FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1395

Date Filmed 10/25/82 Camera No. --1--

Cameraman J.A.Q.

FEDERAL ELECTION COMMISSION

Correspondence, GC reports, and memoranda, conciliation agreements concerning conciliation -

Copies of personal checks and contributor vouchers -

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

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

Signed [illegible]

date 9-24-82

FEC 9-21-77

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 20, 1982

Mr. John B. Anderson, Chairman
National Unity Campaign for John Anderson
2720 Thirty-Fifth Place, N.W.
Washington, D.C. 20007

RE: MUR 1395

Dear Mr. Anderson:

On September 9, 1982, the Commission accepted the conciliation agreement you signed and a civil penalty in settlement of a violation of 2 U.S.C. § 441a(f), 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

GCC#8381

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Unity Campaign for John Anderson	)	MUR 1395
	)	

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 National Unity Campaign for John Anderson ("Respondent") violated 2 U.S.C. § 441a(f) by accepting contributions in excess of limitations.

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 registered with the Commission on April 24, 1980, as the principal campaign committee of

John Anderson for the 1980 presidential general election.

2. During 1979 and 1980, Respondent accepted contributions in excess of limitations from 44 individuals.

3. The excessive portion of contributions cited in No. 2, above, totals $17,160.

4. Respondent did not rectify excessive contributions in a timely manner.

5. Disposition of excessive contributions occurred between October 1980 and May 1982.

6. Respondent provided adequate documentation to support disposition of excessive amounts through reattribution to others ($5,245) and refunds to contributors ($10,465). Additional refunds totaling $1,500 have not been negotiated by contributors.

V. Respondent violated 2 U.S.C. § 441a(f) which prohibits a political committee from knowingly accepting a contribution from an individual which aggregated in excess of $1,000 per election.

VI. Respondent failed to comply with 11 C.F.R. § 103.3(b) which requires that contributions which appear to be illegal are to be returned within ten days of receipt or, if deposited, are to be noted as apparently illegal and duly investigated. If the legality of a contribution cannot be established, it is to be refunded "within a reasonable time."

VII. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of One Thousand Seven Hundred Sixteen Dollars ($1,716), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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

XI. Respondent shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and

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implement the requirements contained in this agreement and to so notify the Commission.

Charles N. Steele
General Counsel

Sept 17, 1982
Date

BY: Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

Sept 1, 1982
Date

National Unity Campaign for
John Anderson

BY: John B. Anderson

ITS: Chairman

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 20, 1982

Mr. R.B. Cutler
Box 1465
Manchester, Massachusetts 01944

RE: MUR 1395

Dear Mr. Cutler:

On September 9, 1982, the Commission accepted the conciliation agreement you signed in settlement of a violation of 2 U.S.C. § 441a(a)(1)(A), 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

RECEIVED
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1395
R.B. Cutler)

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 R.B. Cutler ("Respondent") violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in excess of limitations.

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. Between May and September, 1980, Respondent made 9 contributions totaling $1,635.00 to the National Unity Campaign for John Anderson for the purpose of influencing John Anderson's 1980 general election campaign for President.

2. In October 1980, Respondent made two additional contributions of $200 each. Respondent ordered his bank to stop payment on the two checks, thereby nullifying the contributions.

3. Respondent's total contributions exceed the contribution limitations at 2 U.S.C. § 441a(a)(1)(A) by $635.00.

4. On April 13, 1981, Respondent and his spouse signed a Committee document which attributed $435.00 of his contributions to Respondent's wife.

5. On May 5, 1981, the National Unity Campaign for John Anderson refunded to Respondent $200.00, the amount representing excessive contributions remaining after reapportionment.

V. Respondent made contributions to the National Unity Campaign for John Anderson in excess of limitations in violation of 2 U.S.C. § 441a(a)(1)(A).

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.

IX. 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.

Charles N. Steele
General Counsel

Sept 17, 1982
Date

BY: Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

Nov 17/82
Date

R.B. Cutler
R.B. Cutler

8 2 0 4 0 3 5 4 2 9 1

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1395
National Unity Campaign	)	
for John Anderson	)	
R.B. Cutler	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 9, 1982, the Commission decided by a vote of 5-0 to take the following actions in MUR 1395:

1. Accept the conciliation agreement signed by the Chairman of the National Unity Campaign for John Anderson as submitted with the September 7, 1982 Memorandum.

2. Accept the conciliation agreement signed by R.B. Cutler as submitted with the September 7, 1982 Memorandum.

3. Close the file.

4. Send the letters as attached to the Memorandum to the Commission dated September 7, 1982.

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

Attest:

9-9-82
Date

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

Received in Office of Commission Secretary: 9-7-82, 11:39
Circulated on 48 hour tally basis: 9-7-82, 4:00

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 20, 1982

Robert J. Rosser, M.D.
4513 Comber Avenue
Encino, California 91316

RE: MUR 1395

Dear Dr. Rosser:

On September 16, 1982, the Commission accepted the conciliation agreement you signed and a civil penalty in settlement of a violation of 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter and will become 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

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1395
Robert J. Rosser	)	

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 Robert J. Rosser ("Respondent") violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in excess of limitations.

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. Between July and October 1980, Respondent made seven contributions totaling $2,475 to the National Unity Campaign for John Anderson for the purpose of influencing John Anderson's 1980 general election campaign for President.

2. On November 4, 1980, Respondent and his spouse signed a Committee document which attributed $775.00 of his contributions to Respondent's wife.

3. On May 5, 1981, the National Unity Campaign for John Anderson refunded to Respondent $700.00, the amount representing excessive contributions remaining after reapportionment.

V. Respondent contends that due to his failure to apportion his contributions between himself and his wife at the time of making contributions did inadvertently exceed the limitations of contributions, in violation of 2 U.S.C. § 441a(a)(1)(A). The excessive portion totals $1,475.00.

VI. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred Dollars ($100.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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

X. 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.

Charles N. Steele
General Counsel

Sept 17, 1982
(Date)

BY: _____
Kenneth A. Gross
Associate General Counsel

July 1, 1982
(Date)

_____
Robert J. Rosser, M.D.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 20, 1982

Mrs. Sylvia Iwrey
16300 North Park Drive
Apartment 607
Southfield, Michigan 48075

MUR 1395

Dear Mrs. Iwrey:

On September 16, 1982, the Commission determined to take no further action concerning a violation of 2 U.S.C. § 441a(a)(1)(A), 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 part of the public record within thirty days.

