



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20543

THIS IS THE END OF TMR # 1276

Date Filmed 3-26-82 Camera No. --- 2

Cameraman GPC

Handwritten text on the left margin, possibly a date or reference number, including "3-26-82" and "1276".

FEDERAL ELECTION COMMISSION

Reports, correspondence, certifications relating to  
Conciliations, Cmte. bank records, individual bank records

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

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

Signed Phagan  
date 2-19-82

82040312110



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 10, 1982

Mr. Paul Wheeler  
P.O. Box 3812  
Minneapolis, Minnesota 55403

RE: MUR 1276

Dear Mr. Wheeler:

On February 8, 1982, the Commission accepted the conciliation agreement signed by you in settlement of a violation of 2 U.S.C. § 432(b)(3), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

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

Sincerely,

Charles N. Steele  
General Counsel

BY: Kenneth A. Gross  
Associate General Counsel

Enclosure  
Conciliation Agreement

8201031211

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 1276  
Paul Wheeler )

92 JAN 29 AIO:59  
CERTIFIED

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found probable cause to believe that Paul Wheeler ("Respondent") violated 2 U.S.C. § 432(b)(3) by commingling campaign funds with personal monies.

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

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

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

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

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

1. Respondent acted as an agent of the Anderson for President Committee during the 1980 presidential primary election campaign.

2. Respondent received three wire transfers of campaign funds totaling \$2,443.54 into a bank account

82040312112

in his name at the Midland National Bank, Minneapolis, Minnesota (Account No. 24-47-279).

3. Respondent made expenditures for campaign expenses from the bank account noted in "2" above.

4. Respondent received campaign advances and deposited reimbursements in the bank account in his name during the 1980 presidential primary.

5. As an agent for the Anderson campaign, Respondent opened a checking account (#29591138) at the Marquette National Bank, Minneapolis, Minnesota, on January 28, 1980. The account was in the name of the Anderson for President Committee.

6. Respondent contends that the account was opened for the purpose of conducting campaign business in Minnesota.

7. Respondent contends that officials of the National Anderson Campaign immediately instructed the Minnesota Campaign to close the checking account. The account was closed two days later on January 30, 1980.

8. Respondent contends that this erroneous administrative decision, coupled with inadequate procedures for the authorization of expenditures are responsible for these commingling charges.

V. Respondent commingled campaign funds with personal monies in a personal bank account in violation of 2 U.S.C. § 432(b)(3).

82040312113

VI. 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.

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

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

Charles N. Steele  
General Counsel

BY:

  
Kenneth A. Gross  
Associate General Counsel

Date

Feb 10, 1982

Date

Jan 23, 1982

  
Paul Wheeler

82040312114



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 10, 1982

Ms. Jane Fowler  
Star Route 84  
Greenville Junction, Maine

RE: MUR 1276

Dear Ms. Fowler:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within thirty days.

Should you have any questions, contact Frances B. Hagan, the staff member assigned to this matter, at (202) 523-4529.

Sincerely,

Charles N. Steele  
General Counsel

A handwritten signature in cursive script, appearing to read "Kenneth A. Gross".

BY: Kenneth A. Gross  
Associate General Counsel

8204031215



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 10, 1982

Mr. William B. Glew, Jr.  
2102 Arlington Boulevard, #2  
Charlottesville, Virginia 22903

RE: MUR 1276

Dear Mr. Glew:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within thirty days.

Should you have any questions, contact Frances B. Hagan, the staff member assigned to this matter, at (202) 523-4529.

Sincerely,

Charles N. Steele  
General Counsel

BY: Kenneth A. Gross  
Associate General Counsel

82040312116



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 10, 1982

Ms. Lucille A. LaPlante, Treasurer  
Anderson for President Committee  
1100 Talcott Building  
Rockford, Illinois 61101

RE: MUR 1276

Dear Ms. LaPlante:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within thirty days.

Should you have any questions, contact Frances B. Hagan, the staff member assigned to this matter, at (202) 523-4529.

Sincerely,

Charles N. Steele  
General Counsel

A handwritten signature in cursive script, appearing to read "Kenneth A. Gross".

BY: Kenneth A. Gross  
Associate General Counsel

82040312117



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 10, 1982

Mr. Sidney Gardner  
161 Tremont Street  
Hartford, Connecticut 06105

RE: MUR 1276

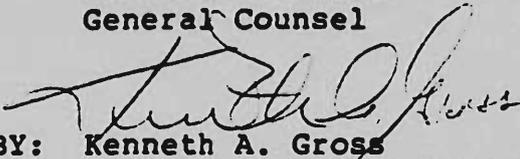
Dear Mr. Gardner:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within thirty days.

Should you have any questions, contact Frances B. Hagan, the staff member assigned to this matter, at (202) 523-4529.

Sincerely,

Charles N. Steele  
General Counsel

  
BY: Kenneth A. Gross  
Associate General Counsel

8 2 0 4 0 3 1 2 1 1 9



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 22, 1981

Ms. Lucille A. LaPlante, Treasurer  
Anderson for President Committee  
1100 Talcott Building  
Rockford, Illinois 61101

RE: MUR 1276

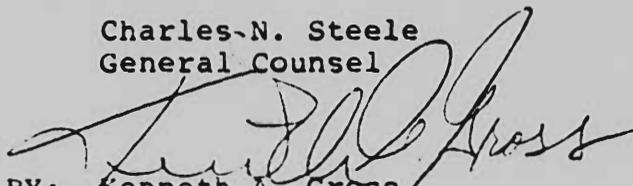
Dear Ms. LaPlante:

8 2 0 4 0 3 1 2 1 1 9  
On October 21, 1981, the Commission accepted the conciliation agreement signed by you and a civil penalty in settlement of violations of 2 U.S.C. §§ 432(b)(3), 432(h)(1) and 433(b)(6), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to your committee, and it will become part of the public record within thirty days after this matter has been closed with respect to all other respondents involved. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing. The Commission reminds you, however, that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter has been closed. The Commission will notify you when the entire file has been closed.

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

Sincerely,

Charles-N. Steele  
General Counsel

  
BY: Kenneth A. Gross  
Associate General Counsel

Enclosure  
Conciliation agreement

101872  
600#5653

OCT 13 P 4: 27

In the Matter of )  
 ) MUR 1276  
The Anderson for )  
President Committee )

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Anderson for President Committee ("Respondent") violated 2 U.S.C. § 432(b)(3) by commingling campaign funds with personal monies in personal bank accounts. Respondent failed to designate, disclose and make expenditures from campaign depositories in violation of 2 U.S.C. §§ 432(h)(1) and 433(b)(6).

NOW THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, 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 an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

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. On May 7, 1979, Respondent was authorized as the principal campaign committee for presidential candidate John Anderson.

82040312120

2. Bank records and personal statements obtained during the investigative process show that certain accounts used for campaign activity may be characterized as personal bank accounts.

3. Payments from the Respondent's registered campaign depositories were deposited into the accounts and campaign-related expenditures were made from the personal accounts.

4. Four authorized committee agents deposited advances and reimbursements of funds from the Respondent into their personal accounts resulting in the commingling of campaign funds with personal monies of the field persons.

5. The bank accounts in which commingling occurred are:

Connecticut Bank & Trust  
Account No. 4116690  
Hartford, Connecticut  
(In the name of Sidney L. Gardner)

United Bank and Trust  
Account No. 014918142  
Hartford, Connecticut  
(In the name of Gardner Associates, Sidney L. Gardner)

Union Warren Savings Bank  
Account No. 106004584  
Boston, Massachusetts  
(In the name of Jane Fowler)

Midland National Bank  
Account No. 2447279  
Minneapolis, Minnesota  
(In the name of Paul Wheeler)

Chittenden Trust  
Account No. 15115815  
Burlington, Vermont  
(In the name of William B. Glew, Jr.)

6. The commingling activity occurred during the 1980 Presidential primary campaign.

7. Two of the Respondent's agents used three bank accounts for campaign purposes during the 1980 presidential primary election campaign which were not designated or disclosed as campaign depositories.

8 2 0 4 0 3 1 2 1 2 1

8. The bank accounts used for campaign expenditures which were not designated or disclosed as campaign depositories are:

Continental Bank and Trust  
Account Nos. 188-330 and  
699-448  
Milwaukee, Wisconsin

Chemical Bank  
Account No. 092201539  
New York, New York

9. Respondent, through its agents, made expenditures from certain bank accounts for campaign purposes during the 1980 presidential primary election campaign which should have been made from registered campaign depositories.

10. The bank accounts used for the expenditures which should have been disbursed from a depository are:

Union Warren Savings Bank  
Account No. 106004584  
Boston, Massachusetts

Midland National Bank  
Account No. 2447279  
Minneapolis, Minnesota

Chittenden Trust  
Account No. 15115815  
Burlington, Vermont

Connecticut Bank and Trust  
Account No. 4116690  
Hartford, Connecticut

United Bank and Trust  
Account No. 014918142  
Hartford, Connecticut

V. Respondent, through its agents, commingled campaign funds with personal funds in five instances in violation of 2 U.S.C. § 432(b)(3).

VI. Respondent failed to designate and report depositories as noted herein in violation of 2 U.S.C. §§ 432(h)(1) and 433(b)(6).

VII. Respondent agrees to designate and report as depositories the bank accounts noted at Section IV, number 8.

VIII. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of Five Thousand Dollars (\$5,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

82040312122

IX. 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.

X. 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.

XI. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

XII. Respondent shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

8 2 0 1 0 3 1 2 1 2 3

Oct 21, 1981  
Date

Charles N. Steele  
General Counsel

10/7/81  
Date

The Anderson for President Committee

BY: Lucille A. LaPlante

ITS: Treasurer



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 4, 1981

Mr. William B. Glew, Jr.  
2102 Arlington Boulevard, #2  
Charlottesville, Virginia 22903

RE: MUR 1276

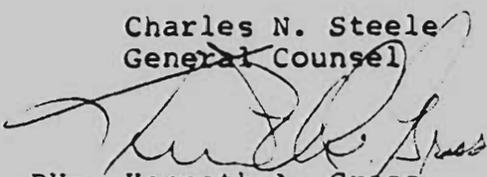
Dear Mr. Glew:

On November 2, 1981, the Commission accepted the conciliation agreement signed by you in settlement of a violation of 2 U.S.C. § 432(b)(3), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to you, and it will become part of the public record within thirty days after this matter has been closed with respect to all other respondents involved. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing. The Commission reminds you, however, that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter has been closed. The Commission will notify you when the entire file has been closed.

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

Sincerely,

Charles N. Steele  
General Counsel

  
BY: Kenneth A. Gross  
Associate General Counsel

Enclosure  
Conciliation Agreement

82040312124

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

In the Matter of )  
William B. Glew, Jr. )

MUR 1276

OCT 26 P 3: 52

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. Reason to believe was found that William B. Glew, Jr. ("Respondent") violated 2 U.S.C. § 432(b)(3) by commingling campaign funds with personal monies in a personal bank account.

NOW THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, 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 an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

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 acted as an agent of the Anderson for President Committee during the 1980 presidential primary election campaign.

8201031215

2. Respondent received three wire transfers of campaign funds totaling \$2,844.78 into a bank account in his name at the Chittenden Trust Company, Burlington, Vermont (Account No. 1-51-1581-5).

3. Respondent deposited personal funds into the account in "2" above which were commingled with campaign funds therein.

4. Respondent made expenditures for campaign expenses from the bank account noted in "2" above.

5. Respondent received campaign advances and deposited reimbursements in the bank account in his name during the 1980 presidential primary.

V. Respondent commingled campaign funds with personal monies in a personal bank account in violation of 2 U.S.C. § 432(b)(3).

VI. Respondent agrees that he shall make every effort to ensure against any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

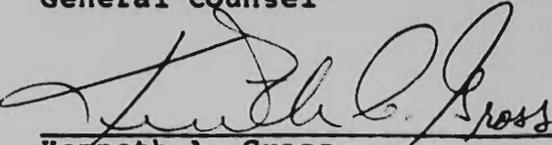
VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute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

82040312126

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

Charles N. Steele  
General Counsel

11/2/81  
Date

BY:   
Kenneth A. Gross  
Associate General Counsel

10/21/81  
Date

  
William B. Glew, Jr.

82040312127



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 30, 1981

Ms. Jane Fowler  
Star Route 84  
Greenville Junction, Maine 04442

RE: MUR 1276

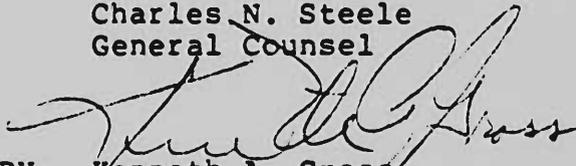
Dear Ms. Fowler:

On November 27, 1981, the Commission accepted the conciliation agreement signed by you in settlement of a violation of 2 U.S.C. § 432(b)(3), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to you and it will become part of the public record within thirty days after this matter has been closed with respect to all other respondents involved. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing. The Commission reminds you, however, that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter has been closed. The Commission will notify you when the entire file has been closed.

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

Sincerely,

Charles N. Steele  
General Counsel

  
BY: Kenneth A. Gross  
Associate General Counsel

Enclosure  
Conciliation Agreement

82049312129

In the Matter of )  
Jane Fowler ) MUR 1276

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. Probable cause to believe has been found that Jane Fowler ("Respondent") violated 2 U.S.C. § 432(b)(3) by commingling campaign funds with personal monies.

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

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

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

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

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

1. Respondent acted as an agent of the Anderson for President Committee during the 1980 presidential primary election campaign.
2. Respondent received six wire transfers of campaign funds totaling \$9,353.91 into a bank account in her name at the Union Warren Savings Bank, Boston, Massachusetts (Account No. 106-004-584).

82040312129

11 MAR 1980  
5:55

3. Respondent made expenditures for campaign expenses from the bank account noted in "2" above.

4. Respondent received campaign advances and deposited reimbursements in the bank account in her name during the 1980 presidential primary.

V. Respondent commingled campaign funds with personal monies in a personal bank account in violation of 2 U.S.C. § 432(b)(3).

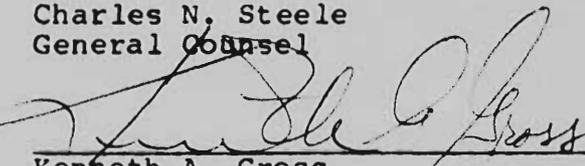
VI. Respondent agrees that she shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

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

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

Charles N. Steele  
General Counsel

Nov 30, 1981  
Date

BY:   
Kenneth A. Gross  
Associate General Counsel

11-6-81  
Date

  
Jane Fowler

82040312130



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 9, 1981

Mr. Sidney Gardner  
161 Tremont Street  
Hartford, Connecticut 06105

RE: MUR 1276

Dear Mr. Gardner:

On December 8, 1981, the Commission accepted the conciliation agreement signed by you in settlement of a violation of 2 U.S.C. § 432(b)(3), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to you and it will become part of the public record within thirty days after this matter has been closed with respect to all other respondents involved. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing. The Commission reminds you, however, that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter has been closed. The Commission will notify you when the entire file has been closed.

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

Sincerely,

Charles N. Steele  
General Counsel

BY: Kenneth A. Gross  
Associate General Counsel

Enclosure  
Conciliation Agreement

82040312131

In the Matter of )  
 )  
Sidney L. Gardner ) MUR 1276

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. Probable cause to believe was found that Sidney L. Gardner ("Respondent") violated 2 U.S.C. § 432(b)(3) by commingling campaign funds with personal funds.

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

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

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

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

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

1. Respondent acted as an agent of the Anderson for President Committee during the 1980 presidential primary election campaign.

2. Respondent received six transfers of campaign funds totaling \$21,541.05 into two bank accounts in his name:

Connecticut Bank and Trust  
Account No. 4116690  
Hartford, Connecticut  
(Sidney L. Gardner)

United Bank and Trust  
Account No. 014918142  
Hartford, Connecticut  
(Gardner Associates, Sidney L. Gardner)

82040312132

3. Respondent made expenditures for campaign expenses from the bank accounts noted in "2" above.

4. Respondent received campaign advances and deposited reimbursements in the bank accounts in his name during the 1980 presidential primary.

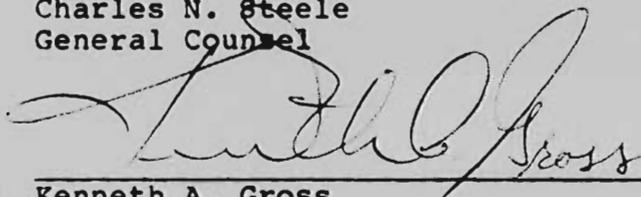
V. Respondent commingled campaign funds with personal monies in two personal bank accounts in violation of 2 U.S.C. § 432(b)(3).

VI. 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.

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

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

Charles N. Steele  
General Counsel



BY: Kenneth A. Gross  
Associate General Counsel

Dec. 8, 1981  
Date

11/25/81  
Date

  
Sidney L. Gardner

B 2 0 1 0 3 1 2 1 3 3

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Paul Wheeler ) MUR 1276

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 8, 1982, the Commission decided by a vote of 5-0 to take the following actions in MUR 1276:

1. Accept the conciliation agreement with Paul Wheeler as submitted with the General Counsel's Memorandum to the Commission dated February 4, 1982.
2. Close the File.

Commissioners Aikens, Elliott, McDonald, McGarry and Reiche voted affirmatively; Commissioner Harris did not cast a vote in this matter.

Attest:

2/8/82

Date

Marjorie W Emmons  
Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary:

2-4-82, 10:00

Circulated on 48 hour tally basis:

2-4-82, 4:00

82040312134

February 4, 1982

MEMORANDUM TO: Marjorie W. Emmons  
FROM: Phyllis A. Kayson  
SUBJECT: MUR 1276

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

Thank you.

Attachment

cc: Hagan

8 2 0 1 0 3 1 2 1 3 5



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 10, 1982

Mr. Timothy Kinast  
1328 West Greenfield, Apt. #2  
Milwaukee, Wisconsin 55204

RE: MUR 1276

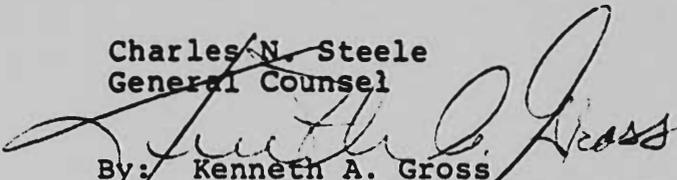
Dear Mr. Kinast:

This is to advise you that after an investigation was conducted, the Commission concluded on February 9, 1982, that there is no probable cause to believe that you violated the Act. Accordingly, the file in this matter, numbered MUR 1276, has been closed. This matter will become part of the public record within thirty days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within ten days.

If you have any questions, contact Frances B. Hagan at (202) 523-4529.

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

82040312136



February 4, 1982

MEMORANDUM TO: Marjorie W. Emons  
FROM: Phyllis A. Kayson  
SUBJECT: MUR 1276

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

Attachment

cc: Hagan

8 2 0 1 0 3 1 2 1 3 8



local campaign disbursements. Mr. Kinast opened the account in his own name and was subsequently informed that "there could be no personal accounts with campaign funds." He then opened an Anderson for President account by transferring residual funds from the account in his own name.

Mr. Kinast submitted bank statements and canceled check copies (front and back) from the account in his name. The Committee submitted itemized lists of deposits to and expenditures from both accounts used by Mr. Kinast. The deposits and expenditures are supported by bank statements and canceled check copies as well as by receipted bills or deposit slips.

The Office of General Counsel's review of bank records and supporting documentation reveals no evidence that campaign funds were commingled with personal funds of the Committee staff member in either account. Deposits into the accounts originated from a registered Committee depository and each expenditure from the accounts is thoroughly documented as a campaign expense. Thus, these two accounts are unregistered Committee depositories. 1/

---

1/ On October 13, 1981, the Anderson for President Committee amended its Statement of Organization to include these bank depositories. This amendment was required in conciliation with the Anderson for President Committee, MUR 1276.

82010312140

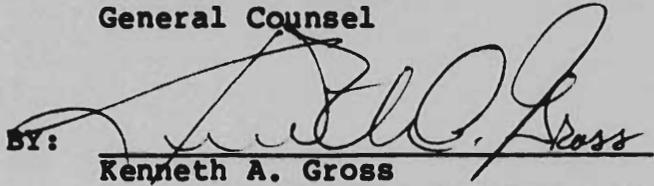
We conclude, therefore, that there was no commingling of campaign funds with personal funds in the accounts and that no violation of 2 U.S.C. § 432(b)(3) occurred in this case.

Recommendations

1. Find no probable cause to believe that Timothy J. Kinast violated 2 U.S.C. § 432(b)(3).
2. Close the file as it relates to Mr. Kinast.
3. Send attached letter.

Charles N. Steele  
General Counsel

Feb. 4, 1982  
Date

BY: 

Kenneth A. Gross  
Associate General Counsel

Attachments:

- Letter from Timothy Kinast - A
- Letter to Timothy Kinast - B

82040312141

Hagen  
912 207

GCC  
4019

31 FEB 20 2 11 PM '81

Tim Kinast  
1707 S. 6th St. #42  
Milwaukee, WI 53204

15 February 1981

188 20 P 2: 06

OFFICE OF THE  
COMMISSIONER

Ms. Frances B. Hagen  
Federal Elections Commission  
Washington, D.C. 20463

Re: MUR 1276

Dear Ms. Hagen:

Enclosed you will find records from the bank accounts used by the Anderson primary campaign here in Milwaukee. I requested, and received, from the Continental Bank copies of all statements and checks from account 699-448 which was in my name. I also requested the first statement from account 188-330 which was opened up after 699-448 was drawn down to a balance of zero, and which was in the name of "Anderson for President-Milwaukee". (Since writing you last it occurred to me why we opened up a second account. After the first had been opened in my name, Harry explained to me that there could be no personal accounts with campaign funds, and therefor my name should not be on the account. He told me to have the account changed to "Anderson for President-Milwaukee". When I attempted to have the name of the account so changed, I was told that the new name would require a business account. I then opened the new account with a check for the balance of the old account.) This statement should establish the fact that the balance of 699-448 was transferred to 188-330. Because of the cost of reconstructing the records for the accounts (\$35.00 for what I requested) I did not request the checks or further statements from 188-330.

