforts.

5. State how the proceeds of the December 1, 1979, fundraiser were used.

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FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE _____

MUR NO. 1188
STAFF MEMBER(S) & TEL. NO.
M. White/ D. Branch
202/523-4060 & 523-4143

RESPONDENT Committee to Re-Elect Congressman Don Albosta

SOURCE OF MUR: COMPLAINT FILED

BACKGROUND

On March 13, 1980, William Topping filed a complaint with the Federal Election Commission alleging that the Committee to Re-Elect Congressman Don Albosta (the "Committee") violated 2 U.S.C. § 441a(f) by accepting a $2,000 contribution for the 1979* election from Vince McVinney.

The Committee was notified of the filing of the complaint on March 17, 1980, and responded to the allegations on April 7, 1980. The Committee filed an amended Year-End Report on April 10, 1980.

FACTUAL BASIS AND LEGAL ANALYSIS

The 1979 Year-End Report of the Committee to Re-Elect Congressman Don Albosta (the "Committee") reports the receipt of two in-kind contributions from Vince McVinney; $1,000 was received on November 15, 1979, and $1,000 was received on December 1, 1979. The report does not designate an election to which either contribution is to be applied. According to responses to the complaint received from Vince McVinney and the Committee, Mr. McVinney's in-kind contribution of November 15, 1979,

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*/ As Congressman Albosta (MI-10) was not a candidate in a 1979 congressional race, the allegations have been applied to the next election, the 1980 primary.

was designated for the 1980 primary election and his contribution of December 1, 1979, was designated for the 1980 general election. The amended Year-End Report reflects this information.

It is permissible to receive contributions to the general election prior to the primary election. 11 C.F.R. § 102.9(e) (former § 101.2(d)). However, if such activity occurs, a committee must maintain an acceptable accounting method to distinguish between contributions received for the primary election and contributions received for the general election. 11 C.F.R. § 102.9(e) (former § 101.2(d)). Also, the making of an in-kind contribution designated for a general election prior to a primary election may raise additional problems.

Mr. McVinney's December 1, 1979, contribution (designated for the 1980 general election) was an in-kind contribution to the Committee to assist it in holding a fundraiser. Although the fundraiser has been described as for the Congressman's 1980 re-election bid, there is no indication that any money raised at this function was designated for the 1980 general election. Also, it is not known if the solicitations to this event indicated that the fundraiser was for both the 1980 primary and general elections. If the fundraiser was conducted for the primary election alone, and no funds designated for the general election were raised, then Mr. McVinney's $1,000 in-kind contribution of December 1, 1979, for the cost of the fundraiser should be considered as a contribution to the 1980 primary rather than general election.

2 U.S.C. § 441a(f) prohibits any political committee from accepting a contribution in violation of 2 U.S.C. § 441a.

Based on the foregoing analysis, the Commission has found

1. Reason to believe that the Committee to Re-Elect Congressman Don Albosta violated 2 U.S.C. § 441a(f).

SCC 952

RECEIVED

100 S. Washington
Owosso, MI 48867

April 4, 1980

80 APR 7 P12:56

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Mr. Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, Northwest
Washington, D.C. 20463

80 APR 7 A2:33

Dear Mr. Steele:

I received your recent letter advising me that a complaint has been filed against Congressman Don Albosta's campaign committee in connection with contributions I have made. I appreciate the opportunity to respond to that complaint, for I have every reason to believe that my contributions were in accordance with the law and your regulations.

It was my pleasure to make three contributions to Congressman Albosta's Committee during 1979. When I heard that he wanted to have a fund raising affair in our area, I offered to help. When the time came, I specifically made a donation of food for his birthday party held in Owosso on December 1, 1979. The total cost of the food for the party was $1200. Mr. Vince McVinney contributed $1,000 worth of food, and I contributed the balance, $200 worth. Since this party was being held to raise funds for his 1980 campaigns, it was my intention and assumption that this "in kind" contribution would be for his primary race in 1980.

Don and I also discussed the large debts he had left over from his 1978 races. I told him I hated to see him having that hang over him. So on December 17, I wrote him a check for $2,000 to help him reduce both his primary and general debts for 1978. My check, on its face, says "For Primary and General 1978".

I really don't see how there might be any misdoing on my part. If there was, it was certainly unintentional, and I am still not aware of it. Apparently the report filed by the Congressman's committee did not make clear that my contribution of $200 worth of food was for the 1980 primary campaign. I regret the problem this has caused the Congressman and me, and hope that this letter will clarify any questions raised in the complaint or in the minds of your commission. If you need any further information, I would be happy to discuss this further.