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

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 20, 1982

Mrs. Mary W. Patrick
Sleepy Hollow Road
Route 1
Dundee, Illinois 60118

RE: MUR 1395

Dear Mrs. Patrick:

On September 16, 1982, the Commission accepted the conciliation agreement you signed and a civil penalty in settlement of a violation of 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter and will become 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

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GCC#8024

RECEIVED
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1395
Mary Patrick	)	

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 Mary Patrick ("Respondent") violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in excess of limitations.

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 made three contributions totaling $2,500 to the National Unity Campaign for John Anderson during the 1980 general election campaign for President.

2. On May 5, 1981, John Anderson's Committee refunded $1,500 to respondent.

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V. Respondent made contributions to the National Unity Campaign for John Anderson in excess of limitations in violation of 2 U.S.C. § 441a(a)(1)(A).

VI. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred Fifty Dollars ($150.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. 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.

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

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

X. 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.

Charles N. Steele
General Counsel

Sept 17, 1982
Date

BY: Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

June 24, 1982
Date

Mary W. Patrick
Mary W. Patrick

8204035401

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Robert J. Rosser	)	MUR 1395
Mary W. Patrick	)	
Sylvia Iwrey	)	

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission Executive Session on September 16, 1982, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 1395:

1. Accept the conciliation agreement signed by Robert J. Rosser.

2. Close the file as it relates to Robert J. Rosser.

3. Accept the conciliation agreement signed by Mary W. Patrick.

4. Close the file as it relates to Mary W. Patrick.

5. Take no further action in the matter of Sylvia Iwrey.

6. Close the file as it relates to Sylvia Iwrey.

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

Attest:

9-16-82
Date

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

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ROBERT J. ROSSER, M. D.
4513 COMBER AVENUE
ENCINO, CALIFORNIA 91316
TELEPHONE 990-1707

82 JUN 7 A11:03

82 JUN 7 P1:05

June 2, 1982

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

RE: MUR 1395

Dear Ms. Hagen:

This is my response to General Counsel Steele's letter of May 28, 1982, and General Counsel Steele's brief of May 27, 1982.

The facts are as stated in the May 27th brief, and my letter of December 14, 1981. Additional facts are:

1. Half the contributions were always attributable to my wife Susan, rather than "reattributed" later. Not only did my wife support John Anderson for President, she worked for his election as the San Fernando Valley Coordinator; later, Press Coordinator for Southern California;, later, hostess to all five Anderson children in our home; later, personal secretary and chaperon to Eleanor Anderson in her extensive campaign travels throughout the United States. My wife became friend and confidante to the entire Anderson family, and still corresponds with Mrs. Kiki Anderson, Eleanora, and John Jr. I emphasize these facts to make the point that Susan was as much the supporter of John Anderson as I, and contributed half from the beginning. We did not know of 11 C.F.R. 104.8(d) that requires concurrent attribution of donations.

2. To the best of my memory, the final checks I wrote to the National Unity Campaign, possibly those checks you have on record as dated 10/15/80 and 10/20/80,

ROBERT J. ROSSER, M. D.
4513 COMBER AVENUE
ENCINO, CALIFORNIA 91316

TELEPHONE 990-1707

were intended as loans to the campaign. I can not prove that; I do not remember, and have no records of loan documentation. It seems that during the closing days of the campaign, when the Federal matching funds were an issue, the National Unity Campaign solicited funds as donations or loans, to be determined by whether or not Federal funds were awarded by the Courts as in the general election. In any event, I surely did exceed the $2000.00 limit for my wife and myself, and I surely was repaid $700.00 which I "considered" a loan.

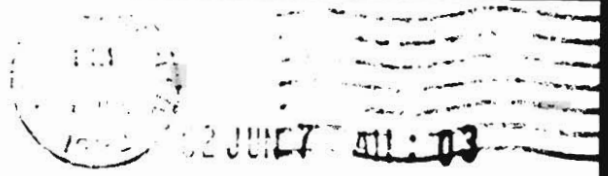
Sincerely,

Robert J. Rosser, M.D.

RJR/em

32040354301

ROBERT J. ROSSER, M. D.
4513 COMBER AVENUE
ENCINO, CALIFORNIA 91316



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

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 28, 1982

Mrs. Mary W. Patrick
Sleepy Hollow Road, Route 1
Dundee, Illinois 60118

RE: MUR 1395

Dear Mrs. Patrick:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on December 9, 1981, found reason to believe that you had violated 2 U.S.C. § 441a(a)(1)(A), and instituted an investigation in this matter.

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

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten 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.

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 28, 1982

Mr. R.B. Cutler
Box 1465
Manchester, Massachusetts

RE: MUR 1395

Dear Mr. Cutler:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on December 9, 1981, found reason to believe that you had violated 2 U.S.C. § 441a(a)(1)(A), and instituted an investigation in this matter.

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

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten 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.

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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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 28, 1982

Robert J. Rosser, M.D.
4513 Comber Avenue
Encino, California 91316

RE: MUR 1395

Dear Dr. Rosser:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on December 9, 1981, found reason to believe that you had violated 2 U.S.C. § 441a(a)(1)(A), and instituted an investigation in this matter.

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

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten 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.

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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

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SENSITIVE

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

82 MAY 28 P 2: 08

May 28, 1982

MEMORANDUM

TO : The Commission

FROM : Charles N. Steele
General Counsel

SUBJECT: MUR 1395

Attached for the Commission's review are three 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 were mailed on May 28, 1982. Following receipt of the respondents' replies to these notices, this Office will make a further report to the Commission.

Attachments

Briefs
Letters to Respondents

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 28, 1982

Mrs. Mary W. Patrick
Sleepy Hollow Road, Route 1
Dundee, Illinois 60118

RE: MUR 1395

Dear Mrs. Patrick:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on December 9, 1981, found reason to believe that you had violated 2 U.S.C. § 441a(a)(1)(A), and instituted an investigation in this matter.

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

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten 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.

(1)

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

32040365414

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1395
Mary W. Patrick	)	

GENERAL COUNSEL'S BRIEF

On December 9, 1981, the Commission found reason to believe that Mary W. Patrick ("Respondent") violated 2 U.S.C. § 441a(a)(1)(A) by contributing in excess of limitations to the National Unity Campaign for John Anderson ("the Committee") during the 1980 presidential election campaign. This matter resulted from the Federal Election Commission audit of John Anderson's Committee.