There are two statements from account 699-448. The first (dtd 26 Mar 80) shows a check for \$366.90 dtd 24 March. You will find this check numbered as #13 and written to the Continental Bank. This was the last check written on account 699-448; and it reduced the checkbook balance to zero. You will see a deposit for this amount listed on the statement for account 188-330. Upon inspection of checks 1-12 of account 699-448 you will notice that they are all dated on or before the 24th of March, although they all cleared later. Since these checks had not yet cleared the bank we had to keep the account open.

There were two deposits to account 699-448. Both of them (\$1,000 on March 21st and \$943.89 on March 24th) came from Harry Koplín in Rockford. I can't remember the exact form which they came in. I believe the first was a check, and the second was either a check or a bank wire. All checks were written on the campaign account in a Rockford Bank. We eventually went to wires

8 2 0 4 0 3 1 2 1 4 2

Milwaukee (1)

because the Post Office demanded certified checks for stamps, and it took too long for checks to clear to establish our balance. I do not have access to any records which would prove that these deposits were accomplished with Anderson for President checks from Harry Koplin, but the Anderson campaign records would be able to verify that.

The checks written on account 699-448 were all to either businesses which we purchased services from, or to campaign personnel for reimbursement. In the latter category, Paul Reeves (check 11, 24 March) was a paid staffer who I was instructed by Rockford to reimburse for living expenses incurred while on the road for the campaign; and Jon Sender (Check #1, 21 March) was a volunteer who was reimbursed for the purchase of city maps for canvassing. As I remember, there was a problem with Paul Reeves. At one point, I was instructed to reimburse him for expenses even though he did not have receipts to back them up. Later, he again requested reimbursement and produced receipts; it was not until reimbursing him that I discovered that they were the receipts which he had promised to forward to Rockford for the first reimbursement. Except for this problem with Reeves, all expenditures from the campaign accounts should be backed up by receipts contained in the March and April FEC reports for the Milwaukee campaign office; I wrote the reports so I know they are in there.

The records for account 188-330 should be available from the Anderson campaign. I turned over all records for both accounts to the Rockford office after completing the FEC reports. I would rather not request further records unless it is absolutely necessary, because of the expense involved.

If I can be of any further assistance to you, please contact me.

Sincerely,

*Tim Kinast*  
Tim Kinast

82047312143

911985 Hagen

BCC 847

25 January 1981

Tim Kinast  
1707 S. 6th St. #42  
Milwaukee, WI 53204

414-384-6244

Ms. Frances B. Hagen  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 1276

11 JAN 29 AIO: HBS  
CENTRAL COURSE  
MILWAUKEE

Dear Ms.. Hagen;

This letter is coming to you per our phone conversation of Wednesday afternoon, 21 January 1981. I have requested the Continental Bank and Trust company of Milwaukee to supply me with copies of all records pertaining to the campaign account which was opened in my name. I will forward those records to you when I receive them. In the mean time my statement will have to rely on my memory from the Wisconsin primary campaign of February and March of 1980.

From January until May of 1980 I was a paid staffer for the Anderson for President campaign, receiving between \$125.00 and \$150.00 per week. I was sent from Madison on February 25th to staff the Milwaukee office of the campaign. There I was under the supervision of the state campaign chairperson Ann Peckham, and the Milwaukee campaign chairperson Lloyd Levine. For financial matters I was in direct contact with the then Campaign Finance Director Harry Koplin in Rockford.

One of the first difficulties I encountered in Milwaukee was in paying our bills in a timely manner. At that time everything was paid for either directly from Rockford by a check from Harry Koplin, or else out of our petty cash fund of \$100.00 which was replenished by a check from Harry. After a few weeks I asked Harry to set up a more manageable funding arrangement. He responded by instructing me to open up a checking account in my name at a local bank. This account was to be used only for campaign business. Money would be deposited by wires from Harry Koplin, or else by checks written expressly for that purpose by Harry. (As I remember, we stuck to wires because it took too long for checks to clear.) Disbursements were to be by check, and no check was to be written for cash. All disbursements had to be documented by receipts. (The receipts for all disbursements are part of the documentation I submitted to Harry for the March and April FEC reports.)

This funding arrangement was used for a few weeks, and several checks were written on this account for campaign expenditures. Harry then instructed me to open a new account

8 2 0 4 0 3 1 2 1 4 4

in the name of the Anderson for President Committee-Milwaukee, and to transfer all funds from the old account in my name to the new account, and wrote a check for the balance of the old account and deposited it into the new account. But for some technical reason which I am not now sure of, I let the old account stand. I believe there was a problem with determining the exact balance of that account; it may have had to do with a check which we had lost the receipt to and were not sure of its amount, or it may have been that all checks had not yet cleared. At any rate, I decided to let the account stand until we received the next monthly statement so the problem could be cleared up. But there could not have been any more than a balance of a few dollars remaining in that account other than any uncleared checks. The new account was subject to the same instructions as was the old account. I followed those instructions very carefully.

After the Wisconsin primary campaign I completed the FEC reports for the Milwaukee office, and delivered them along with all supporting documentation to Harry Koplin in the Rockford office. The bank accounts were left open because statements had not been received and in order to give checks a time to clear. I was then sent to Indiana and later to Michigan to work on the campaign. My work for the campaign ended in May. After returning to Wisconsin I contacted the Continental bank to inquire about closing the campaign accounts. I was told by the bank that those two accounts had already been closed.

Before, during, and after the Anderson campaign I maintained a personal checking account at the University National Bank in Milwaukee, and did all of my personal banking there (other than savings accounts in my name in Madison and Indianapolis while working in those cities). At no time did I do any of my personal banking through either campaign account at the Continental bank. At no time did any money from either account accrue to me. My salary was paid by check directly from the Rockford office. At that time all personal expenses I incurred came out of my salary. The only other campaign money which I received at that time would have come through disbursements from the petty cash account which was always replenished by a check directly from Harry Koplin on the basis of receipts which we submitted to him; (this was cash on hand, and was not in a bank account).

While my handling of the books for the Milwaukee office probably leaves a lot to be desired, to my knowledge everything was done above board. There were cases of sloppy bookkeeping where receipts were misplaced, and I'm sure the FEC reports which I submitted for the Milwaukee office will reflect those inadequacies. But given the confusion which prevailed throughout the campaign organization -- and particularly in the last few weeks of the Wisconsin primary campaign -- I take a great deal of pride in the manner in which we in the Milwaukee office conducted ourselves, and in the effort we expended to document our compliance with FEC regulations.

Sincerely,

Tim Kwast

Attachment

82040312145

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of                    )  
  )  
Sidney L. Gardner                    )                    MUR 1276

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 8, 1981, the Commission accepted by a vote of 6-0 the conciliation agreement, which has been signed by Mr. Sidney Gardner, as submitted with the General Counsel's December 3, 1981 memorandum.

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

Attest:

12/8/81  
Date

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

Received in Office of Commission Secretary:           12-3-81, 12:43  
Circulated on 48 hour vote basis:                   12-3-81, 4:00

8 0 0 4 0 3 1 2 1 4 6

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Jane Fowler )

MUR 1276

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 27, 1981, the Commission accepted by a vote of 6-0 the conciliation agreement, as submitted with the General Counsel's November 23, 1981 memorandum, which has been signed by the respondent.

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

Attest:

11-27-81

Date

Jody A. Custer

for Marjorie W. Emmons  
Secretary of the Commission

Received in Office of the Commission Secretary: 11-23-81, 4:05  
Circulated on 48 hour vote basis: 11-24-81, 11:00

9 2 0 4 0 3 1 2 1 4 7

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 1276  
The Anderson for President Committee )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 2, 1981, the Commission accepted by a vote of 6-0 the conciliation agreement, as submitted with the General Counsel's October 29, 1981 memorandum, which has been signed by William B. Glew, Jr., an individual who worked on behalf of the Anderson for President Committee during the 1980 Presidential primary campaign.

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

Attest:

11/2/81  
Date

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

82040312148

Received in Office of the Commission Secretary: 10-29-81, 9:58  
Circulated on 48 hour vote basis: 10-29-81, 4:00

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
The Anderson for President ) MUR 1276  
Committee )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 21, 1981, the Commission decided by a vote of 6-0 to accept the conciliation agreement, as submitted with the General Counsel's October 16, 1981 memorandum, which has been signed by the treasurer of the Anderson for President Committee.

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

Attest:

10/21/81

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in Office of the Commission Secretary: 10-16-81, 12:04  
Circulated on 48 hour vote basis: 10-19-81, 11:00

82040312149





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 28, 1981

Mr. Timothy J. Kinast  
1707 South Sixth Street, #42  
Milwaukee, Wisconsin 53204

RE: MUR 1276

Dear Mr. Kinast:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on December 8, 1980, found reason to believe that you had violated 2 U.S.C. § 432(b)(3), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), 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 no probable cause to believe that a violation has occurred. The Commission may or may not approve the General Counsel's Recommendation. A copy of your previously submitted statement will be attached to this office's recommendation for Commission review.

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 if possible) 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, if possible. The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of no probable cause to believe a violation has occurred.

Should you have any questions, please contact Frances B. Hagan at (202) 523-4529.

Sincerely,

  
Charles N. Steele  
General Counsel

Enclosure  
Brief

8 2 0 1 9 1 2 1 5 1



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 28, 1981

Mr. Sidney L. Gardner  
161 Tremont Street  
Hartford, Connecticut 06105

RE: MUR 1276

Dear Mr. Gardner:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on December 8, 1980, found reason to believe that you had violated 2 U.S.C. § 432(b)(3), and instituted an investigation in 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 if possible) 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, if possible). 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.

If you are unable to file a responsive brief within fifteen days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond twenty days.

82040112152

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.

Should you have any questions, please contact Frances B. Hagan, at (202) 523-4529.

Sincerely,



Charles N. Steele  
General Counsel

Enclosure  
Brief

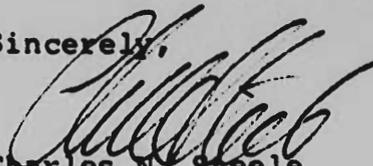
82040312153



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.

Should you have any questions, please contact Frances B. Hagan at (202) 523-4529.

Sincerely,



Charles N. Steele  
General Counsel

Enclosure  
Brief

82040312155



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 28, 1981

Mr. Paul Wheeler  
P.O. Box 3812  
Minneapolis, Minnesota 55403

RE: MUR 1276

Dear Mr. Wheeler:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by your committee, the Federal Election Commission, on December 8, 1980, found reason to believe that you had violated 2 U.S.C. § 432(b)(3), and instituted an investigation in 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 if possible) 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, if possible). 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.

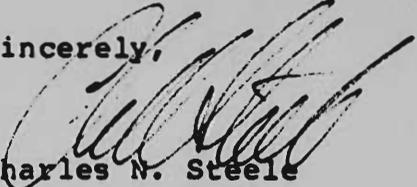
If you are unable to file a responsive brief within fifteen days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond twenty days.

Letter to Mr. Paul Weiler  
Page 2

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.

Should you have any questions, please contact Frances B. Hagan at (202) 523-4529.

Sincerely,



Charles N. Steele  
General Counsel

Enclosure  
Brief

82010312137





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

81 SEP 28 P 1: 01

September 28, 1981

MEMORANDUM

**SENSITIVE**

TO : The Commission  
FROM : Charles N. Steele *CNS*  
General Counsel  
SUBJECT: MUR 1276

Attached for the Commission's review are four briefs stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of these briefs and letters notifying the respondents of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe or no probable cause to believe was mailed on September 28, 1981. Following receipt of the Respondents' replies to this notice, this Office will make a further report to the Commission.

Attachments

1. Briefs
2. Letters to Respondents

82040312159

In the Matter of )  
 ) MUR 1276  
Timothy J. Kinast )

GENERAL COUNSEL'S BRIEF

On December 8, 1980, the Commission found reason to believe that Timothy J. Kinast violated 2 U.S.C. § 432(b)(3) by commingling campaign funds with personal monies in bank accounts used during the 1980 presidential primary election on behalf of candidate John Anderson.

During the audit of the Anderson for President Committee ("the Committee"), FEC auditors found that the Committee made wire transfers of campaign funds directly into a bank account in Mr. Kinast's name. The possibility that campaign funds had been commingled with personal funds in an individual's account led to the Commission's finding of reason to believe against Mr. Kinast.

Upon notification of the Commission's finding, Mr. Kinast responded with a letter concerning his role in the Wisconsin primary campaign and the bank accounts in question. Mr. Kinast states that as an agent of the Committee he staffed the Milwaukee campaign office. He states that the Committee treasurer instructed that he open an account "to be used only for campaign business" which would facilitate local campaign disbursements. Mr. Kinast opened the account in his own name and was subsequently informed that "there could be no personal accounts with campaign funds." He then opened an Anderson for President account by transferring residual funds from the account in his own name.

82040312160

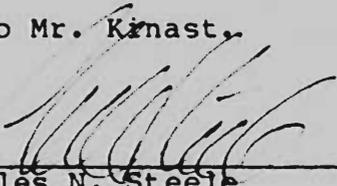
Mr. Kinast submitted bank statements and canceled check copies (front and back) from the account in his name. The Committee submitted itemized lists of deposits to and expenditures from both accounts used by Mr. Kinast. The deposits and expenditures are supported by bank statements and canceled check copies as well as by receipted bills or deposit slips.

The Office of General Counsel's review of the bank records and supporting documentation reveals no evidence that campaign funds were commingled with personal funds of the Committee staff member in either account. Deposits into the accounts originated from a registered Committee depository and each expenditure from the accounts is thoroughly documented as a campaign expense. Thus, these two accounts are unregistered Committee depositories. We conclude, therefore, that there was no commingling of campaign funds with personal funds in the accounts and that no violation of 2 U.S.C. § 432(b)(3) occurred in this case.

Recommendations

1. Find no probable cause to believe that Timothy J. Kinast violated 2 U.S.C. § 432(b)(3).
2. Close the file as it relates to Mr. Kinast.

28 Sept 1981  
Date

  
Charles N. Steele  
General Counsel

8 2 0 4 0 3 1 2 1 6 1

BEFORE THE FEDERAL ELECTION COMMISSION  
August , 1981

In the Matter of )  
 ) MUR 1276  
Sidney L. Gardner )

GENERAL COUNSEL'S BRIEF

On December 8, 1980, the Commission found reason to believe, that Sidney L. Gardner violated 2 U.S.C. § 432(b)(3) by commingling campaign funds with personal monies in bank accounts used during the 1980 presidential primary election on behalf of candidate John Anderson.

During the audit of the Anderson for President Committee ("the Committee"), FEC auditors found that the Committee made wire transfers of campaign funds directly into two bank accounts used by Sidney L. Gardner. The evidence that campaign funds may have been commingled with personal funds in an individual's account led to the Commission's finding of reason to believe against Mr. Gardner.

Committee records reveal that six transfers totaling \$21,541.05 were deposited into two accounts in the name of Sidney Gardner and Gardner Associates during the Connecticut primary campaign.

- |   |   |
|---|---|
| (1) Connecticut Bank and Trust<br>Account No. 4116690<br>Hartford, Connecticut<br>(Sidney L. Gardner) | (2) United Bank and Trust<br>Account No. 014918142<br>Hartford, Connecticut<br>(Gardner Associates, Sidney L.<br>Gardner) |
|---|---|

The Committee provided a list of checks and wire transfers with accompanying documentation showing that the deposits originated from the registered campaign depository in Illinois and from transfers between the local accounts.

820193162

Expenditures for campaign purposes were also made from the accounts. Committee lists itemize each of these expenditures and include check numbers, dates, amounts, payees and purposes. The campaign expenses are substantially documented by bank statements (for the account with more activity), canceled checks and receipts or invoices demonstrating the disbursement's connection to the campaign.

The same documents which substantiate the campaign expenditures also provide evidence that Mr. Gardner made deposits and expenditures from the accounts which did not relate to the campaign and, absent evidence to the contrary, are considered personal financial activity.

The available bank statements from the Connecticut Bank and Trust account show deposits and expenditures which are not identified as campaign activity. The high check numbers on Mr. Gardner's personal business account at the United Bank and Trust indicate an account not newly opened for the campaign's duration. In addition, the Committee advises that the Gardner Associates account remains open, but inactive.

It is apparent that Mr. Gardner conducted both campaign and personal financial activity from these accounts. In his response to the Commission's initial finding against him, Mr. Gardner states, "The [Committee] transfers were reimbursements for campaign expenditures or advance payments against the campaign budget for allowable campaign purposes." Reimbursements to a campaign worker for an initial outlay of funds relating to the campaign are considered personal funds which should be held separate from campaign funds.

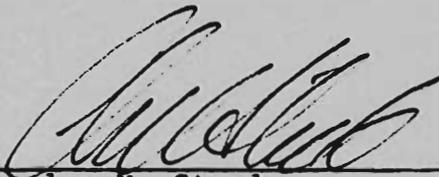
82040312153

Based on an analysis of the available documents and statements, the Office of General Counsel draws the following conclusions: The two bank accounts in question may be characterized as personal rather than campaign accounts. Campaign expenditures from these accounts should have been made from registered Committee depositories. Advances and reimbursements of funds for campaign expenses were commingled with other personal funds in each account. The commingling of campaign funds with personal monies constitutes a violation of 2 U.S.C. § 432(b)(3).

Recommendation

1. Find probable cause to believe that Sidney L. Gardner violated 2 U.S.C. § 432(b)(3).

28 Sept. 1961  
 Date \_\_\_\_\_

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

8200012154

In the Matter of )  
 ) MUR 1276  
Jane Fowler )

GENERAL COUNSEL'S BRIEF

On December 8, 1980, the Commission found reason to believe that Jane Fowler violated 2 U.S.C. § 432(b)(3) by commingling campaign funds with personal monies in a bank account used during the 1980 presidential primary election on behalf of candidate John Anderson.

During the audit of the Anderson for President Committee ("the Committee"), FEC auditors found that the Committee made wire transfers of campaign funds directly into a bank account in the name of Jane Fowler. This evidence that campaign funds may have been commingled with personal funds in an individual's account led to the Commission's finding of reason to believe against Ms. Fowler.

Committee records reveal that seven transfers totaling \$9,353.91 were wired to Ms. Fowler's account at the Union Warren Savings Bank in Boston, Massachusetts (Account no. 106-004-584). Expenditures for campaign purposes were made from the account as well. The Committee provided an itemized list of these expenditures which includes the check numbers, dates, amounts, payees and purposes. The expenses are supported, with few exceptions, by receipts, invoices and some check copies. Bank statements were not provided.

In her response to the Commission's finding, Ms. Fowler states, "The money wired in to my personal checking account was

82049312165

to reimburse me for amounts I had spent on primary campaign expenses." Our review of Committee records showed two campaign deposits totaling \$657.91, which could be identified as reimbursements for specific expenditures. An examination of cash flow and corresponding dates of receipts and expenditures shows that many deposits were advances for future campaign expenses. Reimbursements for a field person's initial outlay of funds are considered personal monies which should not be commingled in the same account with advances for campaign expenditures.

Based on an analysis of available bank records as well as Committee documents and the respondent's statement, it is the Office of General Counsel's conclusion that the bank account in question may be characterized as a personal account rather than a Committee depository. Gaps in the numbered sequence of checks identified by the Committee as campaign expenditures indicate the presence in the account of monies other than campaign funds. Advances and reimbursements for campaign expenses were deposited into this account. Therefore, it appears that campaign funds were commingled with personal monies in the Fowler bank account. The total amount of commingled campaign funds is calculated at \$8,696. Such commingling of funds constitutes a violation of 2 U.S.C. § 432(b)(3).

Recommendation

1. Find probable cause to believe that Jane Fowler violated 2 U.S.C. § 432(b)(3).

28 Sept. 1961  
Date

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

82010312156

BEFORE THE FEDERAL ELECTION COMMISSION  
, 1981

In the Matter of )  
 ) MUR 1276  
Paul Wheeler )

GENERAL COUNSEL'S BRIEF

On December 8, 1980, the Commission found reason to believe that Paul Wheeler violated 2 U.S.C. § 432(b)(3) by commingling campaign funds with personal monies in a bank account used during the 1980 presidential primary election on behalf of candidate John Anderson.

During the audit of the Anderson for President Committee ("the Committee"), FEC auditors found that the Committee made wire transfers of campaign funds directly into a bank account in the name of Paul Wheeler. This evidence that campaign funds may have been commingled with personal funds in an individual's account led to the Commission's finding of reason to believe against Mr. Wheeler.

The respondent was notified of the Commission finding by certified mail. However, receipt of notification cannot be verified as the certified notice has not been returned to this Office and Mr. Wheeler has not responded. The Committee submitted a list of three transfers of funds totaling \$2,443.54 which were wired to the account in his name at the Midland National Bank in Minneapolis, Minnesota. Six campaign expenditures were made from the account for media advertisements and postage. Four of the expenditures are supported by receipted bills or invoices. No bank records are available.