Very truly yours,

Charles E. McNally

Charles E. McNally

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State of Michigan)
) ss.
County of Shiawasee)

On this 4th day of April, 1980, before me personally appeared the said Charles E. McNally who has made oath that he has read the foregoing letter by him subscribed and that the same is true of his own knowledge, except as to those matters herein stated to be on information and belief, and that to those matters he believes them to be true.

DAVID E. McCIERNAN
Notary Public
Shiawassee County, Michigan
My commission expires: 11-19-80

8104025118

100 S. Washington
Owosso, MI 48867

RECEIVED

80 APR 7 P12:56

Mr. Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, Northwest
Washington, D.C. 20463

RETURN RECEIPT
REQUESTED

CERTIFIED
P02 [illegible]
MAIL

RECEIVED

RECEIVED
OFFICE OF
GENERAL COUNSEL

80 APR 7 P10:35

100 S. Washington
Owosso, MI 48867
April 4, 1980

80 APR 7 P12:56

MCC 942

MUR 1188

007334

Mr. Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, Northwest
Washington, D.C. 20463

Dear Mr. Steele:

Apparently from your letter to me, the Commission has received a complaint against Representative Don Albosta's campaign committee which involves the two contributions I made to him late last year. I'll certainly tell you my understanding of the situation and hope that it will clear up any misconceptions about my efforts.

Don told me he was having a birthday party in Owosso to help raise some money for his upcoming re-election. When I asked how I could help, he mentioned that Jan Murray had agreed to come, but his fee was $4,000. I offered to help pay the costs and Don told me that an individual was now limited to $1000 per election by Federal law. I said I would pick up $1000 of Murray's fee, which I did. Don explained that his committee would report this as an "in-kind" contribution. It was my understanding that this contribution (which was to become the first of two) was toward his primary 1980 re-election bid.

A few days later, I got in touch with some of Don's people to see if I could contribute food for his birthday party on the first of December. His people told me that I had made the maximum contribution toward Don's primary campaign, and if I wanted to contribute food for the party, it would have to be as an "in-kind contribution" toward his general election campaign. They indicated the cost of the food would be $1200, but that my contirbution could not exceed $1000. I told them, yes, I wanted to contribute and to consider my second contribution--food valued at $1000--as being for his general election campaign. (Mr. Charles McNally contributed the balance, food valued at $200.) They advised me that this would preclude my making any further contributions to the Congressman for 1980 and I stated that I understood that completely.

As far as I know, this is proper. I am not fully familiar with all the campaign laws, and would certainly not have knowingly violated any of them in letter or spirit. The complaint seems to indicate that my contributions were not marked for specific elections, and that's the problem. I only know that Don's people and I both understood my contributions to be as I have stated them above. I hope that this information and any the Congressman's people may give you will iron out any problems.

Sincerely,

Vince McVinney

Vince McVinney

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State of Michigan)
) ss.
County of Shiawassee)

On this 4TH day of April, 1980, before me personally appeared the said Vince McVinney who has made oath that he has read the foregoing letter by him subscribed and that the same is true of his own knowledge, except as to those matters herein stated to be on information and belief, and that to those matters he beleives them to be true.

DAVID E. McCLERNAN
Notary Public
Shiawassee County, Michigan
My commission expires: 11-19-80

8 1 0 4 0 2 5 0 1 8 9

100 S. Washington
Owosso, MI 48867

RECEIVED

80 APR 7 P12:55

Mr. Charles N. Steele
General Counsel
Federal Election Commission
1325 K. Street, Northwest
Washington, D.C. 20463

RETURN RECEIPT
REQUESTED

CERTIFIED
P02 6369227
MAIL

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Committee to Reelect

DON ALBOSTA

SCC 940

April 2, 1980

30 APR 7 P10:35

C07336

Mr. Charles N. Steele
General Counsel
Federal Elections Commission
1325 K Street, N.W.
Washington D.C. 20463

RE: MUR 1188

Dear Mr. Steele:

I write in response to your letter of March 17, 1980, advising me that a complaint has been filed with the Federal Election Commission concerning the report filed by the Albosta Congress '78 Committee (now called the Committee to Reelect Don Albosta) for the last quarter of 1979. In the paragraphs below, we shall respond to the allegations made in the complaint and present the Committee's position on them.