During the audit of the Committee, auditors noted contributions from Mrs. Patrick totaling $2,500.00, or $1,500.00 in excess of limitations. In response to the reason to believe notification, the Respondent's business manager stated that Mrs. Patrick drew on her personal account for the contributions and, as she was out of the country temporarily, he could not verify the amount of the contributions. He conjectured that the respondent may have sent checks in response to receiving solicitations without being aware of the total contribution. The business manager noted a Committee refund, but could not confirm the amount.

The Committee showed the following contributions from Mrs. Patrick:

8 2 0 4 0 3 5 4 3 1 5

Amount	Date
$ 500	5/12/80
1,000	6/11/80
1,000	7/17/80
$2,500	

On May 5, 1981, the Committee refunded $1,500 to the Respondent.

2 U.S.C. § 441a(a)(1)(A) states that no person shall make a contribution to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000. Respondent's contributions substantially exceed the contributor limits. A negotiated refund check does not vitiate the violation of the Act's contribution limitations. Therefore, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that Mary W. Patrick violated 2 U.S.C. § 441a(a)(1)(A).

General Counsel's Recommendation

Find probable cause to believe that Mary W. Patrick violated 2 U.S.C. § 441a(a)(1)(A).

27 May 1982
Date

Charles N. Steele
General Counsel

3 2 0 4 0 3 5 4 3 1 5

(4)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 28, 1982

Robert J. Rosser, M.D.
4513 Comber Avenue
Encino, California 91316

RE: MUR 1395

Dear Dr. Rosser:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on December 9, 1981, found reason to believe that you had violated 2 U.S.C. § 441a(a)(1)(A), and instituted an investigation in this matter.

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

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten 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.

(5)

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

3 2 0 4 0 3 5 4 1 3 1 3

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1395
Robert J. Rosser	)	

GENERAL COUNSEL'S BRIEF

On December 9, 1981, the Commission found reason to believe that Robert J. Rosser, M.D. ("Respondent") violated 2 U.S.C. § 441a(a)(1)(A) by contributing in excess of limitations to the National Unity Campaign for John Anderson ("the Committee") during the 1980 presidential election campaign. This matter resulted from the Federal Election Commission audit of John Anderson's Committee.

During the audit of the Committee, auditors noted contributions from Dr. Rosser totaling $2,275.00, or $1,275.00 in excess of limitations. In response to the reason to believe notification, the respondent provided a list of contributions corresponding to the audit figures. He stated that the Committee refunded $700, and that half of the contributions were attributable to his wife.

The Committee provided the following contributor information which includes an additional contribution of $200 from the respondent:

Amount	Date
$ 500	7/11/80
125	7/18/80
500	7/29/80
400	9/2/80
250	9/22/80
500	10/15/80
200	10/20/80
$2,475	

(2)

The Committee contacted Dr. Rosser in October 1980 concerning the excessive contributions. According to Committee records, in November 1980, respondent reattributed $775 to his wife. On May 5, 1980, the Committee refunded $700, the remaining amount of excessive contributions in Dr. Rosser's name. The refund and reattribution are documented.

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000. 11 C.F.R. § 100.7(c) states that any contributions made by a married individual shall not be attributed to the individual's spouse, unless otherwise specified by the individual or the spouse. 11 C.F.R. § 104.8(d) states that a contribution which represents contributions by more than one person shall indicate on the written instrument, or on an accompanying written statement signed by all contributors, the amount to be attributed to each.

In the months preceding the 1980 general election, respondent made seven contributions to the National Unity Campaign for John Anderson which aggregated in excess of contributor limits. Respondent did not contemporaneously apportion the contributions between himself and his spouse as contemplated at 11 C.F.R. § 104.8(d); therefore, the total contributions were attributed to Dr. Rosser. Subsequent contribution reapportionment and a Committee refund were required to rectify respondent's violation of contribution limitations.

1204035132

The respondent's reapportionment and receipt of a refund check do not vitiate the violation of the contribution limits. Therefore, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that Robert J. Rosser violated 2 U.S.C. § 441a(a)(1)(A) by making substantial excessive contributions to a political committee.

General Counsel's Recommendation

Find probable cause to believe that Robert J. Rosser violated 2 U.S.C. § 441a(a)(1)(A).

27 May 1982
Date

Charles N. Steele
General Counsel

8 2 0 4 0 3 5 4 3 2 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 28, 1982

Mr. R.B. Cutler
Box 1465
Manchester, Massachusetts

RE: MUR 1395

Dear Mr. Cutler:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on December 9, 1981, found reason to believe that you had violated 2 U.S.C. § 441a(a)(1)(A), and instituted an investigation in this matter.

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

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten 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.

(10)

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

3 2 0 4 0 5 5 4 3 2 3

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1395
R.B. Cutler)

GENERAL COUNSEL'S BRIEF

On December 9, 1981, the Commission found reason to believe that R.B. Cutler ("Respondent") violated 2 U.S.C. § 441a(a)(1)(A) by contributing in excess of limitations to the National Unity Campaign for John Anderson ("the Committee") during the 1980 presidential election campaign. This matter resulted from the Federal Election Commission audit of John Anderson's Committee.

During the audit of the Committee, auditors noted contributions from Mr. Cutler totaling $2,035.00, or $1,035.00 in excess of limitations. In response to the reason to believe notification, the respondent stated that the Committee refunded $435.00 to bring his contributions within the $1,000 limit. He stated that his wife shared in the contributions.

The Committee supplied the following information concerning Mr. Cutler's contributions:

Amount	Date
$ 200	5/1/80
100	5/13/80
300	6/18/80
200	8/11/80
200	8/22/80
35	9/2/80
200	9/2/80
200	9/15/80
200	9/15/80
$1,635	

The Committee contacted the respondent regarding the excessive contributions and Mr. Cutler ordered stop payments for two

(12)

additional contributions in October 1980. According to Committee documents, on April 14, 1981, the respondent reattributed $435 to his wife, bringing her aggregate contributions to the $1,000 limit. On May 5, 1981, the Committee refunded $200, the remaining amount of excessive contributions in Mr. Cutler's name. The refund and reattribution are documented.

2 U.S.C. § 441a(a)(1)(A) states that no person shall make a contribution to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000. 11 C.F.R. § 100.7(c) states that any contributions made by a married individual shall not be attributed to the individual's spouse, unless otherwise specified by the individual or spouse. 11 C.F.R. § 104.8(d) states that a contribution which represents contributions by more than one person shall indicate on the written instrument, or on an accompanying written statement signed by all contributors, the amount to be attributed to each.