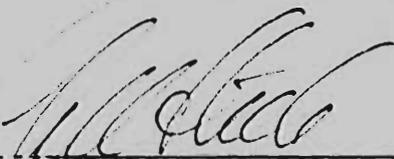
9  
0  
1  
2  
3  
4  
5  
6  
7

According to the Committee, Mr. Wheeler's account remains open, apparently functioning as the respondent's personal account. The high check numbers noted on receipts indicate a long-standing personal account rather than one recently opened for the campaign. The Committee transferred funds into the account from a registered campaign depository and expenditures were made from the account on behalf of the campaign. Based on the available information regarding this account, the Office of General Counsel concludes that the bank account in the name of Paul Wheeler may be characterized as a personal account from which campaign expenditures were made. Further, a violation of 2 U.S.C. § 432(b)(3) occurred when campaign funds were commingled with personal monies in this account. The amount of the violation is \$2,173.54, the total amount of campaign advances for expenditures. One of the six expenditures for a newspaper advertisement appears to have been reimbursed in the same amount as the campaign expense. Reimbursements are viewed as the individual's personal funds rather than the Committee's campaign monies. Therefore, the amount of this reimbursement is not included with the commingled total.

Recommendation

1. Find probable cause to believe that Paul Wheeler violated 2 U.S.C. § 432(b)(3).

28 Sept 1981  
Date

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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 28, 1981

Mr. Timothy J. Kinast  
1707 South Sixth Street, #42  
Milwaukee, Wisconsin 53204

RE: MUR 1276

Dear Mr. Kinast:

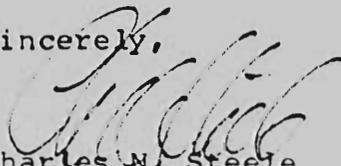
Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on December 8, 1980, found reason to believe that you had violated 2 U.S.C. § 432(b)(3), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), 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 no probable cause to believe that a violation has occurred. The Commission may or may not approve the General Counsel's Recommendation. A copy of your previously submitted statement will be attached to this office's recommendation for Commission review.

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 if possible) 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, if possible. The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of no probable cause to believe a violation has occurred.

Should you have any questions, please contact Frances B. Hagan at (202) 523-4529.

Sincerely,

  
Charles N. Steele  
General Counsel

Enclosure  
Brief



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 28, 1981

Mr. Sidney L. Gardner  
161 Tremont Street  
Hartford, Connecticut 06105

RE: MUR 1276

Dear Mr. Gardner:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on December 8, 1980, found reason to believe that you had violated 2 U.S.C. § 432(b)(3), and instituted an investigation in 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 if possible) 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, if possible). 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.

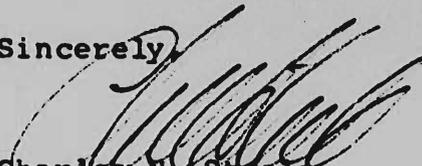
If you are unable to file a responsive brief within fifteen days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond twenty days.

82049312170

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.

Should you have any questions, please contact Frances B. Hagan, at (202) 523-4529.

Sincerely,



Charles N. Steele  
General Counsel

Enclosure  
Brief

82040312171



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 28, 1981

Ms. Jane Fowler  
The Woodward Building  
Suite 900  
Fifteenth and H Streets, N.W.  
Washington, D.C. 20005

RE: MUR 1276

Dear Ms. Fowler:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on December 8, 1980, found reason to believe that you had violated 2 U.S.C. § 432(b)(3), and instituted an investigation in 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 if possible) 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, if possible). 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.

If you are unable to file a responsive brief within fifteen days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond twenty days.

80000312172

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.

Should you have any questions, please contact Frances B. Hagan at (202) 523-4529.

Sincerely,



Charles N. Steele  
General Counsel

Enclosure  
Brief

62040312173



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 28, 1981

Mr. Paul Wheeler  
P.O. Box 3812  
Minneapolis, Minnesota 55403

RE: MUR 1276

Dear Mr. Wheeler:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by your committee, the Federal Election Commission, on December 8, 1980, found reason to believe that you had violated 2 U.S.C. § 432(b)(3), and instituted an investigation in 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 if possible) 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, if possible). 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.

If you are unable to file a responsive brief within fifteen days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond twenty days.

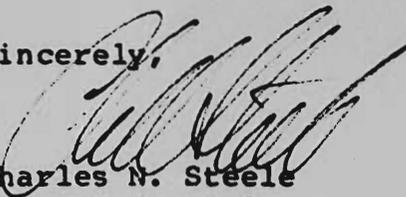
80910312174

Letter to Mr. Paul W. Zeller  
Page 2

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.

Should you have any questions, please contact Frances B. Hagan at (202) 523-4529.

Sincerely,



Charles N. Steele  
General Counsel

Enclosure  
Brief

8 2 0 4 0 3 1 2 1 7 5



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Termination Agreement

Upon termination, the Anderson For President Committee ("The Committee") agrees to meet all of the conditions set forth in 2 U.S.C. 433(d) and Section 102.3 of the Commission's Regulations and further agrees to amend the public record after termination, if necessary, regarding any open items being reviewed by the Commission at the time of termination. Civil penalties may also be imposed after termination in connection with said open items.

The Committee understands that 2 U.S.C. 432(d) and Sections 102.9(c) and 104.14(b)(3) of the Commission's Regulations require that the Committee maintain records and copies of reports for inspection for at least three (3) years. In addition, the Committee may be required to respond to Commission requests for information regarding the Committee's federal election activity and previously filed reports.

Should the Committee receive and accept contributions and/or make expenditures that would qualify it as a political committee subsequent to the filing of the termination report, it would be required to commence filing disclosure reports in accordance with 11 C.F.R. 102.

Lucille LaPlante 6-16-81

Treasurer  
Anderson For President Committee

82049312176

ACC #  
41

MAR 12 1981



The Anderson for President Committee 321 W. State St., Room 100, Rockford, IL 61101 . 815/964-3258

March 5, 1981

Ms. Frances Hagen  
Federal Election Commission  
1325 K Street NW  
Washington, DC 20463

Dear Frances:

Enclosed please find the requested information for the seven (7) bank accounts.

On the attachment we have listed them by name, account number, if they are open or closed and the date the account was closed.

If you should need any further information, please do not hesitate to contact us.

Sincerely,

*Lucille LaPlante*

Lucille LaPlante  
Treasurer

LL:dt  
Attachment  
cc Daniel Swillinger

MAR 16 11:53

8 2 0 4 0 3 1 2 1 7 7

ACC 4067

MUR 1246 Hagan

161 Tremont St.  
Hartford, Conn. 06105

Ms. Frances B. Hagan  
Federal Elections Commission  
1325 K St. N.W.  
Washington D.C.

MAR 3 11:37

GENERAL INVESTIGATIVE DIVISION

Dear Ms. Hagan,

I am writing in response to Chairman Friedersdorf's letter of December 12, 1980, which I received February 20, 1981, due to delay in the mails.

During the Anderson primary campaign in Connecticut, as your factual and legal analysis indicates, I received a number of transfers of funds from the national Anderson financial offices for use in the Connecticut primary campaign. Those transfers were used in entirety for campaign purposes and solely for campaign purposes. It is my understanding that Anderson campaign officials have reviewed the details of these transfers and expenditures with the FEC and have verified that all expenditures from the three accounts used in the Connecticut campaign were made in accordance with federal law and FEC requirements. The transfers were reimbursements for campaign expenditures or advance payments against the campaign budget for allowable campaign purposes.

I understand that there was an additional question about the "Gardner Associates" account, as to whether that was a corporate account. It is not; that is simply a designation I use for a checking account for my own unincorporated business.

I hope this is sufficient information to enable the completion of your investigation. I would be happy to provide any additional information which would be useful.

Sincerely,

  
Sidney L. Gardner

8 2 0 4 0 0 3 1 3 1 2 1 2 7 8

4050

MUR 1276

31 FEB 23 11:48

LAW OFFICES OF  
**DAVIS AND GOOCH**  
920 PENNSYLVANIA AVENUE, S. E.  
WASHINGTON, D. C. 20003

WILLIAM E. DAVIS \*  
RAYMOND L. GOOCH \*

(202) 543-3600

DANIEL J. SWILLINGER  
OF COUNSEL

\* ALSO MEMBER NORTH CAROLINA BAR  
\* ALSO MEMBER VIRGINIA BAR

February 24, 1981

Ms. Frances Hagen  
Office of the General Counsel  
Federal Election Commission  
1325 K Street, N. W.  
Washington, D. C. 20463

Dear Fran:

I spoke on February 23, 1981 with Sidney Gardner,  
regarding the legal status of Gardner and Associates. As you  
recall, one of the campaign bank accounts was in that name.

Mr. Gardner informed me that Gardner and Associates is  
a sole proprietorship, and is not a corporation. You could  
verify that through the Connecticut Secretary of State, but  
I have no reason to believe that Mr. Gardner's statement to  
me is anything but accurate.

Should you wish to speak with him directly, he can be  
reached at Area Code 203-566-6710.

Please call if you need any additional information.

Sincerely,



Daniel J. Swillinger

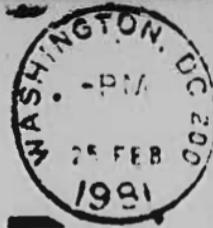
DJS/asc

cc: Lucille LaPlante

82010312177

LAW OFFICES OF  
**DAVIS AND GOOCH**  
920 PENNSYLVANIA AVENUE, S. E.  
WASHINGTON, D. C. 20003

8  
●  
2  
1  
1  
6  
1  
0  
7  
8



Ms. Frances Hagen  
Office of the General Counsel  
Federal Election Commission  
1325 K Street, N. W.  
Washington, D. C. 20463

MUR 1276  
Hagan

GCC # 3998



RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

91 FEB 18 A10: 45

The Anderson for President Committee 321 W. State St., Room 100, Rockford, IL 61101 . 815/964-3258

February 10, 1981

Chairman of the General Counsel  
Federal Election Commission  
1325 K Street NW  
Washington, DC 20463

Dear Chairman:

In response to your letter dated December 12, 1980, the Anderson for President Committee has prepared the attached summary. The purpose of this summary is to clarify that any action in the seven bank accounts by the five state coordinators referred to in your letter were used entirely for campaign purposes. Every attempt has been made to obtain receipts and cancelled checks to substantiate this.

Documentation in its entirety is also available for the counsel's review.

Sincerely,

Lucille LaPlante  
Treasurer

LL:dt

Attachments: Summary  
Copy of Documentation

82010312181

Paragraph A - Jane Fowler Massachusetts  
Warren Union Savings Bank  
Account #106-004-584

Money received	\$ 9,161.15
Documented expenses	9,161.15

Paragraph B - Sidney Gardner Connecticut  
Continental Bank and Trust  
Account #4116690

Money received	\$16,000.00
Documented expenses	<u>16,368.42</u>
	+368.42

United Bank and Trust Co.  
Account #01-491-8142

Money received	\$ 5,541.15
Documented expenses	<u>5,388.28</u>
	(152.87)

Connecticut Bank & Trust Co.  
Account #121538-8

Money received	\$ 5,100.00
Documented expenses	<u>5,099.13</u>
	(.87)

Total difference	\$ +214.68
------------------	------------

Records show contributions from Sidney Gardner to the Anderson for President Committee are \$550.00 plus \$214.68 making his total contribution \$764.68, which is under the limit of \$1,000.00 to comply with federal election commission regulations.

Paragraph C - William Glew Vermont  
Chittenden Trust  
Account #1-51-1581-5

Money received	\$ 4,054.87
Documented expenses	<u>4,067.09</u>
	+12.22

82040312182

Paragraph D - Timothy Kinast Wisconsin  
Continental Bank & Trust  
Account #669-448

Money received	\$ 1,943.89
Documented expenses	1,943.89

Continental Bank & Trust  
Account #188-330

Money received	\$ 5,498.84
Documented expenses	5,498.84

Paragraph E - Paul Wheeler Minnesota  
Midland National Bank  
Account #24-47-279

Money received	\$ 2,443.54
Documented expenses	<u>2,438.16</u>
	(5.38)

8 2 0 4 0 3 1 2 1 8 3

91225

GCC# 4019

81 FEB 20 11:00

Tim Kinast  
1707 S. 6th St. #42  
Milwaukee, WI 53204

15 February 1981

FEB 20 P 2: 06

Ms. Frances B. Hagen  
Federal Elections Commission  
Washington, D.C. 20463

Re: MUR 1276

Dear Ms. Hagen:

Enclosed you will find records from the bank accounts used by the Anderson primary campaign here in Milwaukee. I requested, and received, from the Continental Bank copies of all statements and checks from account 699-448 which was in my name. I also requested the first statement from account 188-330 which was opened up after 699-448 was drawn down to a balance of zero, and which was in the name of "Anderson for President-Milwaukee". (Since writing you last it occurred to me why we opened up a second account. After the first had been opened in my name, Harry explained to me that there could be no personal accounts with campaign funds, and therefor my name should not be on the account. He told me to have the account changed to "Anderson for President-Milwaukee". When I attempted to have the name of the account so changed, I was told that the new name would require a business account. I then opened the new account with a check for the balance of the old account.) This statement should establish the fact that the balance of 699-448 was transferred to 188-330. Because of the cost of reconstructing the records for the accounts (\$35.00 for what I requested) I did not request the checks or further statements from 188-330.

There are two statements from account 699-448. The first (dtd 26 Mar 80) shows a check for \$366.90 dtd 24 March. You will find this check numbered as #13 and written to the Continental Bank. This was the last check written on account 699-448; and it reduced the checkbook balance to zero. You will see a deposit for this amount listed on the statement for account 188-330. Upon inspection of checks 1-12 of account 699-448 you will notice that they are all dated on or before the 24th of March, although they all cleared later. Since these checks had not yet cleared the bank we had to keep the account open.

There were two deposits to account 699-448. Both of them (\$1,000 on March 21st and \$943.89 on March 24th) came from Harry Koplin in Rockford. I can't remember the exact form which they came in. I believe the first was a check, and the second was either a check or a bank wire. All checks were written on the campaign account in a Rockford Bank. We eventually went to wires

82040312184

because the Post Office demanded certified checks for stamps, and it took too long for checks to clear to establish our balance. I do not have access to any records which would prove that these deposits were accomplished with Anderson for President checks from Harry Koplin, but the Anderson campaign records would be able to verify that.

The checks written on account 699-448 were all to either businesses which we purchased services from, or to campaign personnel for reimbursement. In the latter category, Paul Reeves (check 11, 24 March) was a paid staffer who I was instructed by Rockford to reimburse for living expenses incurred while on the road for the campaign; and Jon Sender (Check #1, 21 March) was a volunteer who was reimbursed for the purchase of city maps for canvassing. As I remember, there was a problem with Paul Reeves. At one point, I was instructed to reimburse him for expenses even though he did not have receipts to back them up. Later, he again requested reimbursement and produced receipts; it was not until reimbursing him that I discovered that they were the receipts which he had promised to forward to Rockford for the first reimbursement. Except for this problem with Reeves, all expenditures from the campaign accounts should be backed up by receipts contained in the March and April FEC reports for the Milwaukee campaign office; I wrote the reports so I know they are in there.

The records for account 188-330 should be available from the Anderson campaign. I turned over all records for both accounts to the Rockford office after completing the FEC reports. I would rather not request further records unless it is absolutely necessary, because of the expense involved.

If I can be of any further assistance to you, please contact me.

Sincerely,  
*Tim Kinast*  
Tim Kinast

8 2 0 1 0 3 1 8 5

GCC # 3999

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

LAW OFFICES OF  
**DAVIS AND GOOCH**

920 PENNSYLVANIA AVENUE, S.E.  
WASHINGTON, D. C. 20003

(202) 543-3600

FEB 18 A10:44

WILLIAM E. DAVIS \*  
RAYMOND L. GOOCH \*

DANIEL J. SWILLINGER  
OF COUNSEL

\* ALSO MEMBER NORTH CAROLINA BAR  
\* ALSO MEMBER VIRGINIA BAR

February 17, 1981

Honorable John McGarry  
Chairman, Federal Election Commission  
1325 K Street, N. W.  
Washington, D. C. 20463

Re: MUR 1276

Dear Mr. Chairman:

This is in response to the Chairman's letter of December 8, 1980 to the Anderson for President Committee, stating that the Commission has found reason to believe that 2 U. S. C. §§432 (b) (3), 432 (h) (1) and 433 (b) (6) were violated by the Committee. This response is made on behalf of the Committee in my capacity as General Counsel to the Committee.

SUMMARY OF COMMITTEE POSITION

A. Commingling of Funds - - Committee

Each of the five individuals listed were Anderson State Coordinators, and as such were agents for the Committee in incurring qualified campaign expenses, and making reimbursements for expenses.

As the attached documentation conclusively demonstrates, the funds which were transferred and deposited into the accounts were used exclusively for campaign purposes, and in no way inured to the benefit of the individuals, except to the extent they were reimbursed for personally incurred campaign expenses, such as travel. It should also be noted that full disclosure was made of all of this activity pursuant to 2 U. S. C. §§431 et seq.

It is the Committee's position that campaign funds were not commingled with personal funds of individuals, within the meaning of 2 U. S. C. § 432 (b) (3), and accordingly, this allegation should be dismissed by the Commission.

32040312185

Honorable John McGarry  
February 17, 1981  
Page Two

B. Commingling of Funds - - Individuals

For the reasons stated above, the same conclusion reached as to the Committee must be reached as to the five named individuals. Accordingly, the allegations against Sidney L. Gardner, William Glew, Timothy Kinast, Jane Fowler, and Paul Wheeler should be dismissed by the Commission.

C. Campaign Depositories

The Committee admits that the seven bank accounts were campaign depositories within the meaning of 2 U. S. C. §§432 (h) (1) and 433 (b) (6), and will promptly amend the appropriate forms to reflect those accounts.

CONCLUSION

For the reasons stated above, and more fully detailed in the attached documentation, the Committee requests that the Commission dismiss the allegations relating to Commingling.

Sincerely,



Daniel J. Swillinger  
General Counsel  
Anderson for President  
Committee

DJS/asc

Enclosures

8 2 0 4 0 3 1 2 1 3 7



911989

BCC#

8847

25 January 1981

Tim Kinast  
1707 S. 6th St. #42  
Milwaukee, WI 53204

414-384-6244

Ms. Frances B. Hagen  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 1276

Dear Ms.. Hagen;

This letter is coming to you per our phone conversation of Wednesday afternoon, 21 January 1981. I have requested the Continental Bank and Trust company of Milwaukee to supply me with copies of all records pertaining to the campaign account which was opened in my name. I will forward those records to you when I receive them. In the mean time my statement will have to rely on my memory from the Wisconsin primary campaign of February and March of 1980.

From January until May of 1980 I was a paid staffer for the Anderson for President campaign, receiving between \$125.00 and \$150.00 per week. I was sent from Madison on February 25th to staff the Milwaukee office of the campaign. There I was under the supervision of the state campaign chairperson Ann Peckham, and the Milwaukee campaign chairperson Lloyd Levine. For financial matters I was in direct contact with the then Campaign Finance Director Harry Koplin in Rockford.

One of the first difficulties I encountered in Milwaukee was in paying our bills in a timely manner. At that time everything was paid for either directly from Rockford by a check from Harry Koplin, or else out of our petty cash fund of \$100.00 which was replenished by a check from Harry. After a few weeks I asked Harry to set up a more manageable funding arrangement. He responded by instructing me to open up a checking account in my name at a local bank. This account was to be used only for campaign business. Money would be deposited by wires from Harry Koplin, or else by checks written expressly for that purpose by Harry. (As I remember, we stuck to wires because it took too long for checks to clear.) Disbursements were to be by check, and no check was to be written for cash. All disbursements had to be documented by receipts. (The receipts for all disbursements are part of the documentation I submitted to Harry for the March and April FEC reports.)

This funding arrangement was used for a few weeks, and several checks were written on this account for campaign expenditures. Harry then instructed me to open a new account

6812110108

11 JAN 29 AIO:

COMMUNICATIONS

in the name of the Anderson for President Committee-Milwaukee, and to transfer all funds from the old account in my name to the new account, and wrote a check for the balance of the old account and deposited it into the new account. But for some technical reason which I am not now sure of, I let the old account stand. I believe there was a problem with determining the exact balance of that account; it may have had to do with a check which we had lost the receipt to and were not sure of its amount, or it may have been that all checks had not yet cleared. At any rate, I decided to let the account stand until we received the next monthly statement so the problem could be cleared up. But there could not have been any more than a balance of a few dollars remaining in that account other than any uncleared checks. The new account was subject to the same instructions as was the old account. I followed those instructions very carefully.

After the Wisconsin primary campaign I completed the FEC reports for the Milwaukee office, and delivered them along with all supporting documentation to Harry Koplin in the Rockford office. The bank accounts were left open because statements had not been received and in order to give checks a time to clear. I was then sent to Indiana and later to Michigan to work on the campaign. My work for the campaign ended in May. After returning to Wisconsin I contacted the Continental bank to inquire about closing the campaign accounts. I was told by the bank that those two accounts had already been closed.

Before, during, and after the Anderson campaign I maintained a personal checking account at the University National Bank in Milwaukee, and did all of my personal banking there (other than savings accounts in my name in Madison and Indianapolis while working in those cities). At no time did I do any of my personal banking through either campaign account at the Continental bank. At no time did any money from either account accrue to me. My salary was paid by check directly from the Rockford office. At that time all personal expenses I incurred came out of my salary. The only other campaign money which I received at that time would have come through disbursements from the petty cash account which was always replenished by a check directly from Harry Koplin on the basis of receipts which we submitted to him; (this was cash on hand, and was not in a bank account).

While my handling of the books for the Milwaukee office probably leaves a lot to be desired, to my knowledge everything was done above board. There were cases of sloppy bookkeeping where receipts were misplaced, and I'm sure the FEC reports which I submitted for the Milwaukee office will reflect those inadequacies. But given the confusion which prevailed throughout the campaign organization -- and particularly in the last few weeks of the Wisconsin primary campaign -- I take a great deal of pride in the manner in which we in the Milwaukee office conducted ourselves, and in the effort we expended to document our compliance with FEC regulations.