The complaint discusses contributions made by Mr. Charles McNalley totaling $2200 during the last quarter of 1979. On December 1, 1979, Mr. McNalley made an in-kind contribution of food valued at $200 for a fund-raising party the Committee gave in Owosso on that date. This event was held for the explicit purpose of raising funds for Congressman Albosta's 1980 reelection bid. Food for the party cost $1200. Mr. Vince McVinney contributed $1000 worth of food and Mr. McNalley agreed to contribute the balance, food valued at $200. Mr. McNalley gave the contribution with the understanding that it would be considered an in-kind contribution and would be credited against the contribution limits for the 1980 primary election.

This particular contribution, as well as all others listed in the report in question (with two exceptions cited below), were considered by the Committee as being for the 1980 primary election. Those contributions for other elections were so marked. Hindsight seems to indicate that this pattern was difficult to detect, and for clarity the 101 receipts and 61 expenditures for the 1980 primary election should have been so marked. An amendment to the report in question will do so.

Two weeks later (on December 17, 1979) Mr. McNalley gave the Committee a check for $2000 which he indicated he was giving as a $1000 contribution to the 1978 primary election and a $1000 contribution to the 1978 general election to help the Committee retire its substantial debts from those elections. Both Mr. McNalley and the Committee had a clear understanding of this intention, and he wrote and the Committee accepted one check for the combined amount for his convenience.

Although Mr. McNalley's December 17, 1979, contributions totaling $2000 were for the 1978 elections, they were not immediately applied to the reduction of the Committee's debts for those elections. A review of the Federal election laws and accompanying regulations by the Committee found no indication that we must make immediate application of the funds to the retirement of the debts. The funds are still in the Committee's account, have been used for no other purpose, and, if the Commission so prefers, the Committee will apply the funds to the retirement of the debts immediately. It was the preference of the Committee to make payments on the debts in larger sums.

P. O. BOX 2239 • MIDLAND, MICHIGAN 48640

The Committee is confused by the complaint's reference in paragraphs two and three to the "1979" campaign and assumes that this is a reference to the 1980 primary campaign which was started in calendar year 1979.

The Committee agrees with the complaint's statement that funds contributed to retire a debt for previous elections must be used for that purpose. Mr. McNalley's check was given and accepted with that understanding. Mr. McNalley stated that the purpose of his contributions were to help retire the 1978 primary election debt and the 1978 general election debt in the amount of $1000 each. It is the Committee's belief that there are no further requirements in the law or the regulations concerning the designation of funds used to retire debts from previous elections. The complaint's assumption that the contributions were used for future elections is ill-founded, for the report in question clearly indicates the contributions were accepted for reduction of the debts from previous elections, and the Committee's balance on hand clearly shows a surplus above the amount of the McNalley contributions.

Mr. McNalley has not violated the Federal election law, for he contributed $1000 to the Committee for the Congressman's 1978 primary election debt retirement, $1000 for his 1978 general election debt retirement--both of which were clearly marked in the report in question--and $200 for his 1980 primary election contest--an item not marked, but left unmarked in the same pattern as all other 1980 primary contributions in the report in question. He therefore reached, but did not exceed, the maximum individual contribution limit for each of the 1978 elections, and he is under the maximum limit for the 1980 primary election.

The complaint also discusses two contributions by Mr. Vince McVinney during the last quarter of 1979. Mr. McVinney made an in-kind contribution to the Committee on November 15, 1979, by virtue of paying $1000 of the $4000 fee charged by the entertainer (Jan Murray) for appearing at the fund-raising party held by the Committee on December 1, 1979, in Owosso. When Mr. McVinney notified the Committee of his interest in making this payment, he expressed a desire that it be considered an in-kind contribution toward the Congressman's 1980 primary election. The Committee accepted his contribution on these grounds and advised Mr. McVinney that the contribution was the maximum contribution the Committee could accept from him toward the 1980 primary election. This contribution is not marked in the report in question, but falls in the pattern of other 1980 contributions not marked.