In making his contributions to the Committee, respondent did not contemporaneously apportion the contributions between himself and his spouse as contemplated at 11 C.F.R. § 104.8(d), and the entire amount of the contributions was attributed to Mr. Cutler. Subsequent contribution reapportionment and a Committee refund were required to rectify respondent's violation of contribution limitations.

The respondent's reapportionment and receipt of a refund for excessive contributions do not vitiate the violation of the

contribution limitations imposed by the Act. Therefore, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that R.B. Cutler violated 2 U.S.C. § 441a(a)(1)(A) by making substantial excessive contributions to a political committee.

General Counsel's Recommendation

Find probable cause to believe that R.B. Cutler violated 2 U.S.C. § 441a(a)(1)(A).

27 May 1982
Date

Charles N. Steele
General Counsel

CCC# 757
82 APR 19 A11:48

April 15, 1982

Frances Hagan
Federal Election Commission
1325 15th Street N.W.
Washington, D.C. 20463

Dear Ms. Hagan:

Enclosed please find copies of the checks you requested in your call to me today which would establish the independent contributions of my husband and myself to the National Unity Campaign for John Anderson.

Sincerely yours,

Sylvia Iwrey

Sylvia Iwrey

16300 North Park Drive
Apt. 607
Southfield, Michigan 48075

82 APR 19 P4:20

82040354327

Iwray
6300 North Park Dr.
Apt. 607
Southfield, MI 48075

92 APR 13 AM 11:48

Ms. Frances Hagan
Federal Election Commission
1325 15th Street N.W.
Washington, D.C. 20463

92040354332

Mr. John Warren McGarry
Federal Election Commission
Washington, D.C. 20463

January 8, 1982

RE: MUR 1395

82 JAN 11 P4:37

RECEIVED
THE
SECRETARY

Dear Mr. McGarry:

I am in possession of your letter of January 5, 1982 and believe the matter can be easily cleared up.

My husband, Sol Iwrey, gave $ 1,000 to the National Unity Campaign, and I, Sylvia Iwrey, also gave $ 1,000. We have our respective cancelled checks which we would be pleased to submit should that be useful.

Since we both could be listed as S. Iwrey, it is conceivable that someone understood the two contributions as coming from one person. The three dollars over the limit was indeed mine and given early in 1980 at an organizing meeting in Lansing, Michign as a donation for a button or a bumper sticker. This occurred prior to my large contribution and was understandably forgotten. As it turned out, the three dollars was sent back to me sometime in the fall of 1981 by the NUC.

It should also be noted that the NUC sent me a letter during the summer of 1981 advising me that I had over contributed by $ 1,003. I replied on a form provided in that letter the same explanation that I have given here. I would hope that that letter would be among their records.

My husband served on the National Finance Committee of the

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NUC, generating the most funds for the state of Michigan. He was amused, when not piqued, by the inadvertent omission of himself as a contributor and the unwarranted presumption of my having acted illegally.

I shall be happy to cooperate further in the event the above explanation does not take care of the matter.

Sincerely yours,

Sylvia Iwrey

Mrs. Sylvia Iwrey

16300 North Park Drive # 607
Southfield, Michigan 48075

8204035413 0

S. Iwrey
16300 North Park Drive # 607
Southfield, Michigan 48075

Mr. John Warren McGarry
Federal Election Commission
Washington, D.C. 20463

82 JAN 11 PM 2:42

B 2 0 4 0 3 5 4 3 3

MEMO-LETTER

CUTLER DESIGNS
BOX 1465, MANCHESTER, MASS. 01944

R. B. CUTLER, Architect
(617) Tel. 526-1521
Hm 927-0064

CCC# 6007

MESSAGE

Federal Election Commission
Washington DC
20463

DATE XII.29.81 ATT: Frances B Hagan

Mrs: MUR 1395

Yrs of the 11th tells me exactly what the Unity Campaign told me before the election - so they returned $435.00 to me and my wife then donated funds to bring our totals within the $1,000 limit .. mine was at the limit - I believe hers was below, I'm not sure. pls advise what penalties exist - I don't think we need third party to help settle this action - sincerely

B Cutler

REPLY

DATE

SIGNED

RECEIVED

CUTLER DESIGNS
R. B. CUTLER, Architect
BOX 1465
MANCHESTER, MASS. 01944

1 2 0 4 0 3 5 4 3 3 3

[redacted]

ATT: Frances Hagen

PM
29 DEC
1981

01 DEC 31 P12:44

102447. RECEIVED

81 DEC28 A10:35

Gcc# 5978

December 21, 1981

81 DEC28 P12:25

Federal Election Commission
Washington D.C. 20463
Attn: Frances B. Hagan

Dear Ms. Hagan:

RE: MUR 1395

Today I spoke to Mr. Thomas Whitehead about the problem with Mrs. Patrick's contributions.

As mentioned to Mr. Whitehead, Mrs. Patrick is out of the country and is not expected home until after the first of the year.

I am Mrs. Patrick's business manager. However, I do not know how much she contributes to John Anderson's campaign since this was done out of her personal account. I also question whether Mrs. Patrick is aware of the total of her contributions since she is 73 years of age and probably sent a check as requests for more money were made.

I do remember that she received a refund from the John Anderson campaign but am not aware of how much was refunded.

As soon as she returns home I will try to get this information for you.

Sincerely yours,

H.L. Lang

HLL/ms

Blunt Ellis & Loewi
Incorporated
101 North Spring Street
Elgin, Illinois 60120

RECEIVED
81 DEC 28 A10:

Federal Election Commission
Washington, D.C. 20463
Attn: Frances B. Hagan

GCCH 5948

ROBERT J. ROSSER, M. D.
4513 COMBER AVENUE
ENCINO, CALIFORNIA 91316
TELEPHONE 990-1707

81 DEC 21 A11:08

December 15, 1981

John Warren McGarry, Chairman
Federal Election Commission
Washington, D. C., 20463

Re: MUR 1395

Dear Mr. McGarry,

From reading your letter of December 11, 1981, one would believe you had just solved the crime of the century --- congratulations!

Review of our checkbook records show the following donations to the National Unity Campaign:

7/7/80	$ 500.
7/20/80	500.
8/13/80	400.
9/12/80	250.
10/5/80	500.
Subtotal	$ 2150.
Refund 5/15/81	< 700.>
	$ 1450.

We accept that an additional $125 was donated from another checkbook as per your records for a net total of $1575.