Sincerely,

Tom Kurast

82010312190

6003  
3815

RECEIVED

✓

81 JAN 26 4 8: 57

January 22, 1981

Ms. Frances B. Hagen  
Federal Election Commission  
Washington, D.C. 20463

MUR 1276

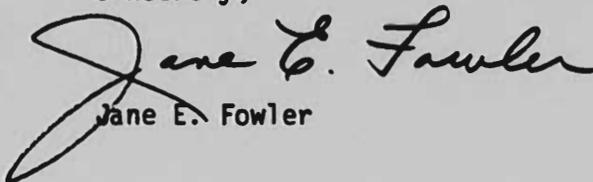
Dear Ms. Hagen:

I have just received Max Friedersdorf's letter of December 12, 1980. It was sent to a long since abandoned primary campaign headquarters in Boston, eventually signed for by a former employee, and forwarded to me here in Washington.

The money wired in to my personal checking account was to reimburse me for amounts I had spent on primary campaign expenses.

I hope this answers your questions about those funds.

Sincerely,

  
Jane E. Fowler

82040312191



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 16, 1981

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Paul Wheeler  
P. O. Box 3812  
Minneapolis, Minnesota 55403

RE: MUR 1276

Dear Mr. Wheeler

On December 8, 1980, the Federal Election Commission determined that there is reason to believe that you violated section 432(b)(3) of the Federal Election Campaign Act of 1971, as amended ("the Act") by commingling campaign funds with personal funds in an unregistered committee depository. The General Counsel's factual and legal analysis, which formed a basis of the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

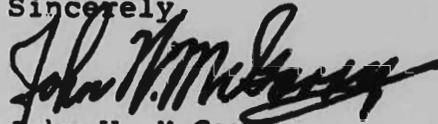
82010312192

Letter to Mr. Harry Koplin  
Page Two  
MUR 1276

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at 202/523-4057.

Sincerely,



John W. McGarry  
Chairman

Enclosures

General Counsel's Factual and Legal Analysis  
Procedures

8 2 0 4 0 3 1 2 1 9 3

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE January 16, 1981

MUR NO. 1276  
STAFF MEMBER(S) & TEL. NO.

RESPONDENT Paul Wheeler

Frances B. Hagan  
202/523-4057

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

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of General Counsel as a result of the Audit Division's post-primary audit of the Committee.

The Anderson for President Committee ("the Committee") apparently violated 2 U.S.C. § 432(b)(3) when it commingled campaign funds with personal funds of campaign workers in six bank accounts. The Committee also violated 2 U.S.C. § 432(h)(1) and 2 U.S.C. § 433(b)(6) by failing to designate and report these accounts as Committee depositories. Five individuals named below apparently violated 2 U.S.C. § 432(b)(3) by commingling personal funds with campaign funds in unregistered Committee depositories: Sidney L. Gardner (and Gardner Associates), William Glew, Timothy Kinast, Jane Fowler and Paul Wheeler.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(b)(3) states that "all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual. (See also 11 C.F.R. § 102.15).

8 2 0 4 0 3 1 2 1 9 4

During the audit of the Anderson for President Committee, auditors found that the Committee made check and wire transfers to six campaign field workers who deposited the funds into personal bank accounts. As a result, campaign monies were apparently commingled with personal funds in these accounts. The individuals received amounts ranging from approximately \$2400 to \$20,000 for state field operations (See Attachment A). Auditors reviewed incomplete records for these accounts, and were unable to determine whether the funds were transferred to reimburse expenses.

Since the audit review, the Committee treasurer provided complete records for the account in the name of Wendy MacKenzie Jacobus. The records show only campaign activity, with no evidence of commingled funds. The account is, however, an unregistered Committee depository. Each of the bank accounts represent campaign depositories which were not designated or reported as such in violation of 2 U.S.C. §§ 432(h)(1) and 433(b)(6). Therefore, the General Counsel recommends that the Commission find reason to believe that the Anderson for President Committee and five individuals violated the Act as follows:

Recommendation

1. Find reason to believe that the Anderson for President Committee violated the following provisions of the Act:

- a. 2 U.S.C. § 432(b)(3)
- b. 2 U.S.C. § 432(h)(1)
- c. 2 U.S.C. § 433(b)(6).

2. Find reason to believe that the following individuals violated 2 U.S.C. § 432(b)(3):

- a. Sidney L. Gardner
- b. William Glew
- c. Timothy Kinast
- d. Jane Fowler
- e. Paul Wheeler

3. Require that the Anderson for President Committee designate and report the following Committee depositories:

- a. Wisconsin Continental Bank and Trust (WI - Kinast)
- b. Union Warren Savings Bank (MA - Fowler)
- c. Midland National Bank (MN - Wheeler)
- d. Chittenden Trust (VT - Glew)
- e. Chemical Bank (NY - Jacobus)
- f. Connecticut Bank and Trust (CT - Gardner)
- g. United Bank and Trust (CT - Gardner)

4. Find no reason to believe that Wendy MacKenzie Jacobus violated 2 U.S.C. § 432(b)(3).

82040312195



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 15, 1981

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Harry Koplin, Treasurer  
Anderson for President Committee  
321 W. State Street, Room 100  
Rockford, Illinois 61101

RE: MUR 1276

Dear Mr. Koplin:

The Commission has approved your request for an extension of time to respond to the findings against your Committee. Accordingly, we will expect your response on January 16, 1981.

Sincerely,

*Charles N. Steele*  
Charles N. Steele  
General Counsel

cc: Daniel J. Swillinger

9  
6  
1  
2  
1  
3  
0  
4  
0  
8

Form 3811, Jan. 1979

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:  
Daniel J. Swillinger

3. ARTICLE DESCRIPTION:  
REGISTERED NO. 971544  
CERTIFIED NO. 1276  
RETURNED NO.

(Always obtain signature of addressee or agent)  
 I have received the article described above.  
 SIGNATURE: *K. B. Swillinger*  
 ADDRESS: *Washington, DC*

4. DATE OF DELIVERY: JAN 19 1981

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

7. RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

8. POSTAL SERVICE  
 JAN 19 1981  
 WASHINGTON, DC  
 SOUTHWEST

1276  
Koplin

★ (DO NOT WRITE IN THESE SPACES)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Anderson for President Committee ) MUR 1276

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 13, 1981, the Commission decided by a vote of 6-0 to take the following actions regarding MUR 1276:

1. Approve the Anderson for President Committee's request for an extension of response time.
2. Send the letter as submitted with the General Counsel's January 9, 1981, memorandum.

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

Attest:

1-13-81

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in Office of the Commission Secretary: 1-9-81, 10:43  
Circulated on 48 hour vote basis: 1-9-81, 2:00

82040312197

January 9, 1981

MEMORANDUM TO: Marjorie W. Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 1276

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

8 2 0 4 0 5 1 2 1 9 8



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

81 JAN 9 AIO: 43

January 9, 1981

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele  
General Counsel *CNS*

SUBJECT: Request for Extension of Time to Respond  
to RTB - The Anderson for President  
Committee - MUR 1276

8 2 0 4 0 3 1 2 1 9 9

The Anderson for President Committee Treasurer, Mr. Harry Koplin, has requested an extension of the 10 day response time to the notification of reason to believe. He has been in contact by telephone regarding necessary documentation to answer the allegations of commingling of campaign and personal funds. Because of the holiday season, the Committee office was closed December 12, 1980 through January 1, 1981. His response was due to the Commission on December 24, 1980. Therefore, he requests an extension to January 16, 1981.

It is our opinion that the request is reasonable due to the season and the amount of bank records and related documents required to complete this investigation.

Recommendation

1. Approve the Anderson for President Committee's request for an extension of response time.
2. Send attached letter.

Attachments

Letter from Harry Koplin dated 12/19/80  
Letter to Harry Koplin

Hagan



80 DEC 31 8:46  
GOC

The Anderson for President Committee 321 W. State St., Room 100, Rockford, IL 61101 . 815/964-3258

December 19, 1980

Frances B. Hagan  
Federal Election Commission  
1325 K Street N.W.  
Washington, DC 20463

re: MUR 1276

Dear Frances:

Per our telephone conversation we are requesting an extension of time until January 16th to obtain the needed information.

We are closing our office for the holiday period 12/23/80 thru January 1, 1981 and therefore need the extra time in January.

Trusting this will meet with your approval and with best wishes to you for the holiday season we remain,

Sincerely,

Harry Koplin  
Treasurer

HK:dt

82040312200

DEC 31 1980



911712 RECEIVED  
COC  
80 DEC 31 A 8:46

The Anderson for President Committee 321 W. State St., Room 100, Rockford, IL 61101 . 815/964-3258

December 19, 1980

Frances B. Hagan  
Federal Election Commission  
1325 K Street N.W.  
Washington, DC 20463

re: MUR 1276

Dear Frances:

Per our telephone conversation we are requesting an extension of time until January 16th to obtain the needed information.

We are closing our office for the holiday period 12/23/80 thru January 1, 1981 and therefore need the extra time in January.

Trusting this will meet with your approval and with best wishes to you for the holiday season we remain,

Sincerely,

Harry Koplín  
Treasurer

HK:dt

26 : 01W 18730 0

8 2 0 1 0 1 1 2 2 0 1



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 12, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Timothy Kinast  
Anderson for President Committee  
3950 N. Hoetan St.  
Milwaukee, Wisconsin 53212

RE: MUR 1276

Dear Mr. Kinast:

On December 8, 1980, the Federal Election Commission determined that there is reason to believe that you violated section 432(b)(3) of the Federal Election Campaign Act of 1971, as amended ("the Act") by commingling campaign funds with personal funds in an unregistered committee depository. The General Counsel's factual and legal analysis, which formed a basis of the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

8 2 0 4 0 3 1 2 2 0 2

Letter to Timothy Kinast  
Page Two  
MUR 1276

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at 202/523-4057.

Sincerely,

  
Max L. Friedersdorf  
Chairman

Enclosures

General Counsel's Factual and Legal Analysis  
Procedures

8 2 0 4 0 3 1 2 2 0 3

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE December 12, 1980

MUR NO. 1276  
STAFF MEMBER(S) & TEL. NO.

RESPONDENT Timothy Kinast

Frances B. Hagan  
202/523-4057

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

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of General Counsel as a result of the Audit Division's post-primary audit of the Committee.

The Anderson for President Committee ("the Committee") apparently violated 2 U.S.C. § 432(b)(3) when it commingled campaign funds with personal funds of campaign workers in six bank accounts. The Committee also violated 2 U.S.C. § 432(h)(1) and 2 U.S.C. § 433(b)(6) by failing to designate and report these accounts as Committee depositories. Five individuals named below apparently violated 2 U.S.C. § 432(b)(3) by commingling personal funds with campaign funds in unregistered Committee depositories: Sidney L. Gardner (and Gardner Associates), William Glew, Timothy Kinast, Jane Fowler and Paul Wheeler.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(b)(3) states that "all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual. (See also 11 C.F.R. § 102.15).

82040312204

During the audit of the Anderson for President Committee, auditors found that the Committee made check and wire transfers to six campaign field workers who deposited the funds into personal bank accounts. As a result, campaign monies were apparently commingled with personal funds in these accounts. The individuals received amounts ranging from approximately \$2400 to \$20,000 for state field operations (See Attachment A). Auditors reviewed incomplete records for these accounts, and were unable to determine whether the funds were transferred to reimburse expenses.

Since the audit review, the Committee treasurer provided complete records for the account in the name of Wendy MacKenzie Jacobus. The records show only campaign activity, with no evidence of commingled funds. The account is, however, an unregistered Committee depository. Each of the bank accounts represent campaign depositories which were not designated or reported as such in violation of 2 U.S.C. §§ 432(h)(1) and 433(b)(6). Therefore, the General Counsel recommends that the Commission find reason to believe that the Anderson for President Committee and five individuals violated the Act as follows:

Recommendation

1. Find reason to believe that the Anderson for President Committee violated the following provisions of the Act:

- a. 2 U.S.C. § 432(b)(3)
- b. 2 U.S.C. § 432(h)(1)
- c. 2 U.S.C. § 433(b)(6).

2. Find reason to believe that the following individuals violated 2 U.S.C. § 432(b)(3):

- a. Sidney L. Gardner
- b. William Glew
- c. Timothy Kinast
- d. Jane Fowler
- e. Paul Wheeler

3. Require that the Anderson for President Committee designate and report the following Committee depositories:

- a. Wisconsin Continental Bank and Trust (WI - Kinast)
- b. Union Warren Savings Bank (MA - Fowler)
- c. Midland National Bank (MN - Wheeler)
- d. Chittenden Trust (VT - Glew)
- e. Chemical Bank (NY - Jacobus)
- f. Connecticut Bank and Trust (CT - Gardner)
- g. United Bank and Trust (CT - Gardner)

4. Find no reason to believe that Wendy MacKenzie Jacobus violated 2 U.S.C. § 432(b)(3).

8 2 0 4 0 3 1 2 2 0 5



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Timothy Kinast  
Anderson for President Committee  
3950 N. Hoetan St.  
Milwaukee, Wisconsin 53212

RE: MUR 1276

Dear Mr. Kinast:

On \_\_\_\_\_, 1980, the Federal Election Commission determined that there is reason to believe that you violated section 432(b)(3) of the Federal Election Campaign Act of 1971, as amended ("the Act") by commingling campaign funds with personal funds in an unregistered committee depository. The General Counsel's factual and legal analysis, which formed a basis of the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

8 2 0 4 0 3 1 2 2 0 5

*JK*

Letter to Timothy Kinast  
Page Two  
MUR 1276

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at 202/523-4057.

Sincerely,

Enclosures

General Counsel's Factual and Legal Analysis  
Procedures

8 2 0 4 0 3 1 2 2 0 7



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 12, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ms. Jane Fowler  
Anderson for President Committee  
59 Canal Street  
Boston, MA 02114

RE: MUR 1276

Dear Ms. Fowler:

On December 8 , 1980, the Federal Election Commission determined that there is reason to believe that you violated section 432(b)(3) of the Federal Election Campaign Act of 1971, as amended ("the Act") by commingling campaign funds with personal funds in an unregistered committee depository. The General Counsel's factual and legal analysis, which formed a basis of the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

8 2 0 4 0 3 1 2 2 0 8

Letter to Jane Fowler  
Page Two  
MUR 1276

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at 202/523-4057.

Sincerely,

*Max Friedersdorf*

Max L. Friedersdorf  
Chairman

Enclosures

General Counsel's Factual and Legal Analysis  
Procedures

8 2 0 4 0 3 1 2 2 0 9

MUR 1276 - Page 2

1. The following series is requested (check one):  
 Show to whom and date delivered.  
 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:  
*Jane Fowler*

3. ARTICLE DESCRIPTION:  
REGISTERED NO. *947537* ENCLOSED NO.

I have received the article described above.  
SIGNATURE *E.A. Hagan* DATE OF DELIVERY *12-22-80*  
ADDRESS (Complete only if registered)

21-71-62710  
RECEIVED

Form 3811, Jan. 1978 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE December 12, 1980

MUR NO. 1276  
STAFF MEMBER(S) & TEL. NO.

RESPONDENT Jane Fowler

Frances B. Hagan  
202/523-4057

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

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of General Counsel as a result of the Audit Division's post-primary audit of the Committee.

The Anderson for President Committee ("the Committee") apparently violated 2 U.S.C. § 432(b)(3) when it commingled campaign funds with personal funds of campaign workers in six bank accounts. The Committee also violated 2 U.S.C. § 432(h)(1) and 2 U.S.C. § 433(b)(6) by failing to designate and report these accounts as Committee depositories. Five individuals named below apparently violated 2 U.S.C. § 432(b)(3) by commingling personal funds with campaign funds in unregistered Committee depositories: Sidney L. Gardner (and Gardner Associates), William Glew, Timothy Kinast, Jane Fowler and Paul Wheeler.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(b)(3) states that "all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual. (See also 11 C.F.R. § 102.15).

82010112210

During the audit of the Anderson for President Committee, auditors found that the Committee made check and wire transfers to six campaign field workers who deposited the funds into personal bank accounts. As a result, campaign monies were apparently commingled with personal funds in these accounts. The individuals received amounts ranging from approximately \$2400 to \$20,000 for state field operations (See Attachment A). Auditors reviewed incomplete records for these accounts, and were unable to determine whether the funds were transferred to reimburse expenses.

Since the audit review, the Committee treasurer provided complete records for the account in the name of Wendy MacKenzie Jacobus. The records show only campaign activity, with no evidence of commingled funds. The account is, however, an unregistered Committee depository. Each of the bank accounts represent campaign depositories which were not designated or reported as such in violation of 2 U.S.C. §§ 432(h)(1) and 433(b)(6). Therefore, the General Counsel recommends that the Commission find reason to believe that the Anderson for President Committee and five individuals violated the Act as follows:

Recommendation

1. Find reason to believe that the Anderson for President Committee violated the following provisions of the Act:

- a. 2 U.S.C. § 432(b)(3)
- b. 2 U.S.C. § 432(h)(1)
- c. 2 U.S.C. § 433(b)(6).

2. Find reason to believe that the following individuals violated 2 U.S.C. § 432(b)(3):

- a. Sidney L. Gardner
- b. William Glew
- c. Timothy Kinast
- d. Jane Fowler
- e. Paul Wheeler

3. Require that the Anderson for President Committee designate and report the following Committee depositories:

- a. Wisconsin Continental Bank and Trust (WI - Kinast)
- b. Union Warren Savings Bank (MA - Fowler)
- c. Midland National Bank (MN - Wheeler)
- d. Chittenden Trust (VT - Glew)
- e. Chemical Bank (NY - Jacobus)
- f. Connecticut Bank and Trust (CT - Gardner)
- g. United Bank and Trust (CT - Gardner)

4. Find no reason to believe that Wendy MacKenzie Jacobus violated 2 U.S.C. § 432(b)(3).

8 2 0 1 0 3 1 2 2 1 1



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 12, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. William Glew  
186 College St. #306  
Burlington, VT 05401

RE: MUR 1276

Dear Mr. Glew:

On December 8, 1980, the Federal Election Commission determined that there is reason to believe that you violated section 432(b)(3) of the Federal Election Campaign Act of 1971, as amended ("the Act") by commingling campaign funds with personal funds in an unregistered committee depository. The General Counsel's factual and legal analysis, which formed a basis of the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

82040312212

Letter to William Glew  
Page Two  
MUR 1276

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at 202/523-4057.

Sincerely,

*Max L. Friedersdorf*  
Max L. Friedersdorf  
Chairman

Enclosures

General Counsel's Factual and Legal Analysis  
Procedures

8 2 0 4 0 3 1 2 2 1 3

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE December 12, 1980

MUR NO. 1276  
STAFF MEMBER(S) & TEL. NO.

RESPONDENT William Glew

Frances B. Hagan  
202/523-4057

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

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of General Counsel as a result of the Audit Division's post-primary audit of the Committee.

The Anderson for President Committee ("the Committee") apparently violated 2 U.S.C. § 432(b)(3) when it commingled campaign funds with personal funds of campaign workers in six bank accounts. The Committee also violated 2 U.S.C. § 432(h)(1) and 2 U.S.C. § 433(b)(6) by failing to designate and report these accounts as Committee depositories. Five individuals named below apparently violated 2 U.S.C. § 432(b)(3) by commingling personal funds with campaign funds in unregistered Committee depositories: Sidney L. Gardner (and Gardner Associates), William Glew, Timothy Kinast, Jane Fowler and Paul Wheeler.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(b)(3) states that "all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual. (See also 11 C.F.R. § 102.15).

8 2 0 4 0 3 1 2 2 1 4

During the audit of the Anderson for President Committee, auditors found that the Committee made check and wire transfers to six campaign field workers who deposited the funds into personal bank accounts. As a result, campaign monies were apparently commingled with personal funds in these accounts. The individuals received amounts ranging from approximately \$2400 to \$20,000 for state field operations (See Attachment A). Auditors reviewed incomplete records for these accounts, and were unable to determine whether the funds were transferred to reimburse expenses.

Since the audit review, the Committee treasurer provided complete records for the account in the name of Wendy MacKenzie Jacobus. The records show only campaign activity, with no evidence of commingled funds. The account is, however, an unregistered Committee depository. Each of the bank accounts represent campaign depositories which were not designated or reported as such in violation of 2 U.S.C. §§ 432(h)(1) and 433(b)(6). Therefore, the General Counsel recommends that the Commission find reason to believe that the Anderson for President Committee and five individuals violated the Act as follows:

Recommendation

1. Find reason to believe that the Anderson for President Committee violated the following provisions of the Act:

- a. 2 U.S.C. § 432(b)(3)
- b. 2 U.S.C. § 432(h)(1)
- c. 2 U.S.C. § 433(b)(6).

2. Find reason to believe that the following individuals violated 2 U.S.C. § 432(b)(3):

- a. Sidney L. Gardner
- b. William Glew
- c. Timothy Kinast
- d. Jane Fowler
- e. Paul Wheeler

3. Require that the Anderson for President Committee designate and report the following Committee depositories:

- a. Wisconsin Continental Bank and Trust (WI - Kinast)
- b. Union Warren Savings Bank (MA - Fowler)
- c. Midland National Bank (MN - Wheeler)
- d. Chittenden Trust (VT - Glew)
- e. Chemical Bank (NY - Jacobus)
- f. Connecticut Bank and Trust (CT - Gardner)
- g. United Bank and Trust (CT - Gardner)

4. Find no reason to believe that Wendy MacKenzie Jacobus violated 2 U.S.C. § 432(b)(3).

82090512215



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 12, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Sidney L. Gardner  
Gardner Associates  
389 Main Street #C7  
Hartford, CT. 06106

RE: MUR 1276

Dear Mr. Gardner:

On December 8 , 1980, the Federal Election Commission determined that there is reason to believe that you violated section 432(b)(3) of the Federal Election Campaign Act of 1971, as amended ("the Act") by commingling campaign funds with personal funds in two unregistered committee depositories. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

82049312215

Letter to Sidney L. Gardner  
Page Two  
MUR 1276

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at 202/523-4057.