Mr. McVinney later approached the Committee about contributing food as an in-kind contribution for the fund-raising party on December 1, 1979, in Owosso. The Committee advised Mr. McVinney that he could not make further contributions toward the Congressman's 1980 primary campaign, but that he could contribute to the Committee for the Congressman's 1980 general election campaign. Mr. McVinney decided to make an in-kind contribution of food valued at $1000 for the December 1, 1979, event with the understanding that it would be in furtherance of the Congressman's 1980 general election campaign. Although this was the intention and understanding of both Mr. McVinney and the Committee, through oversight the Committee failed to mark Mr. McVinney's December 1, 1979, in-kind contribution of food as being for the 1980 general election. This is an omission the Committee sincerely regrets and one which will be corrected in the amendment to be submitted.

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The question of making in-kind contributions to previous campaigns, in the Committee's opinion, has no relevance to these contributions by Mr. McVinney.

The Committee sought to abide by the laws and regulations governing reporting requirements by stating that it had an expenditure of $2000 on November 30, 1979, for a money order from Chemical Bank and Trust Co. (Committee check No. 1445). This was the actual expenditure and the party to whom the check was made payable. The money order was subsequently given to the entertainer (Jan Murray) who appeared at the December 1, 1979, fund-raising party in Owosso, as one half of his $4000 fee. ($1000 each was also paid the entertainer by Mr. Vince McVinney and by Mr. Robert Craig. Both gentlemen advised the Committee on November 15, 1979, of their desire and intent to make the payment, and both contributions were reported in the report in question.) The Committee provides this information in response to the complaint, but does not feel it was required by the laws and regulations to be in the report in question.

The complaint states, "'Principal place of business,' 'occupation,' addresses and indication was to whether or not a contribution is meant for a certain year all are items which for the most part are missing." The Committee considers this an unfair and misleading statement. Principal place of business was regretably left out, not due to desire to evade requirements, but due to difficulty in obtaining information. Only 13 of the 103 individual contributions did not reflect the occupation of the contributor, and those were omitted because they were not easily determined. Addresses are available for all 103 individual contributors and for all but six of the 52 political committee contributions. Only 21 of the 61 expenditures did not have addresses. Where no indication is made to the contrary, all contributions listed in the report in question were given and received for the Congressman's 1980 primary election campaign, with two exceptions: Mr. McVinney's second contribution, cited above; and the Committee is now aware that contributions already given by the Tenth District Democratic Committee, by resolution of that committee, are intended for retirement of the 1978 primary election debt. These funds are also still in the Committee's account and can be transferred immediately to debt retirement if that is the wish of the Commission.

In summary, the Committee feels there has been no violation of the letter or spirit of the Federal election laws or regulations. We have tried through explanations in this letter to provide the background information concerning each of these contributions which will assure the Commission of the propriety of our actions and those of Mr. McNalley and Mr. McVinney. We have explained beyond requirement the background on payments to the entertainer for our December 1, 1979, fund-raising party. We regret the difficulty some readers have had in understanding our report because we failed to put check marks in the boxes marked "primary" thus indicating a contribution was made for the 1980 primary election campaign. We will submit an amendment to our report clarifying this and other misunderstandings discussed above.

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We appreciate the Commission's concerns about this complaint and hope that the explanations provided herein will lay to rest those concerns.

Sincerely yours,

Dorothy Albosta

Dorothy Albosta
Treasurer

DA/jn

STATE OF MICHIGAN)
) ss.
COUNTY OF SAGINAW)

On this 4th day of April, 1980, before me personally appeared the said Dorothy Albosta who has made oath that she has read the foregoing letter by her subscribed and that the same is true of her own knowledge, except as to those matters herein stated to be on information and belief, and that to those matters she believes them to be true.

Susan K. Tribfelner

Notary Public
Saginaw County, Michigan
My commission expires: June 4, 1983

SUSAN K. TRIBFELNER
Notary Public, Saginaw County, Michigan
My Commission Expires, June 4, 1983

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EXPRESS MAIL NEXT DAY SERVICE

POST OFFICE TO ADDRESSEE

FROM:

Customer Number, if any

TO:

3 295

DESTINATION:

Date of Delivery

Time of Delivery

Initials of Delivering Employee

Signature of Addressee or Agent:

DELIVERY WAS ATTEMPTED

Date | Time

Notice Left By

TO REMOVE PEEL BACK HERE

EXPRESS MAIL SERVICE

LABEL 11B JUNE 79

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 19, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Vince McVinney
100 South Washington
Owosso, Michigan 48867

Re: MUR 1188

Dear Mr. McVinney:

This letter is to notify you that on March 13, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of the Complaint is enclosed. We have numbered this matter MUR 1188. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against you in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please 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.