First, you must not have records of the $700 refund; second, you have failed to divide by two, as our donations are made jointly; third, we miscalculated and exceeded the $2000 we had planned to donate by $275 ; fourth, (2275 - 700) divided by two = $787.50, which is not a violation of 2 U.S.C. Article 441 a (a) (1) (A).

Sincerely,

Robert J. Rosser, M.D.

Susan E. Rosser

RJR:pcs
cc: Frances B. Hagen

12040354336

23

ROBERT J. ROSSER, M. D.
4513 COMBER AVENUE
ENCINO, CALIFORNIA 91316

3 2 0 4 0 3 5 4 5 3 7

VAN NUYS, CA 91401
PM
18 DEC
1981

John Warren McGarry, Chairman
Federal Election Commission
Washington, D.C. 20463

RECEIVED
81 DEC 21 A10:03

102390 RECEIVED
Gcc# 5957
81 DEC 21 A10: 59

ROBERT J. ROSSER, M. D.
4513 COMBER AVENUE
ENCINO, CALIFORNIA 91316
TELEPHONE 990-1707

December 15, 1981

John Warren McGarry, Chairman
Federal Election Commission
Washington, D. C., 20463

Re: MUR 1395

Dear Mr. McGarry,

From reading your letter of December 11, 1981, one would believe you had just solved the crime of the century — congratulations!

Review of our checkbook records show the following donations to the National Unity Campaign:

7/7/80	$ 500.
7/20/80	500.
8/13/80	400.
9/12/80	250.
10/5/80	500.
Subtotal	$ 2150.
Refund 5/15/81	< 700.>
	$ 1450.

We accept that an additional $125 was donated from another checkbook as per your records for a net total of $1575.

First, you must not have records of the $700 refund; second, you have failed to divide by two, as our donations are made jointly; third, we miscalculated and exceeded the $2000 we had planned to donate by $275 ; fourth, (2275 - 700) divided by two = $787.50, which is not a violation of 2 U.S.C. Article 441 a (a) (1) (A).

Sincerely,

Robert J. Rosser, M.D.

Susan E. Rosser

Susan E. Rosser

RJR:pcs
cc: Frances B. Hagen

82040354139

81 DEC 21 P2:35

ROBERT J. ROSSER, M. D.
4813 COMBER AVENUE
ENCINO, CALIFORNIA 91316

3 2 0 4 0 3 5 4 3 3

SAN NUYS, CALIF.
PM
DEC
1991
RECEIVED
81 DEC 21 AM 10:58

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

Gcc# 5947

NATIONAL UNITY CAMPAIGN
John Anderson

The Woodward Building/15th & H Street, N.W./Suite 900/Washington, D.C. 20005/(202) 775-2000

December 18, 1981

Federal Election Commission
John Warren McGarry, Chairman
1325 K Street, NW
Washington, D.C. 20463

Re: MUR 1395

Dear Mr. Chairman:

Pursuant to your letter of December 11, 1981 and your invitation to submit a statement under oath as to why no action should be taken against me, I enclose an affidavit with attached Exhibits.

I plan to serve as Counsel for my campaign in this matter.

Respectfully submitted,

John B. Anderson

John B. Anderson

Paid for and authorized by the National Unity Campaign for John Anderson

AFFIDAVIT

John B. Anderson, being first duly sworn upon his oath deposes and says:

Since the discovery of the acceptance by the National Unity Campaign for John Anderson of 48 contribution checks in excess of limitations, every possible effort has been made through attribution in part to other persons after proper written authorization from the original donors of said contributions or the refunding of any excess amounts to comply with 2 U.S.C. Section 441a (f). The attached exhibits are true and correct copies of refund checks and attributions. Your affiant further is informed and believes that the Staff of his Campaign made every effort to avoid any violations of said Statute, but in the course of processing over two hundred thousand contributions errors were made which were not willful but assignable to the human factor involved in coping with the sheer volume of said contributions.

There was no intent at any time to evade the provisions of 2 U.S.C. Section 441a (f). Whenever contributions were received in excess of statutory limitations and the staff members of the Campaign noted this fact, they were uniformly instructed to return any excess promptly. Your affiant further is informed and believes that this was done in each instance where we were aware of the problem.

John B. Anderson

John B. Anderson
2720 35th Place, NW
Washington, D.C. 20007

The undersigned, being a Notary Public in and for the District of Columbia, certifies that the person indicated above appeared before me on the date indicated below, and executed the document as his voluntary act, stating the contents thereof to be true.

Given under my hand and notorial seal on December 18, 1981.

Notary Public

Commission expires 9-30-84.

8204035341

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 5, 1982

Ms. Silvia Iwrey
16300 N. Park Drive, #607
Southfield, MI 48075

RE: MUR 1395

Dear Ms. Iwrey:

On December 9, 1981, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by contributing in excess of limitations to the National Unity Campaign for John Anderson. 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, within ten days of receipt of this letter, any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

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 conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desire. See 11 C.F.R. § 111.18(d).

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

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) 523-4529.

Sincerely,

John Warren McGarry
Chairman

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

8 2 0 4 0 5 5 1 2 4 5

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 1395
STAFF MEMBER & TEL. NO.

RESPONDENT Silvia Iwrey

Frances B. Hagan
(202) 523-4529

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

SUMMARY OF ALLEGATIONS

Silvia Iwrey made contributions to the National Unity Campaign for John Anderson in excess of the limitations stated at 2 U.S.C. § 441a(f).

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000. During the initial audit review of NUC, auditors noted that Silvia Iwrey contributed amounts totaling $2,003.00, or $1,003.00 in excess of contributor limits set by the Federal Election Campaign Act. Therefore, the Office of General Counsel recommended that the Commission find reason to believe against Silvia Iwrey for making substantial excessive contributions to the Committee in violation of 2 U.S.C. § 441a(a)(1)(A).

RECOMMENDATION

Find reason to believe that Silvia Iwrey violated 2 U.S.C. § 441a(a)(1)(A).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 11, 1981

Mr. R.B. Cutler
Box 492
Beverly Farms, Massachusetts 01915

RE: MUR 1395

Dear Mr. Cutler:

On December 9, 1981, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by contributing in excess of limitations to the National Unity Campaign for John Anderson. 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, within ten days of receipt of this letter, any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

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 conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desire. See 11 C.F.R. § 111.18(d).

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

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) 523-4529.

Sincerely,

John Warren McGarry
Chairman

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

3 2 0 4 0 3 5 4 1 4 4 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. R.B. Cutler
Box 492
Beverly Farms, Massachusetts 01915

RE: MUR 1395

Dear Mr. Cutler:

On , 1981, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by contributing in excess of limitations to the National Unity Campaign for John Anderson. 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, within ten days of receipt of this letter, any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

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 conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desire. See 11 C.F.R. § 111.18(d).