Sincerely,

*Max Friedersdorf*  
Max L. Friedersdorf  
Chairman

Enclosures

General Counsel's Factual and Legal Analysis  
Procedures

8 2 0 1 0 3 1 2 2 1 7

ALIENS  
OTHER  
DURE

GENERAL: Complete items 1, 2, and 3. Add your address to 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 DETAILS

2. ARTICLE ADDRESSED TO:  
*Sidney L. Gardner*

3. ARTICLE DESCRIPTION:  
REGISTERED NO. *947869* INSURED NO.  
I have received the article described above.  
SIGNATURE *Keith A. [unclear]* DATE OF DELIVERY  
FEB 11 1961  
21 FEB 17 12:53  
UNABLE TO DELIVER REASON: [unclear]

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

HARTFORD CT  
FEB 11 1961

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE December 12, 1980

MUR NO. 1276  
STAFF MEMBER(S) & TEL. NO.

RESPONDENT Sidney L. Gardner

Frances B. Hagan  
202/523-4057

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

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of General Counsel as a result of the Audit Division's post-primary audit of the Committee.

The Anderson for President Committee ("the Committee") apparently violated 2 U.S.C. § 432(b)(3) when it commingled campaign funds with personal funds of campaign workers in six bank accounts. The Committee also violated 2 U.S.C. § 432(h)(1) and 2 U.S.C. § 433(b)(6) by failing to designate and report these accounts as Committee depositories. Five individuals named below apparently violated 2 U.S.C. § 432(b)(3) by commingling personal funds with campaign funds in unregistered Committee depositories: Sidney L. Gardner (and Gardner Associates), William Glew, Timothy Kinast, Jane Fowler and Paul Wheeler.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(b)(3) states that "all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual. (See also 11 C.F.R. § 102.15).

8 2 0 4 9 3 1 2 2 1 8

During the audit of the Anderson for President Committee, auditors found that the Committee made check and wire transfers to six campaign field workers who deposited the funds into personal bank accounts. As a result, campaign monies were apparently commingled with personal funds in these accounts. The individuals received amounts ranging from approximately \$2400 to \$20,000 for state field operations (See Attachment A). Auditors reviewed incomplete records for these accounts, and were unable to determine whether the funds were transferred to reimburse expenses.

Since the audit review, the Committee treasurer provided complete records for the account in the name of Wendy MacKenzie Jacobus. The records show only campaign activity, with no evidence of commingled funds. The account is, however, an unregistered Committee depository. Each of the bank accounts represent campaign depositories which were not designated or reported as such in violation of 2 U.S.C. §§ 432(h)(1) and 433(b)(6). Therefore, the General Counsel recommends that the Commission find reason to believe that the Anderson for President Committee and five individuals violated the Act as follows:

Recommendation

1. Find reason to believe that the Anderson for President Committee violated the following provisions of the Act:

- a. 2 U.S.C. § 432(b)(3)
- b. 2 U.S.C. § 432(h)(1)
- c. 2 U.S.C. § 433(b)(6).

2. Find reason to believe that the following individuals violated 2 U.S.C. § 432(b)(3):

- a. Sidney L. Gardner
- b. William Glew
- c. Timothy Kinast
- d. Jane Fowler
- e. Paul Wheeler

3. Require that the Anderson for President Committee designate and report the following Committee depositories:

- a. Wisconsin Continental Bank and Trust (WI - Kinast)
- b. Union Warren Savings Bank (MA - Fowler)
- c. Midland National Bank (MN - Wheeler)
- d. Chittenden Trust (VT - Glew)
- e. Chemical Bank (NY - Jacobus)
- f. Connecticut Bank and Trust (CT - Gardner)
- g. United Bank and Trust (CT - Gardner)

4. Find no reason to believe that Wendy MacKenzie Jacobus violated 2 U.S.C. § 432(b)(3).

9  
1  
2  
1  
3  
0  
1  
0  
0  
8



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 12, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Harry Koplin, Treasurer  
The Anderson for President Committee  
1100 Talcott Building  
Rockford, Ill. 61101

RE: MUR 1276

Dear Mr. Koplin:

On December 8 , 1980, the Federal Election Commission determined that there is reason to believe that your committee violated section 432(b)(3), 432(h)(1) and 433(b)(6) of the Federal Election Campaign Act of 1971, as amended ("the Act") by commingling campaign funds with personal funds and by failing to register seven bank accounts as campaign depositories. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

Letter to Mr. Harry Koplin  
Page Two  
MUR 1276

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at 202/523-4057.

Sincerely,

*Max Friedersdorf*  
Max L. Friedersdorf  
Chairman

Enclosures

General Counsel's Factual and Legal Analysis  
Procedures

8 2 0 4 0 3 1 2 2 2 1



FEDERAL ELECTION COMMISSION  
WASHINGTON, DC 20463

*Mark 1276 - Haja*

PS Form 3811, Jan. 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:  
*Harry Koplin*

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
                     *555146*  
 (Always obtain signature of addressee or agent)

I have received the article described above.  
 SIGNATURE  Addressee  Authorized agent  
*Debra L. Weaver*

4. DATE OF DELIVERY *12-15-80* POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆GPO : 1979-288-848

*Mark 1276 - Haja*

PS Form 3811, Jan. 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: *AC*  
*Harry Koplin*

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
                     *94785*  
 (Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆GPO : 1979-288-848

00001501000

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE December 12, 1980

MUR NO. 1276  
STAFF MEMBER(S) & TEL. NO.

RESPONDENT Anderson for President  
Committee

Frances B. Hagan  
202/523-4057

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

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of General Counsel as a result of the Audit Division's post-primary audit of the Committee.

The Anderson for President Committee ("the Committee") apparently violated 2 U.S.C. § 432(b)(3) when it commingled campaign funds with personal funds of campaign workers in six bank accounts. The Committee also violated 2 U.S.C. § 432(h)(1) and 2 U.S.C. § 433(b)(6) by failing to designate and report these accounts as Committee depositories. Five individuals named below apparently violated 2 U.S.C. § 432(b)(3) by commingling personal funds with campaign funds in unregistered Committee depositories: Sidney L. Gardner (and Gardner Associates), William Glew, Timothy Kinast, Jane Fowler and Paul Wheeler.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(b)(3) states that "all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual. (See also 11 C.F.R. § 102.15).

8 2 0 4 0 3 1 2 2 2 3

During the audit of the Anderson for President Committee, auditors found that the Committee made check and wire transfers to six campaign field workers who deposited the funds into personal bank accounts. As a result, campaign monies were apparently commingled with personal funds in these accounts. The individuals received amounts ranging from approximately \$2400 to \$20,000 for state field operations (See Attachment A). Auditors reviewed incomplete records for these accounts, and were unable to determine whether the funds were transferred to reimburse expenses.

Since the audit review, the Committee treasurer provided complete records for the account in the name of Wendy MacKenzie Jacobus. The records show only campaign activity, with no evidence of commingled funds. The account is, however, an unregistered Committee depository. Each of the bank accounts represent campaign depositories which were not designated or reported as such in violation of 2 U.S.C. §§ 432(h)(1) and 433(b)(6). Therefore, the General Counsel recommends that the Commission find reason to believe that the Anderson for President Committee and five individuals violated the Act as follows:

Recommendation

1. Find reason to believe that the Anderson for President Committee violated the following provisions of the Act:

- a. 2 U.S.C. § 432(b)(3)
- b. 2 U.S.C. § 432(h)(1)
- c. 2 U.S.C. § 433(b)(6).

2. Find reason to believe that the following individuals violated 2 U.S.C. § 432(b)(3):

- a. Sidney L. Gardner
- b. William Glew
- c. Timothy Kinast
- d. Jane Fowler
- e. Paul Wheeler

3. Require that the Anderson for President Committee designate and report the following Committee depositories:

- a. Wisconsin Continental Bank and Trust (WI - Kinast)
- b. Union Warren Savings Bank (MA - Fowler)
- c. Midland National Bank (MN - Wheeler)
- d. Chittenden Trust (VT - Glew)
- e. Chemical Bank (NY - Jacobus)
- f. Connecticut Bank and Trust (CT - Gardner)
- g. United Bank and Trust (CT - Gardner)

4. Find no reason to believe that Wendy MacKenzie Jacobus violated 2 U.S.C. § 432(b)(3).

8 2 0 4 0 3 1 2 2 2 4

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Anderson for President Committee, ) MUR 1276  
 )  
et al. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on December 8, 1980, the Commission decided by a vote 5-0 to take the following actions in MUR 1276:

1. Find reason to believe that the Anderson for President Committee violated the following provisions of the FECA:
  - a. 2 U.S.C. §432(b)(3)
  - b. 2 U.S.C. §432(h)(1)
  - c. 2 U.S.C. §433(b)(6)
2. Find reason to believe that the following individuals violated 2 U.S.C. §432(b)(3):
  - a. Sidney L. Gardner
  - b. William Glew
  - c. Timothy Kinast
  - d. Jane Fowler
  - e. Paul Wheeler
3. Require that the Anderson for President Committee designate and report the following Committee despoitories:
  - a. Wisconsin Continental Bank and Trust (WI - Kinast)
  - b. Union Warren Savings Bank (MA - Fowler)
  - c. Midland National Bank (MN - Wheeler)
  - d. Chittenden Trust (VT - Glew)
  - e. Chemical Bank (NY - Jacobus)
  - f. Connecticut Bank and Trust (CT - Gardner)
  - g. United Bank and Trust (CT - Gardner)

Continued

3 2 0 4 0 3 1 2 2 2 5

4. Find no reason to believe that Wendy MacKenzie Jacobus violated 2 U.S.C. §432 (b) (3).
5. Send the letters attached to the General Counsel's December 4, 1980 report in this matter.

Commissioners Friedersdorf, Harris, McGarry, Reiche, and Tiernan voted affirmatively for the decision; Commissioner Aikens did not cast a vote.

Attest:

12/8/80

Date

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

8 2 0 1 0 3 1 2 2 2 5

December 4, 1980

MEMORANDUM TO: Marjorie W. Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 1276

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

82040312227

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

RECEIVED  
OFFICE OF THE  
COMMISSIONER

80 DEC 4 P12: 51

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL  
BY OGC TO THE COMMISSION 12-4-80

MUR # 1276  
STAFF MEMBER(S)

Frances Hagan

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

RESPONDENTS' NAMES: Anderson for President Committee  
Sidney L. Gardner  
William Glew  
Timothy Kinast  
Jane Fowler  
Paul Wheeler

RELEVANT STATUTE: 2 U.S.C. § 432(h)(1)  
2 U.S.C. § 433(b)(6)  
2 U.S.C. § 432(b)(3)  
11 C.F.R. § 102.15

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of General Counsel as a result of the Audit Division's post-primary audit of the Committee.

The Anderson for President Committee ("the Committee") apparently violated 2 U.S.C. § 432(b)(3) when it commingled campaign funds with personal funds of campaign workers in six bank accounts. The Committee also violated 2 U.S.C. § 432(h)(1) and 2 U.S.C. § 433(b)(6) by failing to designate and report these accounts as Committee depositories. Five individuals named below apparently violated 2 U.S.C. § 432(b)(3) by commingling personal funds with campaign funds in unregistered Committee depositories: Sidney L. Gardner (and Gardner Associates), William Glew, Timothy Kinast, Jane Fowler and Paul Wheeler.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(b)(3) states that "all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual. (See also 11 C.F.R. § 102.15).

8 2 0 4 0 3 1 2 2 2 9

During the audit of the Anderson for President Committee, auditors found that the Committee made check and wire transfers to six campaign field workers who deposited the funds into personal bank accounts. As a result, campaign monies were apparently commingled with personal funds in these accounts. The individuals received amounts ranging from approximately \$2400 to \$20,000 for state field operations (See Attachment A). Auditors reviewed incomplete records for these accounts, and were unable to determine whether the funds were transferred to reimburse expenses.

Since the audit review, the Committee treasurer provided complete records for the account in the name of Wendy MacKenzie Jacobus. The records show only campaign activity, with no evidence of commingled funds. The account is, however, an unregistered Committee depository. Each of the bank accounts represent campaign depositories which were not designated or reported as such in violation of 2 U.S.C. §§ 432(h)(1) and 433(b)(6).

Recommendation

1. Find reason to believe that the Anderson for President Committee violated the following provisions of the Act:

- a. 2 U.S.C. § 432(b)(3)
- b. 2 U.S.C. § 432(h)(1)
- c. 2 U.S.C. § 433(b)(6).

2. Find reason to believe that the following individuals violated 2 U.S.C. § 432(b)(3):

- a. Sidney L. Gardner
- b. William Glew
- c. Timothy Kinast
- d. Jane Fowler
- e. Paul Wheeler

3. Require that the Anderson for President Committee designate and report the following Committee depositories:

- a. Wisconsin Continental Bank and Trust (WI - Kinast)
- b. Union Warren Savings Bank (MA - Fowler)
- c. Midland National Bank (MN - Wheeler)
- d. Chittenden Trust (VT - Glew)
- e. Chemical Bank (NY - Jacobus)
- f. Connecticut Bank and Trust (CT - Gardner)
- g. United Bank and Trust (CT - Gardner)

4. Find no reason to believe that Wendy MacKenzie Jacobus violated 2 U.S.C. § 432(b)(3).

5. Send attached letters

Attachments: A and B; six (6) letters

82049312229

APPARENT PERSONAL BANK ACCOUNTS WHICH RECEIVED CAMPAIGN FUNDS

<u>State</u>	<u>Bank</u>	<u>Account Number</u>	<u>Total Campaign Funds Received</u>
Wisconsin	Wisconsin Continental Bank and Trust	188-330	\$ 7,521.40
Massachusetts	Union Warren Savings Bank	106-004-584	13,041.18
Minnesota	Midland National Bank	24-47-279	2,443.54
Vermont	Chittenden Trust	1-51-1581-5	4,054.87
New York	Chemical Bank	092-201-539	20,000.00
Connecticut	Connecticut Bank and Trust	411-669-0	<u>1/</u>
Connecticut	United Bank and Trust	01491-814-2	<u>19,400.00</u> <u>1/</u>
Total			<u>\$66,460.99</u>

1/ Campaign funds were transmitted to one individual who conducted campaign activity out of two (2) Connecticut bank accounts. The Audit staff was unable to determine what portion of the total amount is attributable to each bank.

Attachment A

82040312230



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 25, 1980

MEMORANDUM

TO: CHARLES N. STEELE  
GENERAL COUNSEL

THROUGH: WILLIAM LOUGHREY <sup>RL</sup>  
DEPUTY STAFF DIRECTOR

FROM: BOB COSTA *RC*

SUBJECT: POST-PRIMARY INTERIM AUDIT REPORT  
ON THE ANDERSON FOR PRESIDENT COMMITTEE

82040312231

Attached please find a copy of the post-primary interim audit report on the Anderson For President Committee ("the Committee") for your review and legal analysis. Please note that Finding ~~A.2~~ and A.3 have been specifically recommended for your analysis and, if deemed appropriate, consideration as possible MURs. It should be noted, with respect to the determination of the Committee's surplus position on the Candidate's date of ineligibility (see Finding B.2), we have adjusted (increased) the actual cash in bank figure as of 4/24/80 by \$126,266.17, which represents checks apparently received after 4/24/80, but dated on or before 4/24/80. These checks (contributions) were made payable to the primary committee. This adjustment was based on our understanding of 11 C.F.R. 110.1(a)(2).

Also forwarded with the report are Attachments A, B, C, and D which are included to formally advise the Committee of detailed information with respect to the Findings. In our opinion, these attachments should not be part of the publicly released report.

Should you have any questions, please contact either Ray Lisi or Ron West on extension 3-4155.

Attachments as stated

Attachment B



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

INTERIM REPORT OF THE AUDIT DIVISION  
ON  
THE ANDERSON FOR PRESIDENT COMMITTEE

I. Background

A. Overview

8 2 0 4 0 3 1 2 2 3 2  
This interim report is based on an audit of the Anderson For President Committee ("the Committee"), to determine whether there has been compliance with the provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The audit was conducted pursuant to Section 9038(a) of Title 26 of the United States Code which states that "after each matching payment period, the Commission shall conduct a thorough examination and audit of the qualified campaign expenses of every candidate and his authorized committees who received payments under Section 9037."

In addition, Section 9039(b) of Title 26 of the United States Code and Section 9038.1(b) of Title 11 of the Code of Federal Regulations state, in relevant part, that the Commission may conduct other examinations and audits from time to time as it deems necessary.

The Committee registered with the Federal Election Commission on January 29, 1979, as the Anderson For President Exploratory Committee. On May 7, 1979, the candidate authorized the Committee to act on his behalf and changed the Committee's name to the Anderson for President Committee. The Committee maintains its headquarters in Rockford, Illinois.

The audit covered the period from the date of inception of the Exploratory Committee through April 30, 1980. The Committee reported an opening cash balance of \$-0-, total receipts of \$6,878,253.50, total expenditures of \$5,952,531.72, and a closing cash balance of \$925,721.78 during this period.

This report is based upon documents and working papers which support each of the factual statements. They form part of the record upon which the Commission based its decisions on the matters in the report and were available to Commissioners and appropriate staff for review.

Excerpt Referred : Attachment B page 1

B. Key Personnel

The principal officers of the Committee during the period audited were: Mr. Frank P. Maggio, Chairman and Mr. Hugh D. Hammerslag, Treasurer.

C. Scope

The audit included such tests as verification of total reported receipts, expenditures and individual transactions; review of required supporting documentation; analysis of Committee debts and obligations; review of contribution and expenditure limitations; and such other audit procedures as deemed necessary under the circumstances.

II. Interim Audit Findings and Recommendations

A. Findings Relating To Title 2 of the United States Code

1. Allocation of Expenditures To States

Section 441a(b)(1)(A) and 441a(c) of Title 2 of the United States Code state, in part, that no candidate for the Office of President of the United States who is eligible under Section 9033 of Title 26 to receive payments from the Secretary of the Treasury may make expenditures in excess of \$10,000,000 in the case of a campaign for nomination for election to such office except the aggregate of expenditures under this subparagraph in any one state shall not exceed the greater of 16 cents multiplied by the voting age population of the state, or \$200,000 adjusted by the Consumer Price Index.

Section 100.8(b)(21)(iii) of Title 11 of the Code of Federal Regulations states, in part, that fundraising expenditures need not be allocated on a state by state basis, except where the fundraising activity is aimed at a particular state and takes place within 28 days prior to a primary election.

As a result of the Audit staff's review of the Committee's expenditure records, it was noted that costs incurred in direct mail fundraising within 28 days of a primary election were not allocated to the particular states.

Two consulting firms were involved with direct mail fundraising for the Committee. The first consulting firm conducted mailings early in 1980 and was then succeeded by a second firm which continued to manage direct mail activity through April 24, 1980. The second firm subcontracted printing and mailing to large volume direct mail businesses, then billed the Committee for the invoiced costs.

82040312233

Attachment B p. 2

An analysis of invoices submitted by both consulting firms for production costs directly related to mailings revealed that \$567,916.83 of those costs apparently occurred within a period encompassing the 28 days preceeding four (4) state primaries, two (2) with critical expenditure limitations. Furthermore, our examination of available solicitation material and the invoices submitted by the printing and mail processing establishments indicated that some mailings were clearly targeted toward specific states, but were not allocated (Attachment A).

Of the four states with 28 day periods encompassing the dates of the direct mail invoices, two (2), New Hampshire and Wisconsin, are subject to expenditure limitations that would be exceeded if the total \$567,916.83 were found to be allocable to either of them.

<u>State</u>	<u>28 Day Period</u>	<u>Expenditures Allocated @ 4/30/80</u>	<u>Expenditure Limitation</u>
New Hampshire	1/30 - 2/26	\$208,994	\$ 294,400
Massachusetts	2/06 - 3/04	\$398,890	\$1,001,666
Illinois	2/20 - 3/18	\$604,125	\$1,883,453
Wisconsin	3/05 - 4/01	\$474,111	\$ 794,173

Recommendation

The Audit staff recommends that within 30 days of receipt of this report, the Committee obtain information on mail drop dates and recipients of mailings for the direct mail activity detailed on Attachment A. A determination of allocable expenditures can then be made and the Committees compliance with state expenditure limitations established.

In addition the Audit staff recommends that within the same 30 day period the Committee amend FEC Form 3Pc to disclose the dollar value of any expenditure requiring allocation to a specific state as a result of the documentation provided for the above.

2. Apparent Corporate Contribution

Section 441b(a) of Title 2 of the United States Code states, in part, that it is unlawful for any national bank to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election.

82040312234

Section 100.7(a)(1) & (b)(11) of Title 11 of the Code of Federal Regulations states, in part, the term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. An overdraft made on a checking or savings account shall be considered a contribution by the bank or institution unless: the overdraft is made on an account which is subject to automatic overdraft protection; the overdraft is subject to a definite interest rate which is usual and customary; and there is a definite repayment schedule.

During the reconciliation of the Committee's bank accounts to the disclosure reports, the Audit staff noted that the Committee's direct mail account for their Washington, D.C. office was overdrawn in the amount of \$2,776.19 on April 28, 1980 and \$12,802.23 on April 30, 1980. In addition, there was a check outstanding as of April 30 in the amount of \$235.46 which was paid by the bank on May 1, 1980, increasing the overdraft to \$13,037.69. Further analysis revealed that the account maintained the overdraft position through May 30, 1980.

Committee officials stated that the overdraft was the result of bookkeeping errors at the Washington, D.C. office and the lengthy duration outstanding was caused by coordination problems between the Illinois and D.C. offices.

By letter dated July 11, 1980, and copy of a cancelled check, the Committee has provided evidence that the overdraft was paid in full, however, payment of interest was not indicated (See Attachment 1).

Recommendation

The Audit staff recommends that this ~~matter be referred to the Office of General Counsel for consideration.~~

3. Apparent Commingling of Campaign and Personal Funds

Section 432(b)(3) of Title 2 of the United States Code states, that all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.