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

If you 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

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and other communications from the Commission.

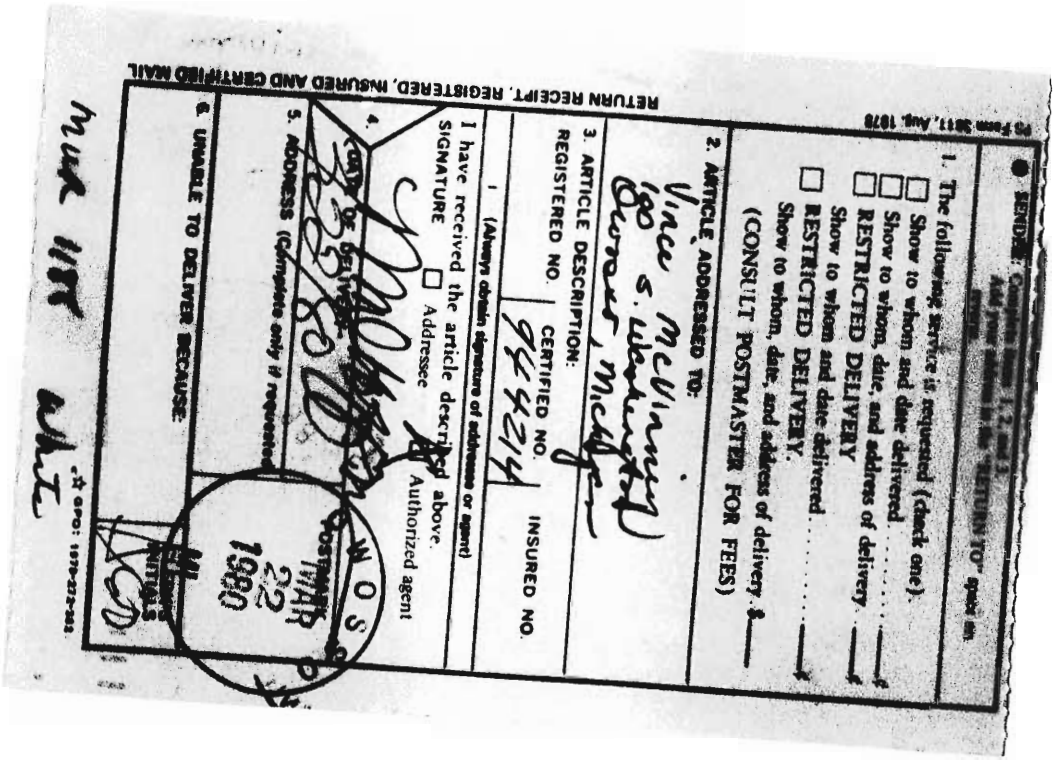
If you have any questions, please contact Maura White, the staff member assigned to this matter at (202) 523-4060. For your information, we have attached a brief description of the Commissoin's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 19, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles McNalley
100 South Washington
Owosso, Michigan 48867

Re: MUR 1188

Dear Mr. McNalley:

This letter is to notify you that on March 13, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of the complaint is enclosed. We have numbered this matter MUR 1188. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against you in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please 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.