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

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) 523-4529.

Sincerely,

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 1395
STAFF MEMBER & TEL. NO.

RESPONDENT R.B. Cutler

Frances B. Hagan
(202) 523-4529

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

SUMMARY OF ALLEGATIONS

R.B. Cutler made contributions to the National Unity Campaign for John Anderson in excess of the limitations stated at 2 U.S.C. § 441a(f).

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000. During the initial audit review of NUC, auditors noted that R.B. Cutler contributed amounts totaling $2,035.00, or $1,035 in excess of contributor limits set by the Federal Election Campaign Act. Therefore, the Office of General Counsel recommended that the Commission find reason to believe against R.B. Cutler for making substantial excessive contributions to the Committee in violation of 2 U.S.C. § 441a(a)(1)(A).

RECOMMENDATION

Find reason to believe that R.B. Cutler violated 2 U.S.C. § 441a(a)(1)(A).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 11, 1981

Mr. Robert J. Rosser
4513 Comber Avenue
Encino, California 91436

RE: MUR 1395

Dear Mr. Rosser:

On December 9, 1981, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by contributing in excess of limitations to the National Unity Campaign for John Anderson. 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, within ten days of receipt of this letter, any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

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 conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desire. See 11 C.F.R. § 111.18(d).

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

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) 523-4529.

Sincerely,

John Warren McGarry
Chairman

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. Robert J. Rosser
4513 Comber Avenue
Encino, California 91436

RE: MUR 1395

Dear Mr. Rosser:

On , 1981, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by contributing in excess of limitations to the National Unity Campaign for John Anderson. 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, within ten days of receipt of this letter, any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

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 conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desire. See 11 C.F.R. § 111.18(d).

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

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) 523-4529.

Sincerely,

Enclosures
General Counsel's Factual and Legal Analysis
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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 1395
STAFF MEMBER & TEL. NO.

RESPONDENT Robert J. Rosser

Frances B. Hagan
(202) 523-4529

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

Robert J. Rosser made contributions to the National Unity Campaign for John Anderson in excess of the limitations stated at 2 U.S.C. § 441a(f).

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000. During the initial audit review of NUC, auditors noted that Robert J. Rosser contributed amounts totaling $2,275.00, or $1,275.00 in excess of contributor limits set by the Federal Election Campaign Act. Therefore, the Office of General Counsel recommended that the Commission find reason to believe against Robert J. Rosser for making substantial excessive contributions to the Committee in violation of 2 U.S.C. § 441a(a)(1)(A).

RECOMMENDATION

Find reason to believe that Robert J. Rosser violated 2 U.S.C. § 441a(a)(1)(A).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 11, 1981

Ms. Mary W. Patrick
Sleepy Hollow Road, Route 1
Dundee, Illinois 60118

RE: MUR 1395

Dear Ms. Patrick:

On December 9, 1981, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by contributing in excess of limitations to the National Unity Campaign for John Anderson. 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, within ten days of receipt of this letter, any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

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 conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desire. See 11 C.F.R. § 111.18(d).

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

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) 523-4529.

Sincerely,

John Warren McGarry
Chairman

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Ms. Mary W. Patrick
Sleepy Hollow Road, Route 1
Dundee, Illinois 60118

RE: MUR 1395

Dear Ms. Patrick:

On , 1981, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by contributing in excess of limitations to the National Unity Campaign for John Anderson. 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, within ten days of receipt of this letter, any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

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 conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desire. See 11 C.F.R. § 111.18(d).

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

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) 523-4529.

Sincerely,

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 1395
STAFF MEMBER & TEL. NO.

RESPONDENT Mary W. Patrick

Frances B. Hagan
(202) 523-4529

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

SUMMARY OF ALLEGATIONS

Mary W. Patrick made contributions to the National Unity Campaign for John Anderson in excess of the limitations stated at 2 U.S.C. § 441a(f).

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000. During the initial audit review of NUC, auditors noted that Mary W. Patrick contributed amounts totaling $2,500.00, or $1,500.00 in excess of contributor limits set by the Federal Election Campaign Act. Therefore, the Office of General Counsel recommended that the Commission find reason to believe against Mary W. Patrick for making substantial excessive contributions to the Committee in violation of 2 U.S.C. § 441a(a)(1)(A).

RECOMMENDATION

Find reason to believe that Mary W. Patrick violated 2 U.S.C. § 441a(a)(1)(A).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 11, 1981

Mr. Paul A. Wycisk
The Woodward Building
Fifteenth and H Streets, N.W.
Suite 900
Washington, D.C. 20005

RE: MUR 1395

Dear Mr. Wycisk:

On December 9, 1981, the Federal Election Commission determined that there is reason to believe that your committee violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by accepting contributions in excess of limitations. 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, within ten days of your receipt of this letter, any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. 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 conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desire. See 11 C.F.R. § 111.18(d).

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

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) 523-4529.

Sincerely,

John Warren McGarry
Chairman

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 1395
STAFF MEMBER & TEL. NO.

RESPONDENT National Unity Campaign for John Anderson

Frances B. Hagan
(202) 523-4529

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

SUMMARY OF ALLEGATIONS

NUC accepted 48 contributions in excess of the limitations stated at 2 U.S.C. § 441a(f).

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000. 2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution in violation of contribution limitations.

During the initial audit review of NUC, auditors noted that the Committee accepted 48 contributions in excess of limitations which had not been refunded or attributed in part to other persons. The excess portion totals $18,398.00. A follow-up audit review revealed that NUC had refunded or reattributed 38 of 48 excessive contributions. Documentation for the refunds and reattributions of the excessive portions consisted of canceled checks and written authorizations for attribution to other individuals. Additional records indicated that the Committee has

sent refund checks or attribution letters to contributors for the 10 remaining excessive contributions.

The Committee's efforts to refund and reapportion the contributions do not vitiate a violation of the contribution limits. Such efforts may be considered mitigating factors in future Commission action regarding this matter. Therefore, the Office of General Counsel recommends a finding of reason to believe that NUC violated 2 U.S.C. § 441a(f) for its receipt of 48 excessive contributions totaling $18,398.00.

RECOMMENDATION

Find reason to believe that the National Unity Campaign for John Anderson violated 2 U.S.C. § 441a(f).