Section 102.15 of Title 11 of the Code of Federal Regulations states further that all funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members or associates of that committee, or with the personal funds of any other individual.

Attachment B p. 4

82040312235

The Audit staff's review of campaign activities conducted at the state level revealed that funds transmitted by check or wire transfer from Committee headquarters to state campaign employees were directly deposited into personal bank accounts.

Of 37 bank accounts identified as operating for state campaign purposes, the Audit staff identified seven (7) accounts maintained by six (6) individuals in which committee personnel-conducted both personal and campaign business, thereby apparently commingling personal and campaign funds (See Attachment B). From the documentation presented for our review, the Audit staff was unable to determine what part, if any, of the funds transferred to these accounts represented expense reimbursements. The total amount of campaign funds transferred to the seven (7) accounts was \$66,460.99, a portion of which is included in Finding B.1, Undocumented Expenditures.

10915.04

Recommendation

It is recommended that this matter be referred to the Office of General Counsel for analysis, and if deemed appropriate, considered as a possible MUR.

8204031223

4. Disclosure of Depositories

Section 433(c) of Title 2 of the United States Code states, that any change in information previously submitted in a statement of organization shall be reported in accordance with Section 432(g) no later than 10 days after the date of change.

Our review of bank records presented for inspection revealed 22 depositories which were not disclosed by the Committee. The Audit staff advised the Committee of the requirement to disclose all depositories.

Recommendation

The Audit staff recommends that the Committee file an amendment to its statement of organization disclosing all depositories within 30 days of receipt of this report.

B. Findings Relating To Title 26 of The United States Code

1. Undocumented Expenditures

Section 9038.2(a)(2) & (3) of Title 11 of the Code of Federal Regulations require the candidate to repay any amounts determined to have been used for payments of other than qualified campaign expenses.

Attachment B p. 5



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Sidney L. Gardner  
Gardner Associates  
389 Main Street #C7  
Hartford, CT. 06106

RE: MUR 1276

Dear Mr. Gardner:

On \_\_\_\_\_, 1980, the Federal Election Commission determined that there is reason to believe that you violated section 432(b)(3) of the Federal Election Campaign Act of 1971, as amended ("the Act") by commingling campaign funds with personal funds in two unregistered committee depositories. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

82049312237

During the audit of the Anderson for President Committee, auditors found that the Committee made check and wire transfers to six campaign field workers who deposited the funds into personal bank accounts. As a result, campaign monies were apparently commingled with personal funds in these accounts. The individuals received amounts ranging from approximately \$2400 to \$20,000 for state field operations (See Attachment A). Auditors reviewed incomplete records for these accounts, and were unable to determine whether the funds were transferred to reimburse expenses.

Since the audit review, the Committee treasurer provided complete records for the account in the name of Wendy MacKenzie Jacobus. The records show only campaign activity, with no evidence of commingled funds. The account is, however, an unregistered Committee depository. Each of the bank accounts represent campaign depositories which were not designated or reported as such in violation of 2 U.S.C. §§ 432(h)(1) and 433(b)(6). Therefore, the General Counsel recommends that the Commission find reason to believe that the Anderson for President Committee and five individuals violated the Act as follows:

Recommendation

1. Find reason to believe that the Anderson for President Committee violated the following provisions of the Act:

- a. 2 U.S.C. § 432(b)(3)
- b. 2 U.S.C. § 432(h)(1)
- c. 2 U.S.C. § 433(b)(6).

2. Find reason to believe that the following individuals violated 2 U.S.C. § 432(b)(3):

- a. Sidney L. Gardner
- b. William Glew
- c. Timothy Kinast
- d. Jane Fowler
- e. Paul Wheeler

3. Require that the Anderson for President Committee designate and report the following Committee depositories:

- a. Wisconsin Continental Bank and Trust (WI - Kinast)
- b. Union Warren Savings Bank (MA - Fowler)
- c. Midland National Bank (MN - Wheeler)
- d. Chittenden Trust (VT - Glew)
- e. Chemical Bank (NY - Jacobus)
- f. Connecticut Bank and Trust (CT - Gardner)
- g. United Bank and Trust (CT - Gardner)

4. Find no reason to believe that Wendy MacKenzie Jacobus violated 2 U.S.C. § 432(b)(3).

8204731239

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE \_\_\_\_\_

MUR NO. 1276  
STAFF MEMBER(S) & TEL. NO.

RESPONDENT Sidney L. Gardner

Frances B. Hagan  
202/523-4057

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

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of General Counsel as a result of the Audit Division's post-primary audit of the Committee.

The Anderson for President Committee ("the Committee") apparently violated 2 U.S.C. § 432(b)(3) when it commingled campaign funds with personal funds of campaign workers in six bank accounts. The Committee also violated 2 U.S.C. § 432(h)(1) and 2 U.S.C. § 433(b)(6) by failing to designate and report these accounts as Committee depositories. Five individuals named below apparently violated 2 U.S.C. § 432(b)(3) by commingling personal funds with campaign funds in unregistered Committee depositories: Sidney L. Gardner (and Gardner Associates), William Glew, Timothy Kinast, Jane Fowler and Paul Wheeler.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(b)(3) states that "all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual. (See also 11 C.F.R. § 102.15).

82040312239

Letter to Sidney L. Gardner  
Page Two  
MUR 1276

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at 202/523-4057.

Sincerely,

Enclosures

General Counsel's Factual and Legal Analysis  
Procedures

8 2 0 4 0 3 1 2 2 4 0



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

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

Mr. William Glew  
186 College St. #306  
Burlington, VT 05401

RE: MUR 1276

Dear Mr. Glew:

On \_\_\_\_\_, 1980, the Federal Election Commission determined that there is reason to believe that you violated section 432(b)(3) of the Federal Election Campaign Act of 1971, as amended ("the Act") by commingling campaign funds with personal funds in an unregistered committee depository. The General Counsel's factual and legal analysis, which formed a basis of the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

22211  
312211  
0312211  
0010312211  
0010312211

Letter to William Glew  
Page Two  
MUR 1276

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at 202/523-4057.

Sincerely,

Enclosures

General Counsel's Factual and Legal Analysis  
Procedures

82040312242

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE \_\_\_\_\_

MUR NO. 1276  
STAFF MEMBER(S) & TEL. NO.

RESPONDENT William Glew

Frances B. Hagan  
202/523-4057

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

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of General Counsel as a result of the Audit Division's post-primary audit of the Committee.

The Anderson for President Committee ("the Committee") apparently violated 2 U.S.C. § 432(b)(3) when it commingled campaign funds with personal funds of campaign workers in six bank accounts. The Committee also violated 2 U.S.C. § 432(h)(1) and 2 U.S.C. § 433(b)(6) by failing to designate and report these accounts as Committee depositories. Five individuals named below apparently violated 2 U.S.C. § 432(b)(3) by commingling personal funds with campaign funds in unregistered Committee depositories: Sidney L. Gardner (and Gardner Associates), William Glew, Timothy Kinast, Jane Fowler and Paul Wheeler.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(b)(3) states that "all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual. (See also 11 C.F.R. § 102.15).

82040312243

During the audit of the Anderson for President Committee, auditors found that the Committee made check and wire transfers to six campaign field workers who deposited the funds into personal bank accounts. As a result, campaign monies were apparently commingled with personal funds in these accounts. The individuals received amounts ranging from approximately \$2400 to \$20,000 for state field operations (See Attachment A). Auditors reviewed incomplete records for these accounts, and were unable to determine whether the funds were transferred to reimburse expenses.

Since the audit review, the Committee treasurer provided complete records for the account in the name of Wendy MacKenzie Jacobus. The records show only campaign activity, with no evidence of commingled funds. The account is, however, an unregistered Committee depository. Each of the bank accounts represent campaign depositories which were not designated or reported as such in violation of 2 U.S.C. §§ 432(h)(1) and 433(b)(6). Therefore, the General Counsel recommends that the Commission find reason to believe that the Anderson for President Committee and five individuals violated the Act as follows:

Recommendation

1. Find reason to believe that the Anderson for President Committee violated the following provisions of the Act:

- a. 2 U.S.C. § 432(b)(3)
- b. 2 U.S.C. § 432(h)(1)
- c. 2 U.S.C. § 433(b)(6).

2. Find reason to believe that the following individuals violated 2 U.S.C. § 432(b)(3):

- a. Sidney L. Gardner
- b. William Glew
- c. Timothy Kinast
- d. Jane Fowler
- e. Paul Wheeler

3. Require that the Anderson for President Committee designate and report the following Committee depositories:

- a. Wisconsin Continental Bank and Trust (WI - Kinast)
- b. Union Warren Savings Bank (MA - Fowler)
- c. Midland National Bank (MN - Wheeler)
- d. Chittenden Trust (VT - Glew)
- e. Chemical Bank (NY - Jacobus)
- f. Connecticut Bank and Trust (CT - Gardner)
- g. United Bank and Trust (CT - Gardner)

4. Find no reason to believe that Wendy MacKenzie Jacobus violated 2 U.S.C. § 432(b)(3).

8 2 0 1 9 3 1 2 2 1 4



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

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

Ms. Jane Fowler  
Anderson for President Committee  
59 Canal Street  
Boston, MA 02114

RE: MUR 1276

Dear Ms. Fowler:

On \_\_\_\_\_, 1980, the Federal Election Commission determined that there is reason to believe that you violated section 432(b)(3) of the Federal Election Campaign Act of 1971, as amended ("the Act") by commingling campaign funds with personal funds in an unregistered committee depository. The General Counsel's factual and legal analysis, which formed a basis of the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

82040312215

Letter to Jane Fowler  
Page Two  
MUR 1276

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at 202/523-4057.

Sincerely,

Enclosures

General Counsel's Factual and Legal Analysis  
Procedures

8 2 0 4 0 3 1 2 2 4 6

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE \_\_\_\_\_

MUR NO. 1276  
STAFF MEMBER(S) & TEL. NO.

RESPONDENT Jane Fowler

Frances B. Hagan  
202/523-4057

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

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of General Counsel as a result of the Audit Division's post-primary audit of the Committee.

The Anderson for President Committee ("the Committee") apparently violated 2 U.S.C. § 432(b)(3) when it commingled campaign funds with personal funds of campaign workers in six bank accounts. The Committee also violated 2 U.S.C. § 432(h)(1) and 2 U.S.C. § 433(b)(6) by failing to designate and report these accounts as Committee depositories. Five individuals named below apparently violated 2 U.S.C. § 432(b)(3) by commingling personal funds with campaign funds in unregistered Committee depositories: Sidney L. Gardner (and Gardner Associates), William Glew, Timothy Kinast, Jane Fowler and Paul Wheeler.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(b)(3) states that "all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual. (See also 11 C.F.R. § 102.15).

82040312247

During the audit of the Anderson for President Committee, auditors found that the Committee made check and wire transfers to six campaign field workers who deposited the funds into personal bank accounts. As a result, campaign monies were apparently commingled with personal funds in these accounts. The individuals received amounts ranging from approximately \$2400 to \$20,000 for state field operations (See Attachment A). Auditors reviewed incomplete records for these accounts, and were unable to determine whether the funds were transferred to reimburse expenses.

Since the audit review, the Committee treasurer provided complete records for the account in the name of Wendy MacKenzie Jacobus. The records show only campaign activity, with no evidence of commingled funds. The account is, however, an unregistered Committee depository. Each of the bank accounts represent campaign depositories which were not designated or reported as such in violation of 2 U.S.C. §§ 432(h)(1) and 433(b)(6). Therefore, the General Counsel recommends that the Commission find reason to believe that the Anderson for President Committee and five individuals violated the Act as follows:

Recommendation

1. Find reason to believe that the Anderson for President Committee violated the following provisions of the Act:

- a. 2 U.S.C. § 432(b)(3)
- b. 2 U.S.C. § 432(h)(1)
- c. 2 U.S.C. § 433(b)(6).

2. Find reason to believe that the following individuals violated 2 U.S.C. § 432(b)(3):

- a. Sidney L. Gardner
- b. William Glew
- c. Timothy Kinast
- d. Jane Fowler
- e. Paul Wheeler

3. Require that the Anderson for President Committee designate and report the following Committee depositories:

- a. Wisconsin Continental Bank and Trust (WI - Kinast)
- b. Union Warren Savings Bank (MA - Fowler)
- c. Midland National Bank (MN - Wheeler)
- d. Chittenden Trust (VT - Glew)
- e. Chemical Bank (NY - Jacobus)
- f. Connecticut Bank and Trust (CT - Gardner)
- g. United Bank and Trust (CT - Gardner)

4. Find no reason to believe that Wendy MacKenzie Jacobus violated 2 U.S.C. § 432(b)(3).

82010312248



**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20463

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

Mr. Timothy Kinast  
Anderson for President Committee  
3950 N. Hoetan St.  
Milwaukee, Wisconsin 53212

RE: MUR 1276

Dear Mr. Kinast:

On \_\_\_\_\_, 1980, the Federal Election Commission determined that there is reason to believe that you violated section 432(b)(3) of the Federal Election Campaign Act of 1971, as amended ("the Act") by commingling campaign funds with personal funds in an unregistered committee depository. The General Counsel's factual and legal analysis, which formed a basis of the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

8 2 0 1 9 3 1 2 2 4 9

**Letter to Timothy Kinast  
Page Two  
MUR 1276**

**The investigation now being conducted will be 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 investigation to be made public.**

**For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at 202/523-4057.**

**Sincerely,**

**Enclosures**

**General Counsel's Factual and Legal Analysis  
Procedures**

8 2 0 4 0 3 1 2 2 5 0

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE .....

MUR NO. 1276  
STAFF MEMBER(S) & TEL. NO.

RESPONDENT Timothy Kinast

Frances B. Hagan  
202/523-4057

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

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of General Counsel as a result of the Audit Division's post-primary audit of the Committee.

The Anderson for President Committee ("the Committee") apparently violated 2 U.S.C. § 432(b)(3) when it commingled campaign funds with personal funds of campaign workers in six bank accounts. The Committee also violated 2 U.S.C. § 432(h)(1) and 2 U.S.C. § 433(b)(6) by failing to designate and report these accounts as Committee depositories. Five individuals named below apparently violated 2 U.S.C. § 432(b)(3) by commingling personal funds with campaign funds in unregistered Committee depositories: Sidney L. Gardner (and Gardner Associates), William Glew, Timothy Kinast, Jane Fowler and Paul Wheeler.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(b)(3) states that "all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual. (See also 11 C.F.R. § 102.15).

8 2 0 4 0 3 1 2 2 5 1

During the audit of the Anderson for President Committee, auditors found that the Committee made check and wire transfers to six campaign field workers who deposited the funds into personal bank accounts. As a result, campaign monies were apparently commingled with personal funds in these accounts. The individuals received amounts ranging from approximately \$2400 to \$20,000 for state field operations (See Attachment A). Auditors reviewed incomplete records for these accounts, and were unable to determine whether the funds were transferred to reimburse expenses.

Since the audit review, the Committee treasurer provided complete records for the account in the name of Wendy MacKenzie Jacobus. The records show only campaign activity, with no evidence of commingled funds. The account is, however, an unregistered Committee depository. Each of the bank accounts represent campaign depositories which were not designated or reported as such in violation of 2 U.S.C. §§ 432(h)(1) and 433(b)(6). Therefore, the General Counsel recommends that the Commission find reason to believe that the Anderson for President Committee and five individuals violated the Act as follows:

Recommendation

1. Find reason to believe that the Anderson for President Committee violated the following provisions of the Act:

- a. 2 U.S.C. § 432(b)(3)
- b. 2 U.S.C. § 432(h)(1)
- c. 2 U.S.C. § 433(b)(6).

2. Find reason to believe that the following individuals violated 2 U.S.C. § 432(b)(3):

- a. Sidney L. Gardner
- b. William Glew
- c. Timothy Kinast
- d. Jane Fowler
- e. Paul Wheeler

3. Require that the Anderson for President Committee designate and report the following Committee depositories:

- a. Wisconsin Continental Bank and Trust (WI - Kinast)
- b. Union Warren Savings Bank (MA - Fowler)
- c. Midland National Bank (MN - Wheeler)
- d. Chittenden Trust (VT - Glew)
- e. Chemical Bank (NY - Jacobus)
- f. Connecticut Bank and Trust (CT - Gardner)
- g. United Bank and Trust (CT - Gardner)

4. Find no reason to believe that Wendy MacKenzie Jacobus violated 2 U.S.C. § 432(b)(3).

32049312252



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Harry Koplin, Treasurer  
The Anderson for President Committee  
1100 Talcott Building  
Rockford, Ill. 61101

RE: MUR 1276

Dear Mr. Koplin:

On \_\_\_\_\_, 1980, the Federal Election Commission determined that there is reason to believe that your committee violated section 432(b)(3), 432(h)(1) and 433(b)(6) of the Federal Election Campaign Act of 1971, as amended ("the Act") by commingling campaign funds with personal funds and by failing to register seven bank accounts as campaign depositories. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

8 2 0 4 0 3 1 2 2 5 3

Letter to Mr. Harry Koplin  
Page Two  
MUR 1276

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at 202/523-4057.

Sincerely,

Enclosures

General Counsel's Factual and Legal Analysis  
Procedures

8 2 0 4 0 3 1 2 2 5 4

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE \_\_\_\_\_

MUR NO. 1276  
STAFF MEMBER(S) & TEL. NO.

RESPONDENT Anderson for President  
Committee

Frances B. Hagan  
202/523-4057

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

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of General Counsel as a result of the Audit Division's post-primary audit of the Committee.

The Anderson for President Committee ("the Committee") apparently violated 2 U.S.C. § 432(b)(3) when it commingled campaign funds with personal funds of campaign workers in six bank accounts. The Committee also violated 2 U.S.C. § 432(h)(1) and 2 U.S.C. § 433(b)(6) by failing to designate and report these accounts as Committee depositories. Five individuals named below apparently violated 2 U.S.C. § 432(b)(3) by commingling personal funds with campaign funds in unregistered Committee depositories: Sidney L. Gardner (and Gardner Associates), William Glew, Timothy Kinast, Jane Fowler and Paul Wheeler.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(b)(3) states that "all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual. (See also 11 C.F.R. § 102.15).

8 2 0 1 0 3 1 2 2 5 5

During the audit of the Anderson for President Committee, auditors found that the Committee made check and wire transfers to six campaign field workers who deposited the funds into personal bank accounts. As a result, campaign monies were apparently commingled with personal funds in these accounts. The individuals received amounts ranging from approximately \$2400 to \$20,000 for state field operations (See Attachment A). Auditors reviewed incomplete records for these accounts, and were unable to determine whether the funds were transferred to reimburse expenses.

Since the audit review, the Committee treasurer provided complete records for the account in the name of Wendy MacKenzie Jacobus. The records show only campaign activity, with no evidence of commingled funds. The account is, however, an unregistered Committee depository. Each of the bank accounts represent campaign depositories which were not designated or reported as such in violation of 2 U.S.C. §§ 432(h)(1) and 433(b)(6). Therefore, the General Counsel recommends that the Commission find reason to believe that the Anderson for President Committee and five individuals violated the Act as follows:

Recommendation

1. Find reason to believe that the Anderson for President Committee violated the following provisions of the Act:

- a. 2 U.S.C. § 432(b)(3)
- b. 2 U.S.C. § 432(h)(1)
- c. 2 U.S.C. § 433(b)(6).

2. Find reason to believe that the following individuals violated 2 U.S.C. § 432(b)(3):

- a. Sidney L. Gardner
- b. William Glew
- c. Timothy Kinast
- d. Jane Fowler
- e. Paul Wheeler

3. Require that the Anderson for President Committee designate and report the following Committee depositories:

- a. Wisconsin Continental Bank and Trust (WI - Kinast)
- b. Union Warren Savings Bank (MA - Fowler)
- c. Midland National Bank (MN - Wheeler)
- d. Chittenden Trust (VT - Glew)
- e. Chemical Bank (NY - Jacobus)
- f. Connecticut Bank and Trust (CT - Gardner)
- g. United Bank and Trust (CT - Gardner)

4. Find no reason to believe that Wendy MacKenzie Jacobus violated 2 U.S.C. § 432(b)(3).

8 2 0 4 0 3 1 2 2 5 5



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Paul Wheeler

RE: MUR 1276

Dear Mr. Wheeler:

On , 1980, the Federal Election Commission determined that there is reason to believe that you violated section 432(b)(3) of the Federal Election Campaign Act of 1971, as amended ("the Act") by commingling campaign funds with personal funds in an unregistered committee depository. The General Counsel's factual and legal analysis, which formed a basis of the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

82040312257

Letter to Mr. Paul Wheeler  
Page Two  
MUR 1276

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at 202/523-4057.

Sincerely,

Enclosures

General Counsel's Factual and Legal Analysis  
Procedures

8 2 0 4 0 3 1 2 2 5 9

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE \_\_\_\_\_

MUR NO. 1276  
STAFF MEMBER(S) & TEL. NO.

RESPONDENT Paul Wheeler

Frances B. Hagan  
202/523-4057

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

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of General Counsel as a result of the Audit Division's post-primary audit of the Committee.

The Anderson for President Committee ("the Committee") apparently violated 2 U.S.C. § 432(b)(3) when it commingled campaign funds with personal funds of campaign workers in six bank accounts. The Committee also violated 2 U.S.C. § 432(h)(1) and 2 U.S.C. § 433(b)(6) by failing to designate and report these accounts as Committee depositories. Five individuals named below apparently violated 2 U.S.C. § 432(b)(3) by commingling personal funds with campaign funds in unregistered Committee depositories: Sidney L. Gardner (and Gardner Associates), William Glew, Timothy Kinast, Jane Fowler and Paul Wheeler.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(b)(3) states that "all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual. (See also 11 C.F.R. § 102.15).