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

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 Maura White,

8 1 0 4 0 2 5 0 1 9 8

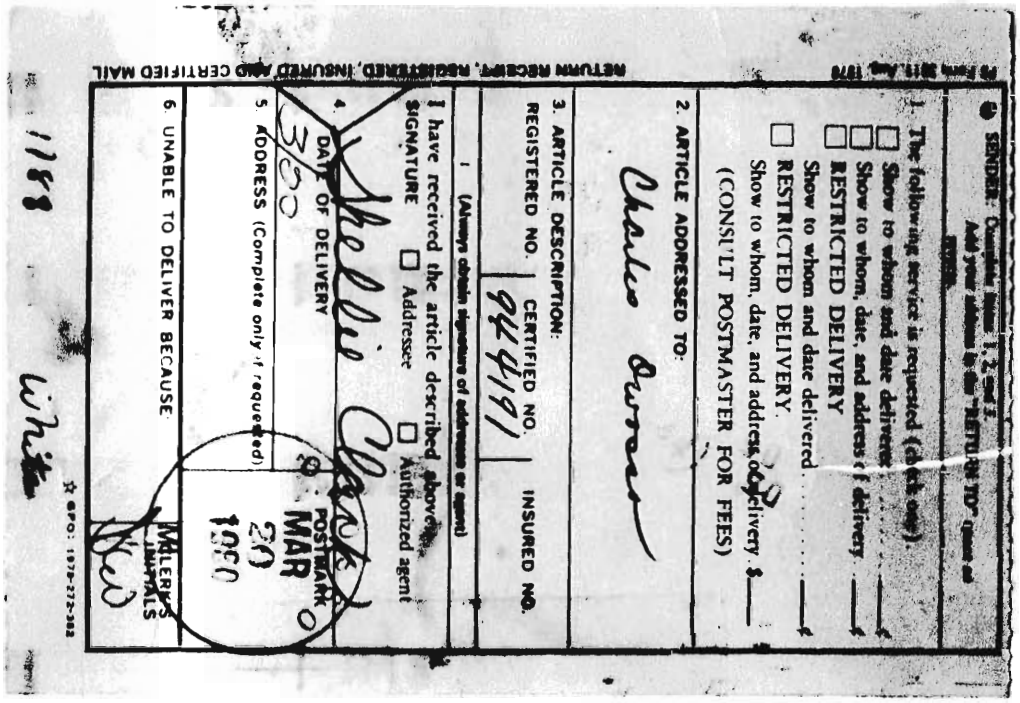
the staff member assigned to this matter at (202) 523-4060. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele

Enclosure

1. Complaint
2. Procedures


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

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

2. ARTICLE ADDRESSED TO:
Charles Duncan

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. 944191 INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 3-30

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE

POSTMARK MAR 30 1990

CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

1188 white

the staff member assigned to this matter at (202) 523-4060. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele

Enclosure

1. Complaint
2. Procedures

Form 3811, Aug. 1978

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

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

2. ARTICLE ADDRESSED TO:
Charles Owens

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 944191 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
3/20

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK
MAR 20 1980

PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO:
Charles McNalley
100 S. Wash.
Owosso, MI 48867

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	944213	

(Always obtain signature of addressee or agent)

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

4. Debbie Sheridan

DATE OF DELIVERY: 3/21/80

POSTMARK: 21 1980 MI

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE

CLERK'S INITIALS: DCA

GPO: 1978-272-382

1188 white

10205204018

3-19-80

Letters sent to Vince McVinney and Charles McNalley were mailed to Illinois instead of Michigan. Correct letters will be mailed today. Since the Commission was closed yesterday, the new letters are 1 day past the 5-day deadline for notification of respondents in new MURs.

Jane L. Colgrove

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 17, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Vince McVinney
100 South Washington
Owosso, Illinois 48867

Re: MUR 1188

Dear Mr. McVinney:

This letter is to notify you that on March 13, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of the complaint is enclosed. We have numbered this matter MUR 1188. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against you in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please 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.

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

If you 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

8 1 0 4 0 2 5 0 2 0 3

and other communications from the Commission.

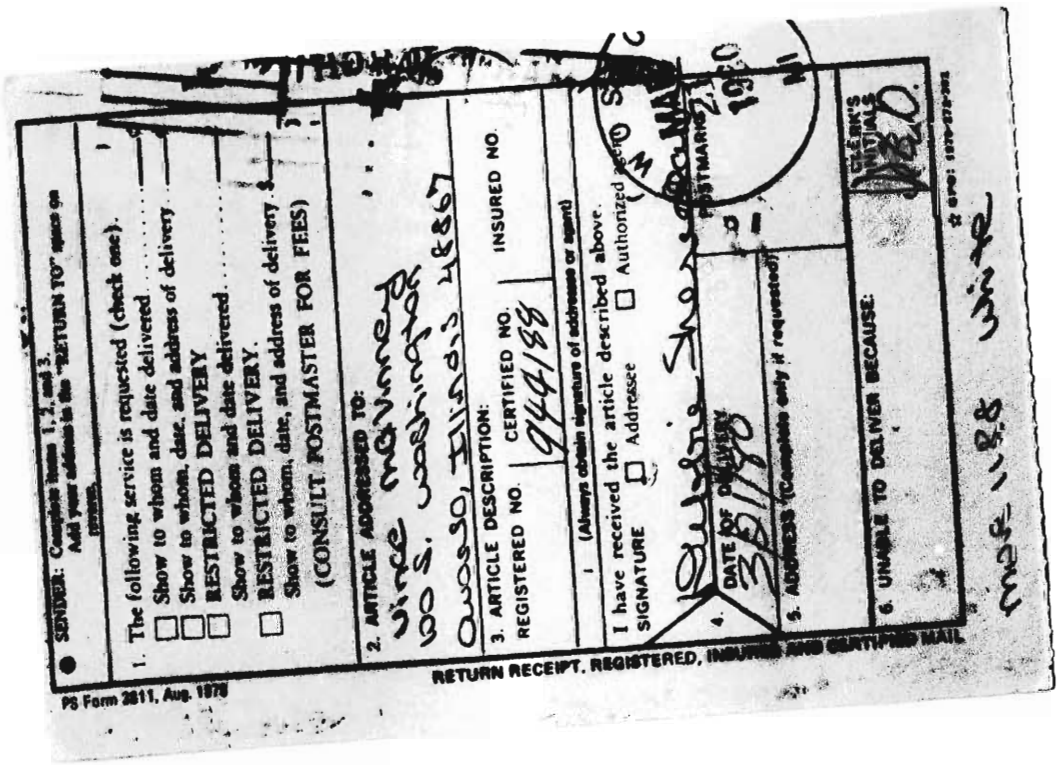
If you have any questions, please contact Maura White, the staff member assigned to this matter at (202) 523-4060. For your information, we have attached a brief description of the Commission's procedure for handling complaints