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1395
National Unity Campaign	)	
for John Anderson	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 9, 1981, the Commission decided by a vote of 6-0 to take the following actions regarding MUR 1395:

1. Find REASON TO BELIEVE that the National Unity Campaign for John Anderson violated 2 U.S.C. § 441a(f).

2. Find REASON TO BELIEVE that R.B. Cutler violated 2 U.S.C. § 441a(a)(1)(A).

3. Find REASON TO BELIEVE that Silvia Iwrey violated 2 U.S.C. § 441a(a)(1)(A).

4. Find REASON TO BELIEVE that Mary W. Patrick violated 2 U.S.C. § 441a(a)(1)(A).

5. Find REASON TO BELIEVE that Robert J. Rosser violated 2 U.S.C. § 441a(a)(1)(A).

(Continued)

6. Send the letters as submitted with the First General Counsel's Report dated December 7, 1981.

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

Attest:

12/9/81
Date

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

Received in Office of the Commission Secretary: 12-7-81, 9:47
Circulated on 48 hour vote basis: 12-7-81, 4:00

December 7, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1395

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

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SENSITIVE

FEDERAL ELECTION COMMISSION

RECEIVED
FEC MAIL CENTER
SECRETARY

FIRST GENERAL COUNSEL'S REPORT

DEC 7 A9:47

DATE AND TIME OF TRANSMITTAL BY OGC TO COMMISSION 12-7-81

MUR No. 1395
STAFF MEMBER(S) & TEL. NO.
Frances B. Hagan
(202) 523-4529

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

RESPONDENT'S NAME: National Unity Campaign for John Anderson

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

INTERNAL REPORTS CHECKED: MURS 1360 and 1361

GENERATION OF MATTER

This matter resulted from the audit of the National Unity Campaign for John Anderson (NUC).

SUMMARY OF ALLEGATIONS

NUC accepted 48 contributions in excess of the limitations stated at 2 U.S.C. § 441a(f). Individuals made contributions in excess of limitations stated at 2 U.S.C. § 441a(a)(1)(A).

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000. 2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution in violation of contribution limitations.

During the initial audit review of NUC, auditors noted that the Committee accepted 48 contributions in excess of limitations which had not been refunded or attributed in part to other persons. The excess portion totals $18,398.00. A follow-up

audit review revealed that NUC had refunded or reattributed 38 of 48 excessive contributions. Documentation for the refunds and reattributions of the excessive portions consisted of canceled checks and written authorizations for attribution to other individuals. Additional records indicated that the Committee has sent refund checks or attribution letters to contributors for the 10 remaining excessive contributions.

Four of the 48 individuals contributed amounts in excess of $2,000. The individuals contributed as follows:

Contributor	Total Amount Contributed	Amount In Excess of Limitation
R.B. Cutler	$2,035.00	$1,035.00
Silvia Iwrey	2,003.00	1,003.00
Mary W. Patrick	2,500.00	1,500.00
Robert J. Rosser	2,275.00	1,275.00

The Committee's efforts to refund and reapportion the contributions do not vitiate a violation of the contribution limits. Such efforts may be considered mitigating factors in future Commission action regarding this matter. Therefore, the Office of General Counsel recommends a finding of reason to believe that NUC violated 2 U.S.C. § 441a(f) for its receipt of 48 excessive contributions totaling $18,398.00. Similarly, this Office recommends that the Commission find reason to believe against the four contributors who made substantial excessive contributions to the Committee in violation of 2 U.S.C. § 441a(a)(1)(A).

RECOMMENDATIONS

1. Find reason to believe that the National Unity Campaign for John Anderson violated 2 U.S.C. § 441a(f).

2. Find reason to believe that R.B. Cutler violated 2 U.S.C. § 441a(a)(1)(A).

3. Find reason to believe that Silvia Iwrey violated 2 U.S.C. § 441a(a)(1)(A).

4. Find reason to believe that Mary W. Patrick violated 2 U.S.C. § 441a(a)(1)(A).

5. Find reason to believe that Robert J. Rosser violated 2 U.S.C. § 441a(a)(1)(A).

6. Send attached letters.

Charles N. Steele
General Counsel

Dec 4, 1981
Date

BY: Kenneth A. Gross
Associate General Counsel

Attachments
Letters with General Counsel's Factual and Legal Analyses (4)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. Paul A. Wycisk
The Woodward Building
Fifteenth and H Streets, N.W.
Suite 900
Washington, D.C. 20005

RE: MUR 1395

Dear Mr. Wycisk:

On , 1981, the Federal Election Commission determined that there is reason to believe that your committee violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by accepting contributions in excess of limitations. 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, within ten days of your receipt of this letter, any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. 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 conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desire. See 11 C.F.R. § 111.18(d).

Attachment A p1

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

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) 523-4529.

Sincerely,

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

9204054371

Attachment A p. 2

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 1395
STAFF MEMBER & TEL. NO.

RESPONDENT National Unity Campaign for John Anderson

Frances B. Hagan
(202) 523-4529

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

SUMMARY OF ALLEGATIONS

NUC accepted 48 contributions in excess of the limitations stated at 2 U.S.C. § 441a(f).

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000. 2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution in violation of contribution limitations.

During the initial audit review of NUC, auditors noted that the Committee accepted 48 contributions in excess of limitations which had not been refunded or attributed in part to other persons. The excess portion totals $18,398.00. A follow-up audit review revealed that NUC had refunded or reattributed 38 of 48 excessive contributions. Documentation for the refunds and reattributions of the excessive portions consisted of canceled checks and written authorizations for attribution to other individuals. Additional records indicated that the Committee has

Attachment A p. 3

sent refund checks or attribution letters to contributors for the 10 remaining excessive contributions.

The Committee's efforts to refund and reapportion the contributions do not vitiate a violation of the contribution limits. Such efforts may be considered mitigating factors in future Commission action regarding this matter. Therefore, the Office of General Counsel recommends a finding of reason to believe that NUC violated 2 U.S.C. § 441a(f) for its receipt of 48 excessive contributions totaling $18,398.00.

RECOMMENDATION

Find reason to believe that the National Unity Campaign for John Anderson violated 2 U.S.C. § 441a(f).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. R.B. Cutler
Box 492
Beverly Farms, Massachusetts 01915

RE: MUR 1395

Dear Mr. Cutler:

On , 1981, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by contributing in excess of limitations to the National Unity Campaign for John Anderson. 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, within ten days of receipt of this letter, any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

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 conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desire. See 11 C.F.R. § 111.18(d).