82040312259

During the audit of the Anderson for President Committee, auditors found that the Committee made check and wire transfers to six campaign field workers who deposited the funds into personal bank accounts. As a result, campaign monies were apparently commingled with personal funds in these accounts. The individuals received amounts ranging from approximately \$2400 to \$20,000 for state field operations (See Attachment A). Auditors reviewed incomplete records for these accounts, and were unable to determine whether the funds were transferred to reimburse expenses.

Since the audit review, the Committee treasurer provided complete records for the account in the name of Wendy MacKenzie Jacobus. The records show only campaign activity, with no evidence of commingled funds. The account is, however, an unregistered Committee depository. Each of the bank accounts represent campaign depositories which were not designated or reported as such in violation of 2 U.S.C. §§ 432(h)(1) and 433(b)(6). Therefore, the General Counsel recommends that the Commission find reason to believe that the Anderson for President Committee and five individuals violated the Act as follows:

Recommendation

1. Find reason to believe that the Anderson for President Committee violated the following provisions of the Act:

- a. 2 U.S.C. § 432(b)(3)
- b. 2 U.S.C. § 432(h)(1)
- c. 2 U.S.C. § 433(b)(6).

2. Find reason to believe that the following individuals violated 2 U.S.C. § 432(b)(3):

- a. Sidney L. Gardner
- b. William Glew
- c. Timothy Kinast
- d. Jane Fowler
- e. Paul Wheeler

3. Require that the Anderson for President Committee designate and report the following Committee depositories:

- a. Wisconsin Continental Bank and Trust (WI - Kinast)
- b. Union Warren Savings Bank (MA - Fowler)
- c. Midland National Bank (MN - Wheeler)
- d. Chittenden Trust (VT - Glew)
- e. Chemical Bank (NY - Jacobus)
- f. Connecticut Bank and Trust (CT - Gardner)
- g. United Bank and Trust (CT - Gardner)

4. Find no reason to believe that Wendy MacKenzie Jacobus violated 2 U.S.C. § 432(b)(3).

8 2 0 1 9 3 1 2 2 6 0

910332  
GCC#2809

LAW OFFICES OF  
**DAVIS AND GOOCH**  
920 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D. C. 20003  
(202) 543-3600

SEP 29 11:35

WILLIAM E. DAVIS •  
RAYMOND L. GOOCH •  
\* ALSO MEMBER NORTH CAROLINA BAR  
\* ALSO MEMBER VIRGINIA BAR

DANIEL J. SWILLINGER  
OF COUNSEL

September 26, 1980

Robert Bogin, Esquire  
Office of the General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Re: MUR 1276

Dear Mr. Bogin:

The recent draft audit report sent to the Anderson for President Committee indicated that one or more items had been referred to the Office of General Counsel for review. I understand that these relate to the possible co-mingling of campaign and personal funds in one or more state accounts.

I continue to serve as general counsel to the Anderson for President Committee, and I request that I be notified of any action which the Commission takes relating to this referral from the audit division.

Thank you very much for your cooperation.

Sincerely,

Daniel J. Swillinger

DJS/kbl

82040312261

11 SEP 29 1980

8 0 0 1 0 2 6 5

LAW OFFICES OF  
**DAVIS AND GOOCH**  
920 PENNSYLVANIA AVENUE, S. E.  
WASHINGTON, D. C. 20003



ALWAYS USE  
ZIP CODE



28 SEP 80 P 1: 35

Robert Bogin, Esquire  
Office of the General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 25, 1980

MEMORANDUM

TO: CHARLES N. STEELE  
GENERAL COUNSEL

THROUGH: WILLIAM LOUGHREY *BL.*  
DEPUTY STAFF DIRECTOR

FROM: BOB COSTA *BC*

SUBJECT: POST-PRIMARY INTERIM AUDIT REPORT  
ON THE ANDERSON FOR PRESIDENT COMMITTEE

82040312263

Attached please find a copy of the post-primary interim audit report on the Anderson For President Committee ("the Committee") for your review and legal analysis. Please note that Finding A.2 and A.3 have been specifically recommended for your analysis and, if deemed appropriate, consideration as possible MURs. It should be noted, with respect to the determination of the Committee's surplus position on the Candidate's date of ineligibility (see Finding B.2), we have adjusted (increased) the actual cash in bank figure as of 4/24/80 by \$126,266.17, which represents checks apparently received after 4/24/80, but dated on or before 4/24/80. These checks (contributions) were made payable to the primary committee. This adjustment was based on our understanding of 11 C.F.R. 110.1(a)(2).

Also forwarded with the report are Attachments A, B, C, and D which are included to formally advise the Committee of detailed information with respect to the Findings. In our opinion, these attachments should not be part of the publicly released report.

Should you have any questions, please contact either Ray Lisi or Ron West on extension 3-4155.

Attachments as stated



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

INTERIM REPORT OF THE AUDIT DIVISION  
ON  
THE ANDERSON FOR PRESIDENT COMMITTEE

I. Background

A. Overview

This interim report is based on an audit of the Anderson For President Committee ("the Committee"), to determine whether there has been compliance with the provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The audit was conducted pursuant to Section 9038(a) of Title 26 of the United States Code which states that "after each matching payment period, the Commission shall conduct a thorough examination and audit of the qualified campaign expenses of every candidate and his authorized committees who received payments under Section 9037."

In addition, Section 9039(b) of Title 26 of the United States Code and Section 9038.1(b) of Title 11 of the Code of Federal Regulations state, in relevant part, that the Commission may conduct other examinations and audits from time to time as it deems necessary.

The Committee registered with the Federal Election Commission on January 29, 1979, as the Anderson For President Exploratory Committee. On May 7, 1979, the candidate authorized the Committee to act on his behalf and changed the Committee's name to the Anderson for President Committee. The Committee maintains its headquarters in Rockford, Illinois.

The audit covered the period from the date of inception of the Exploratory Committee through April 30, 1980. The Committee reported an opening cash balance of \$-0-, total receipts of \$6,878,253.50, total expenditures of \$5,952,531.72, and a closing cash balance of \$925,721.78 during this period.

This report is based upon documents and working papers which support each of the factual statements. They form part of the record upon which the Commission based its decisions on the matters in the report and were available to Commissioners and appropriate staff for review.

82040312264

B. Key Personnel

The principal officers of the Committee during the period audited were: Mr. Frank P. Maggio, Chairman and Mr. Hugh D. Hammerslag, Treasurer.

C. Scope

The audit included such tests as verification of total reported receipts, expenditures and individual transactions; review of required supporting documentation; analysis of Committee debts and obligations; review of contribution and expenditure limitations; and such other audit procedures as deemed necessary under the circumstances.

II. Interim Audit Findings and Recommendations

A. Findings Relating To Title 2 of the United States Code

1. Allocation of Expenditures To States

Section 441a(b)(1)(A) and 441a(c) of Title 2 of the United States Code state, in part, that no candidate for the Office of President of the United States who is eligible under Section 9033 of Title 26 to receive payments from the Secretary of the Treasury may make expenditures in excess of \$10,000,000 in the case of a campaign for nomination for election to such office except the aggregate of expenditures under this subparagraph in any one state shall not exceed the greater of 16 cents multiplied by the voting age population of the state, or \$200,000 adjusted by the Consumer Price Index.

Section 100.8(b)(21)(iii) of Title 11 of the Code of Federal Regulations states, in part, that fundraising expenditures need not be allocated on a state by state basis, except where the fundraising activity is aimed at a particular state and takes place within 28 days prior to a primary election.

As a result of the Audit staff's review of the Committee's expenditure records, it was noted that costs incurred in direct mail fundraising within 28 days of a primary election were not allocated to the particular states.

Two consulting firms were involved with direct mail fundraising for the Committee. The first consulting firm conducted mailings early in 1980 and was then succeeded by a second firm which continued to manage direct mail activity through April 24, 1980. The second firm subcontracted printing and mailing to large volume direct mail businesses, then billed the Committee for the invoiced costs.

82040312265

An analysis of invoices submitted by both consulting firms for production costs directly related to mailings revealed that \$567,916.83 of those costs apparently occurred within a period encompassing the 28 days preceeding four (4) state primaries, two (2) with critical expenditure limitations. Furthermore, our examination of available solicitation material and the invoices submitted by the printing and mail processing establishments indicated that some mailings were clearly targeted toward specific states, but were not allocated (Attachment A).

Of the four states with 28 day periods encompassing the dates of the direct mail invoices, two (2), New Hampshire and Wisconsin, are subject to expenditure limitations that would be exceeded if the total \$567,916.83 were found to be allocable to either of them.

<u>State</u>	<u>28 Day Period</u>	<u>Expenditures Allocated @ 4/30/80</u>	<u>Expenditure Limitation</u>
New Hampshire	1/30 - 2/26	\$208,994	\$ 294,400
Massachusetts	2/06 - 3/04	\$398,890	\$1,001,666
Illinois	2/20 - 3/18	\$604,125	\$1,883,453
Wisconsin	3/05 - 4/01	\$474,111	\$ 794,173

Recommendation

The Audit staff recommends that within 30 days of receipt of this report, the Committee obtain information on mail drop dates and recipients of mailings for the direct mail activity detailed on Attachment A. A determination of allocable expenditures can then be made and the Committees compliance with state expenditure limitations established.

In addition the Audit staff recommends that within the same 30 day period the Committee amend FEC Form 3Pc to disclose the dollar value of any expenditure requiring allocation to a specific state as a result of the documentation provided for the above.

2. Apparent Corporate Contribution

Section 441b(a) of Title 2 of the United States Code states, in part, that it is unlawful for any national bank to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election.

82040312265

Section 100.7(a)(1) & (b)(11) of Title 11 of the Code of Federal Regulations states, in part, the term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. An overdraft made on a checking or savings account shall be considered a contribution by the bank or institution unless: the overdraft is made on an account which is subject to automatic overdraft protection; the overdraft is subject to a definite interest rate which is usual and customary; and there is a definite repayment schedule.

During the reconciliation of the Committee's bank accounts to the disclosure reports, the Audit staff noted that the Committee's direct mail account for their Washington, D.C. office was overdrawn in the amount of \$2,776.19 on April 28, 1980 and \$12,802.23 on April 30, 1980. In addition, there was a check outstanding as of April 30 in the amount of \$235.46 which was paid by the bank on May 1, 1980, increasing the overdraft to \$13,037.69. Further analysis revealed that the account maintained the overdraft position through May 30, 1980.

Committee officials stated that the overdraft was the result of bookkeeping errors at the Washington, D.C. office and the lengthy duration outstanding was caused by coordination problems between the Illinois and D.C. offices.

By letter dated July 11, 1980, and copy of a cancelled check, the Committee has provided evidence that the overdraft was paid in full, however, payment of interest was not indicated (See Attachment 1).

Recommendation

The Audit staff recommends that this matter be referred to the Office of General Counsel for consideration.

3. Apparent Commingling of Campaign and Personal Funds

Section 432(b)(3) of Title 2 of the United States Code states, that all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.

Section 102.15 of Title 11 of the Code of Federal Regulations states further that all funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members or associates of that committee, or with the personal funds of any other individual.

82040312267

The Audit staff's review of campaign activities conducted at the state level revealed that funds transmitted by check or wire transfer from Committee headquarters to state campaign employees were directly deposited into personal bank accounts.

Of 37 bank accounts identified as operating for state campaign purposes, the Audit staff identified seven (7) accounts maintained by six (6) individuals in which committee personnel-conducted both personal and campaign business, thereby apparently commingling personal and campaign funds (See Attachment B). From the documentation presented for our review, the Audit staff was unable to determine what part, if any, of the funds transferred to these accounts represented expense reimbursements. The total amount of campaign funds transferred to the seven (7) accounts was \$66,460.99, a portion of which is included in Finding B.1, Undocumented Expenditures.

Recommendation

It is recommended that this matter be referred to the Office of General Counsel for analysis, and if deemed appropriate, considered as a possible MUR.

4. Disclosure of Depositories

Section 433(c) of Title 2 of the United States Code states, that any change in information previously submitted in a statement of organization shall be reported in accordance with Section 432(g) no later than 10 days after the date of change.

Our review of bank records presented for inspection revealed 22 depositories which were not disclosed by the Committee. The Audit staff advised the Committee of the requirement to disclose all depositories.

Recommendation

The Audit staff recommends that the Committee file an amendment to its statement of organization disclosing all depositories within 30 days of receipt of this report.

B. Findings Relating To Title 26 of The United States Code

1. Undocumented Expenditures

Section 9038.2(a)(2) & (3) of Title 11 of the Code of Federal Regulations require the candidate to repay any amounts determined to have been used for payments of other than qualified campaign expenses.

8 2 0 4 0 3 1 2 2 6 8

11 C.F.R. Section 9033.1(a)(1) sets forth the documentation necessary to determine a qualified campaign expense as a receipted bill which is from the payee and states the particulars of the expenditure; or in the absence of such receipted bill a cancelled check negotiated by the payee plus one of the following documents generated by the payee which states the particulars of the expenditure; a bill, invoice, voucher or contemporaneous memorandum. Where these documents are not available, then the Commission will accept a voucher or contemporaneous memorandum from the candidate or committee. The Commission will accept a cancelled check stating the particulars of the expenditure, or the Commission may accept a cancelled check and collateral evidence to document the qualified campaign expenses.

In reviewing state level expenditures activity, the Audit staff noted expenditures totaling \$63,204.57 which were not adequately documented as to the particulars of the expenditure or verifiable as to representing qualified campaign expenses (see Attachment C). Of this total, \$27,365.92 represents 71 identifiable disbursements which were not adequately supported, and the remaining \$35,838.65 consists of activity for which no bank statements or cancelled checks were presented for our review. 1/

The Committee officials believed that they could obtain documentation for many of the expenditures noted above.

Recommendation

The Audit staff recommends that the Committee submit the required documentation to support the above expenditures within 30 days of receipt of this report. Further, it is our opinion that should the Committee be unable to provide the required documentation, the undocumented expenditures should be viewed as unqualified campaign expenses and the value be repaid in full to the U.S. Treasury.

---

1/ Many of the expenditures were also not documented in accordance with 2 U.S.C. 432(c)(5) (former 2 U.S.C. 432(d)). Any finding relating to this matter will be formulated after review of the additional documentation provided by the Committee.

82040312259

2. Determination of Net Outstanding Campaign Obligations and Repayment to the U.S. Treasury

a. Determination of Net Outstanding Campaign Obligations

Section 9034.5(b) of Title 11, Code of Federal Regulations requires that the candidate submit a Statement of Net Outstanding Campaign Obligations (NOCO) which contains, among other items, the total of all outstanding obligations for qualified campaign expenses and an estimate of necessary winding down costs within 15 days of the candidate's date of ineligibility.

The Committee filed a Statement of Net Outstanding Campaign Obligations dated April 24, 1980 and voluntarily submitted a check in the amount of \$323,573.00 representing the Committee's preliminary calculation of their required repayment to the U.S. Treasury pursuant to 26 U.S.C. 9038(b)(3).

During the course of the audit, the Audit staff verified the items contained on the April 24, 1980 NOCO statement and reviewed the related activity through May 31, 1980. Upon completion of our review, the Committee was in substantial agreement with the audited statement which appears on the following page.

b. Repayment of Matching Funds to the U.S. Treasury

Section 9038(b)(3) of Title 26 of the United States Code requires the candidate to repay that portion of any unexpended balance remaining in the candidate's accounts which bears the same ratio to the total unexpended balance as the total amount received from the matching payment account bears to the total of all deposits made into the candidate's accounts.

As stated above, the Audit staff has determined that on the date of the candidate's ineligibility, April 24, 1980, the Committee has an adjusted surplus cash position of \$1,013,119.67. Repayment under this section of the Act is based on the following formula:

$$\frac{\text{Total Matching Funds Received}}{\text{Total Deposits Through Ineligibility}} \times \text{Surplus} = \text{Repayment}$$

82040612270

Anderson For President Committee  
Statement of Net Outstanding Campaign Obligations  
April 24, 1980

Assets

Cash on hand and in banks	\$1,221,517.25	
Accounts receivable 2/	242,027.92	
Capital assets	6,000.00	
Total assets	<u>\$1,469,545.17</u>	<u>\$1,469,545.17</u>

Obligations

Accounts payable	( \$ 294,506.65)	
------------------	------------------	--

Estimated winding down costs  
4/24/80 to 12/31/80  
(projected termination date) 3/

Salaries	\$ 70,000.00
Telephone	10,000.00
Travel	5,000.00
Supplies	2,000.00
Computer services	25,000.00
Equipment rental	5,000.00
Office rent	8,000.00
Storage of records	6,000.00
Taxes-wages	7,000.00
Miscellaneous (Postage, etc.)	8,000.00
Reserve for qualified campaign expenses 4/	14,000.00

Total Winding Down Costs ( \$ 160,000.00)

Total Obligations	( 454,506.65)	(\$ 454,506.65)
Subtotal		<u>\$1,015,038.52</u>
Less: Portion of NSF Contributions Matched		( 1,918.85)

Net Outstanding Campaign Obligations-Surplus \$1,013,119.67

8 2 0 1 0 3 1 2 2 1

- 2/ Includes \$14,103.78 of expenses incurred on behalf of the National Unity Campaign For John Anderson (N.U.C.F.J.A.). The expenses were incurred as a result of prepaid items such as office rent, equipment rentals, etc., which were for periods which extended beyond April 24, 1980, the date determined by the Commission to be the date of ineligibility for purposes of incurring qualified campaign expenses. The N.U.C.F.J.A. commenced operations on April 25, 1980. The Committee had prepared an invoice to be presented to the N.U.C.F.J.A. for reimbursement of the expenditures to the Committee.
- 3/ Winding down costs are reasonable estimates of future activity projected through December 31, 1980, which are subject to revision based upon actual costs incurred.
- 4/ This reserve is to cover late billings received June 1 or after. The reserve should be liquidated by September 30, 1980.

8 2 0 4 0 3 1 2 2 7 2

Based on this formula, the Committee's repayment of excess funds to the U.S. Treasury is as follows:

$$\frac{\$2,678,428.43}{\$6,587,245.13} \times \frac{5}{5} \times \$1,013,119.67 \times \frac{5}{5} = \$411,942.85$$

Additional components of the preliminary repayment calculation are as follows:

1. Non-Sufficient Funds Checks Matched

Section 9034.2(a)(3) of Title 11, Code of Federal Regulations states that a matchable campaign contribution is one in which the amount of the contribution which is submitted for matching shall be actually received by the candidate or any of the candidate's authorized committees and deposited in a designated campaign depository maintained by the principal campaign committee.

During the reconciliation of the bank accounts, the Audit staff noted 34 contributions totaling \$2,038.00 which had been submitted for matching funds and also charged from the Committee's accounts due to non-sufficient funds (NSF). Matching funds actually paid out which were for NSF items after application of the appropriate submission error rates totaled \$1,918.85.

2. Apparent Unqualified Campaign Expenses

Section 9038(b)(2)(A) of the United States Code states, in part, that if the Commission determines that any payment made to a candidate from the matching payment account was used for any purpose other than to defray the qualified campaign expenses with respect to which such payment was made, the candidate shall pay to the Secretary an amount equal to such amount.

As previously reported in Finding B.1., the Audit staff identified 71 disbursements and additional activity which were not adequately documented as to the particulars of the expenditures or verifiable as to representing qualified campaign expenses (see Attachment C). Absent a showing to the contrary, the amount of apparent unqualified campaign expenses thereby subject to repayment to the U.S. Treasury is \$63,204.57.

5/ Amount adjusted downward by non-sufficient funds checks matched.

3  
2  
2  
7  
2  
1  
3  
1  
2  
2  
7  
3

3. Initial Payment Made To the U.S. Treasury

Section 9038.3(c)(1) of Title 11, Code of Federal Regulations states, in relevant part, that if on the last day of candidate eligibility (April 24, 1980), the Candidate's net outstanding campaign obligations, as defined in 11 C.F.R. 9034.5, reflect a surplus, the candidate shall within 30 days of the ineligibility date repay to the Secretary of the Treasury an amount which represents the amount of matching funds contained in the candidate's surplus.

On May 9, 1980, the Committee submitted a check in the amount of \$323,573.00 payable to the U.S. Treasury representing their initial calculation of the matching funds contained in the Committee's surplus as of April 24, 1980, the date of ineligibility.

Recommendation

Based on the repayment calculation and items listed in 1, 2, and 3, the Audit staff recommends that the Committee repay \$153,493.27 within 30 days of receipt of this report or provide additional documentation which demonstrates that the items are not subject to repayment. A recapitulation of the components of the repayment amount appear below:

Amount Per Formula	\$411,942.85
NSF Checks Matched	1,918.85
Apparent Unqualified Campaign Expenses	<u>63,204.57</u>
Subtotal	<u>\$477,066.27</u>
(Minus) Initial Repayment	<u>(323,573.00)</u>
Total Net Repayment	<u>\$153,493.27</u>

82040312274

DIRECT MAIL EXPENDITURES POSSIBLY ALLOCABLE  
UNDER THE 28 DAY RULE

Attachment A

<u>VENDOR</u>	<u>CHECK NUMBER</u>	<u>PAYMENT DATE</u>	<u>AMOUNT</u>	<u>STATE IDENTIFIED ON INVOICE</u>
Claritas	3250	3/10/80	\$ 5,578.00	IL & WI
Claritas	3312	3/11/80	11,000.00	IL & WI
Claritas	5318	3/21/80	5,063.42	IL & WI
Claritas	(wire)	3/07/80	10,000.00	IL & WI
Mott Enterprises	5068	3/17/80	112,750.00	*
Craver, Mathews, Smith & Co.	002	3/14/80	5,127.61	*
Craver, Mathews, Smith & Co.	0005	3/18/80	6,600.00	*
U.S. Postmaster	0006	3/18/80	55,500.00	*
Prince Lithograph	0009	3/21/80	22,918.40	*
Tri State Envelope	0011	3/24/80	8,215.20	*
Tri State Envelope	0019	4/01/80	57,981.68	*
Capital Mailing	0001	3/14/80	42,730.00	*
" "	0007	3/20/80	17,770.00	*
" "	0010	3/24/80	7,621.27	*
" "	0012	3/25/80	9,877.80	*
" "	0014	3/27/80	18,736.95	*
" "	0022	4/01/80	13,622.98	IL (4810.15) *
" "	0023	4/04/80	35,832.60	*
" "	0027	4/07/80	58,608.15	*
" "	0029	4/09/80	32,465.25	*
" "	1001	4/11/80	7,057.92	*
" "	3249	3/10/80	18,000.00	IL
" "	2761	2/21/80	2,385.00	IL
" "	3196	3/07/80	1,300.00	IL
" "	5446	3/25/80	174.60	NH
" "	2622	2/14/80	1,000.00	NH
Total			<u>\$567,916.83</u>	

8 2 0 4 0 3 1 2 2 7 5

\* No particular state was identified on the invoices

NATIONAL UNITY CAMPAIGN  
**John Anderson**

25 K Street, N.E., Washington, D.C. 20002 / (202) 789-8700

July 11, 1980

Mr. Harry Koplin, Comptroller  
Anderson for President Committee  
1100 Talcott Bldg.  
Rockford, IL 61101

Dear Harry,

We have received your invoice for pro-rated bills totaling \$14,103.78, previously paid in full by the Anderson for President Committee, as well as an invoice for labor, rent, and utilities totaling \$6,110.59. From this combined amount of \$20,214.37, we are subtracting the overdraft of \$13,040.69 in Acct. #264-406-1 at D. C. National Bank, as was discussed earlier. Thus, we are enclosing a check from the National Unity Campaign to cover the remaining balance of \$7,173.68.