Sincerely,

Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 17, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Committee to Elect Don Albosta
to Congress
P.O. Box 2239
Midland, Michigan 48640

Re: MUR 1188

Dear Sir or Madam:

This letter is to notify you that on March 13, 1980, the Federal Election Commission received a complaint which alleges that your committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of the complaint is enclosed. We have numbered this matter MUR 1188. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against your committee in connection with this matter. Your response must be submitted in writing within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

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

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter or 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.

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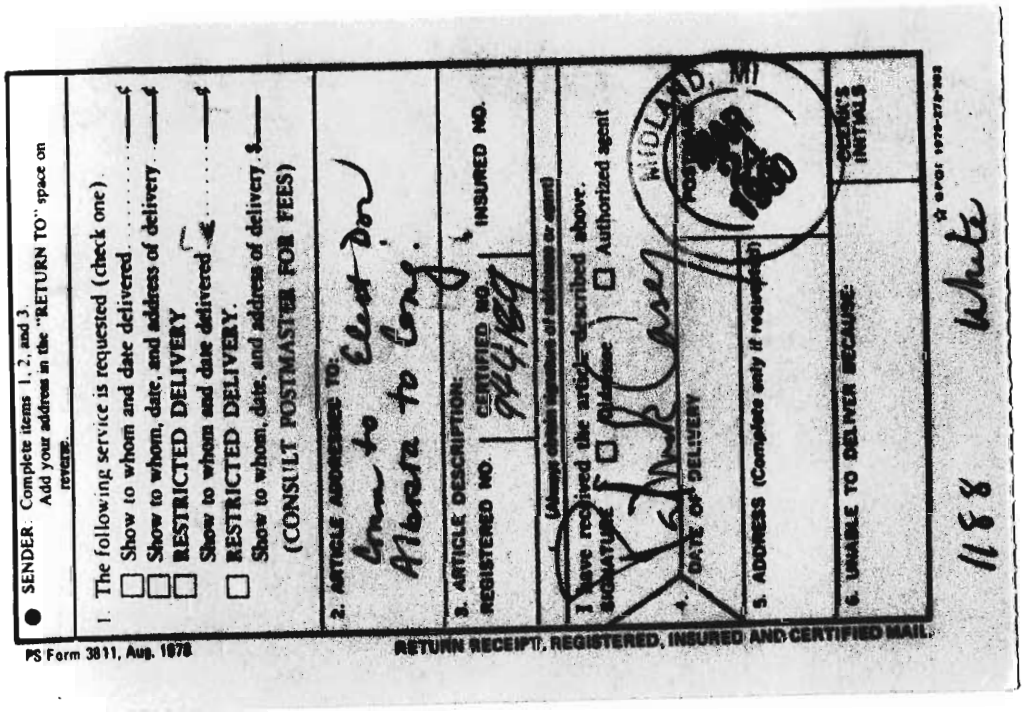
If you have any questions, please contact Maura White, the staff member assigned to this matter at (202) 523-4060. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 17, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William H. Topping
413 North Homer
Midland, Michigan 48640

Dear Mr. Topping:

This letter is to acknowledge receipt of your complaint of March 10, 1980, against Congressman Don Albosta which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent will be notified of this complaint within 5 days and a recommendation to the Federal Election Commission as to how this matter should be initially handled will be made 15 days after the respondents' notification. You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

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PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
William H. Topping
413 North Homer
Midland, Michigan
48640

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	944190	

(Always obtain signature or addressee or agent)

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

Dorothy Topping

4. DATE OF DELIVERY 3/21/80

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1978-270-[illegible]

1188 White

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 17, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles McNalley
100 South Washington
Owosso, Illinois 48867

Re: MUR 1188

Dear Mr. McNalley:

This letter is to notify you that on March 13, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of the complaint is enclosed. We have numbered this matter MUR 1188. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against you in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please 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.

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

If you 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.

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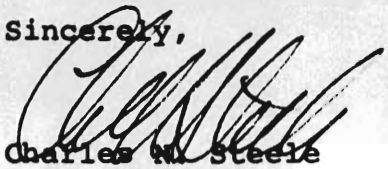
If you have any questions, please contact Maura White, the staff member assigned to this matter at (202) 523-4060. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,



Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures

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CCC 720

Office of General Counsel
Federal Election Commission

RECEIVED
FEDERAL ELECTION
COMMISSION

March, 1980

'80 MAR 13 PM 2:57

Congressman Don Albosta's January 31 report shows contributions totalling $2,200 from one Charles McNalley in Owosso, Michigan. $200 was contributed "in-kind" while the other $2,000 apparently was given by check. You will notice the two $1,000 contributions were earmarked, respectively, for the primary and general elections of 1978. You also will notice on Schedule C that none of Congressman Albosta's debt for the general election in 1978 was retired.

In conversations with a number of specialists at FEC, I understand funds contrubuted to retire a debt for previous elections must, in fact, be used for that purpose. I also understand the contributor must specify, in the event of contributions to retire old debts, the purpose for which the contribution is to be used. Since I assume the contributor did specify that $1,000 be used for the general election of 1978, and since Schedule C does not reflect debt retirement of $1,000 for the general of 1978, I must assume there is a good possibility the contribution was used for Albosta's 1979 campaign. I believe that would imply Albosta's committee received an effective 1979 contribution of $1,200. That appears to violate the $1,000 limit.

In addition, one Vince McVinney of Owosso, Michigan,

80 MAR 13 P4:00

GENERAL COUNSEL

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contributed $2,000 "in-kind" to Congressman Albosta. Since there is no indication as to whether or not these contributions were intended for other elections, and since I assume it's impossible to contribute "in-kind" for previous elections in any event, I must assume the $2,000 all was used for the 1979 campaign year and therefore violates the $1,000 limit.

Finally, Albosta's report indicates a $2,000 expenditure for an "entertainer" in the form of a money order. The problem is, of course, we have no idea of who received the money. This question takes on some importance since you will notice two $1,000 "in-kind" contributions to pay for an entertainer on 11-15-79.

I find Congressman Albosta's report confusing, incomplete and carelessly completed."Principal place of business," "occupation," addresses and indication as to whether or not a contribution is meant for a certain election or certain year all are items which for the most part are missing. I also find the particular contributions in question and the one expenditure item sufficiently suspicious so that I feel compelled to make this complaint and request an investigation by FEC as to whether or not Congressman Albosta did solicit and/or receive illegal campaign contributions.

William H. Topping
413 North Homer
Midland, MI
48640

8104025021 2

STATE OF MICHIGAN)
) ss.
COUNTY OF MIDLAND)

On this 10th day of March, 1980, before me personally appeared the said William H. Topping who has made oath that he has read the foregoing letter by him subscribed and that the same is true of his own knowledge, except as to those matters herein stated to be on information and belief, and that to those matters he believes them to be true.

Gerald L. White

Gerald L. White, Notary Public
Midland County, Michigan
My Commission Expires: 2/4/84

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Bill Topping
413 North Homer
Midland, MI
48640

RECEIVED
FEDERAL ELECTION
COMMISSION

Office of General Counsel
Federal Election Commission
1325 "K" St., N.W.
Washington, DC
20463

'80 MAR 13 PM 2 58

RETURN RECEIPT
REQUESTED

CERTIFIED

P19 9817885

MAIL

8104025024

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

THIS IS THE BEGINNING OF MUR # 1188

Date Filmed May 19, 1981 Camera No. --- 2

Cameraman GPC

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