Attachment B p. 1

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

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) 523-4529.

Sincerely,

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Attachment B p. 2

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 1395
STAFF MEMBER & TEL. NO.

RESPONDENT R.B. Cutler

Frances B. Hagan
(202) 523-4529

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

SUMMARY OF ALLEGATIONS

R.B. Cutler made contributions to the National Unity Campaign for John Anderson in excess of the limitations stated at 2 U.S.C. § 441a(f).

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000. During the initial audit review of NUC, auditors noted that R.B. Cutler contributed amounts totaling $2,035.00, or $1,035 in excess of contributor limits set by the Federal Election Campaign Act. Therefore, the Office of General Counsel recommended that the Commission find reason to believe against R.B. Cutler for making substantial excessive contributions to the Committee in violation of 2 U.S.C. § 441a(a)(1)(A).

RECOMMENDATION

Find reason to believe that R.B. Cutler violated 2 U.S.C. § 441a(a)(1)(A).

Attachment B p.3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Ms. Mary W. Patrick
Sleepy Hollow Road, Route 1
Dundee, Illinois 60118

RE: MUR 1395

Dear Ms. Patrick:

On , 1981, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by contributing in excess of limitations to the National Unity Campaign for John Anderson. 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, within ten days of receipt of this letter, any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

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 conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desire. See 11 C.F.R. § 111.18(d).

Attachment C p. 1

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

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) 523-4529.

Sincerely,

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Attachment C p. 2

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 1395
STAFF MEMBER & TEL. NO.

RESPONDENT Mary W. Patrick

Frances B. Hagan
(202) 523-4529

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

SUMMARY OF ALLEGATIONS

Mary W. Patrick made contributions to the National Unity Campaign for John Anderson in excess of the limitations stated at 2 U.S.C. § 441a(f).

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000. During the initial audit review of NUC, auditors noted that Mary W. Patrick contributed amounts totaling $2,500.00, or $1,500.00 in excess of contributor limits set by the Federal Election Campaign Act. Therefore, the Office of General Counsel recommended that the Commission find reason to believe against Mary W. Patrick for making substantial excessive contributions to the Committee in violation of 2 U.S.C. § 441a(a)(1)(A).

RECOMMENDATION

Find reason to believe that Mary W. Patrick violated 2 U.S.C. § 441a(a)(1)(A).

Attachment C p 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. Robert J. Rosser
4513 Comber Avenue
Encino, California 91436

RE: MUR 1395

Dear Mr. Rosser:

On , 1981, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by contributing in excess of limitations to the National Unity Campaign for John Anderson. 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, within ten days of receipt of this letter, any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

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 conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desire. See 11 C.F.R. § 111.18(d).

Attachment D p. 1

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

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) 523-4529.

Sincerely,

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

9 2 0 4 0 3 5 5 4 3 3 1

Attachment D p. 2

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 1395
STAFF MEMBER & TEL. NO.

RESPONDENT Robert J. Rosser

Frances B. Hagan
(202) 523-4529

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

SUMMARY OF ALLEGATIONS

Robert J. Rosser made contributions to the National Unity Campaign for John Anderson in excess of the limitations stated at 2 U.S.C. § 441a(f).

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000. During the initial audit review of NUC, auditors noted that Robert J. Rosser contributed amounts totaling $2,275.00, or $1,275.00 in excess of contributor limits set by the Federal Election Campaign Act. Therefore, the Office of General Counsel recommended that the Commission find reason to believe against Robert J. Rosser for making substantial excessive contributions to the Committee in violation of 2 U.S.C. § 441a(a)(1)(A).

RECOMMENDATION

Find reason to believe that Robert J. Rosser violated 2 U.S.C. § 441a(a)(1)(A).

Attachment D p 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Note:
- Address unavailable
- Attempting to locate it -

Ms. Silvia Iwrey

RE: MUR 1395

Dear Ms. Iwrey:

On , 1981, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by contributing in excess of limitations to the National Unity Campaign for John Anderson. 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, within ten days of receipt of this letter, any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

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 conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desire. See 11 C.F.R. § 111.18(d).

Attachment E p. 1

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

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) 523-4529.

Sincerely,

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

8 2 0 4 0 3 5 4 3 8 1

Attachment E p. 2

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 1395
STAFF MEMBER & TEL. NO.

RESPONDENT Silvia Iwrey

Frances B. Hagan
(202) 523-4529

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

SUMMARY OF ALLEGATIONS

Silvia Iwrey made contributions to the National Unity Campaign for John Anderson in excess of the limitations stated at 2 U.S.C. § 441a(f).

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000. During the initial audit review of NUC, auditors noted that Silvia Iwrey contributed amounts totaling $2,003.00, or $1,003.00 in excess of contributor limits set by the Federal Election Campaign Act. Therefore, the Office of General Counsel recommended that the Commission find reason to believe against Silvia Iwrey for making substantial excessive contributions to the Committee in violation of 2 U.S.C. § 441a(a)(1)(A).

RECOMMENDATION

Find reason to believe that Silvia Iwrey violated 2 U.S.C. § 441a(a)(1)(A).

Attachment E p. 3

~~Anderson for President Committee~~
National Unity Campaign for John Anderson

Attachment A

Limitations On Contributions

Section 441a(a)(1)(A) of Title 2, United States Code states that no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000.

During the review of the Committee's contribution records, the Audit staff noted that contributions were received and deposited from 229 contributors which caused the $1,000 contribution limitation to be exceeded by a total of $64,593.84. Committee officials provided documentation which indicated that letters had been sent to all but four (4) of the contributors advising of the excessive contribution and asking whether the contributions should be refunded or attributed to other individuals. As of the close of the audit fieldwork (3/20/81), 143 contributions, the excessive portions of which totaled $31,752.84, had been refunded to the contributors. In addition, 38 contributions, the excessive portions of which totaled $14,443.00, were attributed to other individuals, thus bringing them within the limitation. The remaining 48 contributions (excessive portion $18,398.00) had not been refunded to the contributor or attributed to others.

During audit work performed at the end of the 30 day response period, the Audit staff reviewed cancelled refund checks and authorizations for attribution for 38 of the 48 contributions noted above. Cancelled refund checks or authorizations for attribution were not available for the remaining 10 contributions at the end of the 30 day response period. However, we did review Committee records which indicated that refund checks or attribution letters were forwarded to the contributors.

3 2 0 4 0 3 5 4 5 8 5

FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1395

Date Filmed 10/25/82 Camera No. -1-

Cameraman J. A. O.

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