Also enclosed are the copies of the two affected invoices which you sent, as well as of my letter to D. C. National Bank which accompanied the NUCJA check covering the \$13,040.69 overdraft of the Anderson for President Committee account. Please call me if you have any questions in this matter.

Sincerely,

*Francis E. Sheehan, Jr.*  
Francis E. Sheehan, Jr.  
Treasurer

FES:as

Enclosures

cc: Joann M. McSorley

*cc: Ron West, FEC Auditor*

82040312276

The Anderson for President Committee

25 K Street, N.E., Washington, D.C. 20002 202/789-8700

July 8, 1980

Ms. Barbara Greenwood  
Assistant Vice-President  
D.C. National Bank  
1801 K St., N.W.  
Washington, D.C.

Dear Barbara,

First and foremost, thank you for your assistance in handling our crisis of yesterday. In that regard, this will serve as authorization for check numbers 2144 through 2160 signed by Michael MacLeod to be honored by D.C. National Bank.

Also, enclosed is a check in the amount of \$13,040.69 to be deposited in the Anderson for President account #264-406-1 to cover the overdraft. If there are any further complications with this account, please call.

Again, thank you so very much for your assistance.

Sincerely,

*Francis E. Sheehan, Jr.*  
Francis E. Sheehan, Jr.  
Treasurer

/jt  
Enclosure  
cc: J. McSorley

82019312277

The Anderson for President Committee 321 W. State St., Room 100, Rockford, IL 61101 . 815/964-3258

ALLOCATION OF CASHIERING EXPENSES TO  
NATIONAL UNITY CAMPAIGN

<u>Week Ending</u>	<u>Total Labor</u>	<u>Deduct</u>	<u>Charge to Nat'l Unity</u>
5/2/80	1,845.75	1/3	\$1,230.50
5/9/80	1,845.75	10%	1,661.18
5/14/80	894.00	10%	<u>804.60</u>

Staff Labor 3,496.28  
 Plus 10% to cover taxes 369.62

MANPOWER LABOR

5/2/80	1,235.70	1/3	857.13
5/9/80	850.20	10%	765.18
5/14/80	241.80	10%	<u>217.62</u>

Total Labor Charges 5,905.84  
 Allocation of Rent & Utilities 204.75  
 Total Billing \$6,110.59

*Henry Kyles*  
 5/29/80

82040312278

# ANDERSON

## for PRESIDENT

### ALLOCATION OF EXPENSES TO NATIONAL UNITY CAMPAIGN 4-25-80 & AFTER \* INVOICE \*

Page 18

The Anderson for President Committee 321 W. State St., Room 100, Rockford, IL 61101 . 815/964-3258

PAYEE	DATE	DESCRIPTION	TOTAL AMOUNT	BASIS	UNITY AMOUNT
Action Business Equipment	4-9-80	Rent-April	53.04	15/30	26.52 (for 1/2)
Abby Rents	4-13-80	Furniture Rent	130.00	18/30	78.00 (for 1/2)
Alameda Rental	3-28-80	Table Rental	213.00	4/30	28.40 (for 1/2)
Arlee Office Furniture	3-30-80	Furniture Rental	648.00	57/92	401.48 (for 1/2)
Arlee Office Furniture	3-27-80	Furniture Rental	91.80	64/92	63.86 (for 1/2)
Baker Committee	4-21-80	Rent	4174.00	26/30	3617.47 (for 1/2)
David Brown	3-25-80	Store Rental	1000.00	61/91	670.33 (for 1/2)
Boston Edison Co.	4-2-80	Utilities	100.42	12/35	34.43 (for 1/2)
Bruon Motion Pictures, Inc.	3-31-80	Parking	690.00	6/30	138.00 (for 1/2)
Cut-Rate TV Rental	3-28-80	TV Rental	47.25	4/30	6.30 (for 1/2)
Harry L. Morgan Co.	4-8-80	File Rental	37.44	45/61	28.08 (for 1/2)
Houston Enterprises	4-11-80	Rent	350.00	16/28	200.00 (for 1/2)
IBM	3-25-80	Rental	189.00	61/91	126.69 (for 1/2)
IBM	3-21-80	Rental	194.40	58/91	123.90 (for 1/2)
Indiana Gas Co.	5-5-80	Utilities	14.27	1/12	1.24 (for 1/2)
Lahey, Jim	3-31-80	Furniture Rent	50.00	37/61	30.33 (for 1/2)
L, L, & L Enterprises	4-5-80	Rent	800.00	31/50	496.00 (for 1/2)
Madison Gas & Electric	5-1-80	Utilities	74.85	7/31	16.90 (for 1/2)
Nellos Brothers	3-26-80	Rent	1100.00	1/2	550.00 (for 1/2)
OMI	4-4-80	Rental-Machine	204.48	21/31	139.05 (for 1/2)
OMI	4-1-80	Rental -Machine	185.00	6/30	37.00 (for 1/2)
PB Leasing	3-18-80	Rental-Machine	776.32	1/2	388.16 (for 1/2)
Pearl Harrison Properties	4-11-80	Rent	500.00	13/26	250.00 (for 1/2)
Professional Business Machines	4-11-80	Rent-Machine	302.40	46/60	231.84 (for 1/2)
Quick & Easy Rentals	4-4-80	Rental-Table	65.00	19/39	31.67 (for 1/2)
Ritchie & Ritchie	4-13-80	Rent	425.00	18/30	255.00 (for 1/2)

82040312279

# ANDERSON

for PRESIDENT

The Anderson for President Committee 321 W. State St., Room 100, Rockford, IL 61101 . 815/964-3258

Schleicher, David	3-26-80 Rent	850.00	40/70	485.72	4/25-7/1
Stein, Henry	4-14-80 Rent	100.00	6/30	20.00	4/25-7/3
Three-Ten Madison Co.	3-20-80 Rent	4000.00	67/102	2627.45	4/25-7/2
Thurber Towers	4-4-80 Rent	326.17	6/30	65.23	7/25-7/2
Tipton Equipment co.	4-10-80 Rental Items	75.00	16/40	30.00	4/25-7/1
		5.00	16/36	2.22	4/25-7/2
		70.00	16/35	32.00	4/25-7/2
		70.00	16/33	33.94	4/25-7/2
United Photocopy Co.	3-27-80 Rental-Machine	1228.00	34/61	684.46	4/25-7/2
Urick, Jane	4-1-80 Rent	350.00	6/30	70.00	4/25-7/2
Valley Land Agents	4-4-80 Rent	700.00	45/65	484.62	4/25-7/2
Word Processing	3-31-80 Rental-Machine	450.00	67/91	331.32	4/25-7/2
-----					
Cricket on the Hill	4-5-80 Rent	100.00	6/30	20.00	4/25-7/2
Burton's	4-5-80 Rent	35.00	11/30	12.83	4/25-7/2
F.C. Tucker Co.	Rent	2000.00	37/61	1233.34	4/25-7/2

Page Total . 6133.13

1st Page Total 7970.65

Grand Total 14,103.78

*Allocation to Nat'l Unity*

8 2 0 4 0 3 1 2 2 8 0

NATIONAL UNITY CAMPAIGN  
FOR JOHN ANDERSON/MAIN ACCOUNT

No. 3001

16-52/540

25 K STREET, N.E.  
WASHINGTON, D. C. 20002

NATIONAL SAVINGS & TRUST CO.

WASHINGTON, D. C.

CHECK NO. 3001  
DATE 7/8/80  
AMOUNT \$13,040.69

PAY TO THE ORDER OF

D. C. National Bank  
account # 264-406-1

*John C. Anderson*

⑆00003001⑆ ⑆054000522⑆ ⑆076⑆ 1291368⑆ ⑆0001304069⑆

1822130408

Deposited To The Credit Of  
The Within Named Payee  
Assurance Of Endorsement Guaranteed  
15 20 D. C. National Bank 15 20

264 406

82040312282

**ANDERSON**

for PRESIDENT

The Anderson for President Committee  
25 K St., N.E. Washington, D.C. 20002



Personnel

Mr. Tom West  
Audit Director - 4th floor  
Federal Election Commission  
1325 K St. N.W.  
Washington, D.C. 20463



3 6 2 2 1 3 0 4 0 2 8

APPARENT PERSONAL BANK ACCOUNTS WHICH RECEIVED CAMPAIGN FUNDS

<u>State</u>	<u>Bank</u>	<u>Account Number</u>	<u>Total Campaign Funds Received</u>
Wisconsin	Wisconsin Continental Bank and Trust	188-330	\$ 7,521.40
Massachusetts	Union Warren Savings Bank	106-004-584	13,041.18
Minnesota	Midland National Bank	24-47-279	2,443.54
Vermont	Chittenden Trust	1-51-1581-5	4,054.87
New York	Chemical Bank	092-201-539	20,000.00
Connecticut	Connecticut Bank and Trust	411-669-0	<u>1/</u>
Connecticut	United Bank and Trust	01491-814-2	<u>19,400.00 1/</u>
Total			<u>\$66,460.99</u>

---

1/ Campaign funds were transmitted to one individual who conducted campaign activity out of two (2) Connecticut bank accounts. The Audit staff was unable to determine what portion of the total amount is attributable to each bank.

8 2 0 4 0 3 1 2 2 3 4

EXPENDITURES LACKING SUPPORTING DOCUMENTATION \*

<u>Payee</u>	<u>Check No.</u>	<u>Date</u>	<u>Unsupported Amount</u>
<u>Bank of America, Los Angeles, California</u> <u>Account Number 0441-1-09565</u>			
IBM	138 (counter check)	4/4/80	\$ 381.60
Stanley K. Sheinbaum	127	4/9/80	1,327.40
Ann Esterson	138	4/14/80	1,267.92
Budget Rent-A-Car	142	4/14/80	391.28
Bayliss Stationers	143	4/15/80	220.09
Precision Printing and Graphics	145	4/15/80	474.00
Registar - Recorder	153	4/17/80	1,470.37
Joan Trossman	157	4/18/80	269.50
Bayliss Stationers	159	4/18/80	349.26
Kirk Paper Co.	160	4/21/80	126.90
Kirk Paper Co.	162	4/22/80	83.95 <u>1/</u>
Valet Parking	112	4/7/80	190.00
Susan E. Rosser	136	4/14/80	104.60
La Sobel	148	4/16/80	150.00
Martha Warrimer	149	4/16/80	114.48
Copy Center	150	4/16/80	110.00
Argen Printing	158	4/18/80	116.90
Activity for which no bank statements or checks were provided			<u>29,923.24</u> <u>2/</u>
Total			<u>\$37,071.49</u>

-82040312295

\* All disbursements/entries included on Attachment C, did not have an associated description of the goods and/or services provided included in the Committee records presented for for our review.

- 
- 1/ All items equal to or less than \$100 on Attachment C, are disbursements to vendors to whom aggregate Committee expenditures exceed \$100.00.
- 2/ For all such items listed on Attachment C, the amount was calculated by subtracting the dollar value of all disbursements identified by either checks or invoices from the total amount of funds transferred to the account per Committee headquarters records.

8 2 0 4 0 3 1 2 2 8 6

EXPENDITURES LACKING SUPPORTING DOCUMENTATION

<u>Payee</u>	<u>Check No.</u>	<u>Date</u>	<u>Unsupported Amount</u>
<u>Indiana National Bank, Indiana</u> <u>Account Number 11-605-731</u>			
Houston Enterprise (check amount \$350/\$150 supported)	1025	4/11/80	\$ 200.00
John Brooke	1027	4/10/80	275.00
Isaac Shapiro (check amount \$176.95/support on hand for \$48.60)	1039	4/15/80	128.35
Thrifty Rent-A-Car	1042	4/15/80	2,000.00
Stuart E. Wachs	1053	4/16/80	258.75
John Brooke	1058	4/16/80	125.00
Dan Tyler	1035	4/15/80	200.00
David Yanada	1043	4/15/80	125.00
Bruce Harmon	1044	4/15/80	125.00
Total			<u>\$3,437.10</u>
<u>The Bank of Hawaii, Hawaii</u> <u>Account Number 0017-079-689</u>			
Cash	1101	4/29/80	<u>\$284.64</u>
Total			<u>\$284.64</u>
<u>The Fourth National Bank &amp; Trust Co., Kansas</u> <u>Account Number 195-4180</u>			
Missing check paid 3/28/80 per bank statement ("Film" written on statement)			<u>\$125.00</u>
Total			<u>\$125.00</u>

8 2 0 4 0 3 1 2 2 8 7

EXPENDITURES LACKING SUPPORTING DOCUMENTATION

<u>Payee</u>	<u>Check No.</u>	<u>Date</u>	<u>Unsupported Amount</u>
<u>First Independence National Bank of Detroit, Michigan</u> <u>Account Number 2102-22-0601</u>			
City of Lansing	-	4/2/80	\$ 200.00
Edward Chudik	-	4/19/80	350.00
Western Mortgage Services	-	4/12/80	<u>500.00</u>
Total.			<u>\$1,050.00</u>
<u>Santa Fe National Bank, New Mexico</u> <u>Account Number 01-82-962-5</u>			
The New Mexican	1	4/7/80	\$244.88
Cash	6	4/28/80	<u>173.53</u>
Total			<u>\$418.41</u>
<u>United States National Bank of Oregon, Oregon</u> <u>Account Number 126-0021-926</u>			
Garry White Advertising Agency - (Check amount was \$5,000 of which \$1,500 was the actual expense. The remaining \$3,500 is shown in Committee bank records as redeposited.)	-	4/14/80	\$1,500.00
U.S. Post office		4/14/80	<u>128.63</u>
Total			<u>\$1,628.63</u>
<u>EquiBank, N.A., Pennsylvania 3/</u> <u>Account Number 037-5-664888</u>			
John Valentine	105	4/15/80	\$ 200.00
June Blender	104	4/15/80	200.00
Colin Stewart	5	4/7/80	800.00
Cash (endorsed by campaign employee)	106	4/15/80	1,100.00
Colin Stewart	103	4/11/80	525.00
Cash (endorsed by campaign employee)	102	4/10/80	<u>75.00 1/</u>
Total			<u>\$2,900.00</u>

82040312289

---

3/ The Committee informed the Audit staff that the individual responsible for this account at the state level had advised the Committee that he would remit either supporting documentation or a "personal" check to cover the expenditures.

8 2 0 4 0 3 1 2 2 8 9

EXPENDITURES LACKING SUPPORTING DOCUMENTATION

<u>Payee</u>	<u>Check No.</u>	<u>Date</u>	<u>Unsupported Amount</u>
<u>Memphis Bank &amp; Trust Co., Tennessee</u> <u>Account Number 10-011-876</u>			
Mrs. Richard Wurzburg	2	5/6/80	\$115.50
Code-A-Phone	3	5/6/80	<u>150.00</u>
Total			<u>\$265.50</u>
<u>Seattle First National Bank, Washington</u> <u>Account Number 15-612-401</u>			
Cash	108	4/25/80	<u>\$150.00</u>
Total			<u>\$150.00</u>
<u>Union Warren Savings Bank - Massachusetts</u> <u>Account Number 106-004-584</u>			
Activity for which no checks or other documentation was provided	N/A	N/A	<u>\$1,479.14</u>
Total			<u>\$1,479.14</u>
<u>Connecticut Bank &amp; Trust - Connecticut</u> <u>Account Number 121538-8</u>			
New Haven Register	02	3/24/80	\$2,249.10
Robin White	06	3/27/80	117.03
Printer's Inc.	101	4/02/80	<u>192.60</u>
Total			<u>\$2,558.73</u>

82040312290

EXPENDITURES LACKING SUPPORTING DOCUMENTATION

<u>Payee</u>	<u>Check No.</u>	<u>Date</u>	<u>Unsupported Amount</u>
<u>Connecticut Bank &amp; Trust - Connecticut</u> <u>Account Number 411669-0</u>			
Snetco	198	3/06/80	\$ 84.22
WPOP	201	3/10/80	68.00
WTIC	203	3/10/80	8.00
WDRC	204	3/10/80	125.00
Minuteman Press	205	3/10/80	12.47
Margaret Bullitt	207	3/12/80	300.00
Equity Holding Corp.	212	3/13/80	1,470.70
Minuteman Press	215	3/14/80	198.38
Pawtuxet Valley Bus Lines	216	3/14/80	198.00
Charlton Press	217	3/15/80	535.00
Michael Astrue	221	3/16/80	300.00
Snetco	228	3/19/80	510.00
Bristol Press	229	3/19/80	368.72
Wethersfield Post	230	3/19/80	178.43
Marjorie Anderson	243	3/22/80	44.87
Reed Kalisha	255	3/31/80	25.00
WPOP	285	3/24/80	286.87
Michael Astrue	288	3/24/80	250.00
Nicole Schless	292	3/24/80	36.00
Total			<u>\$4,999.66</u>

92040312291

EXPENDITURES LACKING SUPPORTING DOCUMENTATION

<u>Payee</u>	<u>Check No.</u>	<u>Date</u>	<u>Unsupported Amount</u>
<u>United Bank and Trust - Connecticut</u> <u>Account Number 01-491-814-2</u>			
Charleton Press	1260	3/18/80	\$ 250.00
Michael Astrue	1261	3/18/80	500.00
Postmaster New Haven	1262	3/18/80	500.00
Larry Hughes	1280	4/02/80	<u>1,000.00</u>
Total			<u>\$2,250.00</u>
<u>United Bank and Trust - Connecticut 4/</u> <u>Connecticut Bank and Trust 4/</u> <u>Account Number 01-491-814-2</u> <u>Account Number 411669-0</u>			
Activity for which no checks or other documentation was provided	N/A	N/A	<u>\$2,574.88</u>
Total			<u>\$2,574.88</u>
<u>Wisconsin Continental Bank &amp; Trust - Wisconsin</u> <u>Account Number 188-330</u>			
Activity for which no checks or other documentation was provided	N/A	N/A	<u>\$1,861.39</u>
Total			<u>\$1,861.39</u>
<u>First National Lincoln Bank - Nebraska</u> <u>Account Number 693-773</u>			
Brad Belt	113	4/09/80	<u>\$150.00</u>
Total			<u>\$150.00</u>
Total unsupported expenditures, all accounts			<u>\$63,204.57</u>

82040312292

---

4/ Unsupported amount from both accounts determined by computing total amounts of funds transferred to both accounts minus documented expenditures from both accounts. The portion attributable to each account cannot be determined at this time.

8 2 0 4 0 3 1 2 2 9 3

NON-SUFFICIENT FUNDS CHECKS MATCHED

<u>Contributor</u>	<u>Submission</u>	<u>Amt. Submitted</u>
Charlotte S. Anderson	03	\$ 100.00
Bernard Vonnegut	03	35.00
Submission Total		<u>\$ 135.00</u>
Sarah Leshner	04	\$ 25.00
Peter Albert	04	20.00
Cornelius J. McCarthy	04	25.00
Robert R. Marshak	04	10.00
Submission Total		<u>\$ 80.00</u>
Lorraine K. Milbourn	05	\$ 15.00
Thomas A. Schweitzer	05	20.00
Amy Clampitt	05	100.00
Elizabeth L. Riker	05	25.00
Roberta C. Anschuetz	05	50.00
James P. Mullane	05	100.00
Marita M. Poline	05	25.00
Sydney S. Anderson	05	10.00
Submission Total		<u>\$ 345.00</u>
Ned C. Forrester	06	\$ 250.00
Laura Anderson	06	25.00
Susan Carr	06	25.00
Diane K. Potter	06	25.00
Alice Darlington	06	20.00
Doug Simon	06	5.00
Stephen Hancy	06	25.00
Submission Total		<u>\$ 375.00</u>
Linda McDermott	07	\$ 10.00
Jane Heron	07	25.00
Suzanne Foreman	07	100.00
R. B. Merrill	07	25.00
Michael Donohue	07	15.00
Ellen Alperstein	07	50.00
Audrey Maxwell	07	20.00
Patricia Lynch	07	10.00
D.R. Mackenzie	07	23.00
Jane Campbell	07	125.00
Gertrude Britton	07	250.00
Daniel P. McMahon	07	250.00
Albert Kent, Jr.	07	200.00
Submission total		<u>\$1,103.00</u>
Grand Total All Contributions		<u>\$2,038.00</u>

82040312294



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20543

THIS IS THE BEGINNING OF MUR # 1274

Date Filmed 3/26/82 Camera No. --- 2

Cameraman SPC