

FEDERAL ELECTION COMMISSION

125 E STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 1449

Date Filmed 8/25/82 Camera No. --- 2

Cameraman see

44-38861-1000

FEDERAL ELECTION COMMISSION

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

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

Signed William T. Donaldson
date Aug. 9, 1982

62040343845

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

August 3, 1982

Utah State Democratic Committee
Michael T. Miller, Chairman
849 East 400 South
Salt Lake City, Utah 84102

RE: MUR 1449

Dear Mr. Miller:

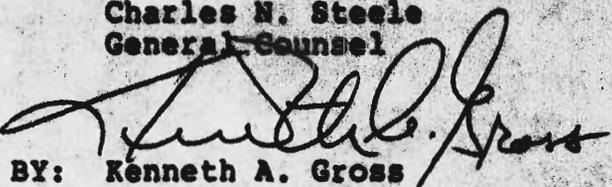
The Federal Election Commission has reviewed the allegations of your complaint dated May 27, 1982, and determined that on the basis of the information provided in your complaint, and information provided by the Respondent, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed.

Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

82040343846



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 3, 1982

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

J. Curtis Herge, Esquire
8300 Greensboro Drive, Suite 1100
McLean, Virginia 22102

RE: MUR 1449

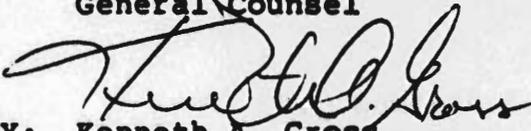
Dear Mr. Herge:

On June 2, 1982, the Commission notified you of a complaint alleging that your client, the Hatch Election Committee, Inc., had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on August 2, 1982, determined that on the basis of the information in the complaint, and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. However, the Commission noted that the Committee's FEC reports have not been amended to reflect the repayment date on the principal of the loan as March 15, 1982 on Schedule C. Please have this matter clarified within ten days of this notice. This matter will become a part of the public record within thirty days.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

cc: Senator Orrin Hatch

62040343847



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Utah State Democratic Committee
Michael T. Miller, Chairman
849 East 400 South
Salt Lake City, Utah 84102

RE: MUR 1449

Dear Mr. Miller:

The Federal Election Commission has reviewed the allegations of your complaint dated May 27, 1982, and determined that on the basis of the information provided in your complaint, and information provided by the Respondent, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed.

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Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

82040343848

8.3.82

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. Curtis Herge, Esquire
8300 Greensboro Drive, Suite 1100
McLean, Virginia 22102

RE: MUR 1449

Dear Mr. Herge:

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The Commission, on _____, 1982, determined that on the basis of the information in the complaint, and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. However, the Commission noted that the Committee's FEC reports have not been amended to reflect the repayment date on the principal of the loan as March 15, 1982 on Schedule C. Please have this matter clarified within ten days of this notice. This matter will become a part of the public record within thirty days.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

cc: Senator Orrin Hatch

50
8-2-82

62040343849

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Hatch Election Committee, Inc.

MUR 1449

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 2, 1982, the Commission decided by a vote of 6-0 to take the following actions in MUR 1449:

1. Find no reason to believe that the Hatch Election Committee, Inc. violated 2 U.S.C. § 441b of the Federal Election Campaign Act of 1971, as amended.
2. Close the File.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

8/2/82

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:
Circulated on 48 hour tally basis:

7-28-82, 3:39
7-29-82, 11:00

62040343850

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

COMMISSION SECRETARY

82 JUL 28 P 3: 30

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY
OGC TO THE COMMISSION 7/28/82

MUR NO. 1449
DATE COMPLAINT RECEIVED
BY OGC May 27, 1982
DATE OF NOTIFICATION TO
RESPONDENT June 2, 1982
STAFF MEMBER
Susan Donaldson

COMPLAINANT'S NAME: Utah State Democratic Committee
RESPONDENT'S NAME: Hatch Election Committee
RELEVANT STATUTE: 2 U.S.C. § 441b
INTERNAL REPORTS CHECKED: Hatch Election Committee
FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

The Utah State Democratic Committee alleged that the Hatch Election Committee, Inc. received an interest-free loan for \$40,000 on January 22, 1982, from the First Security Bank of Utah. 2 U.S.C. § 441b prohibits any national bank from making contributions in connection with any federal election, and prohibits any candidate or political committee from receiving such a contribution.

FACTUAL AND LEGAL ANALYSIS

A review of the Hatch Committee reports reveal that the Committee received \$40,000 from the First Security Bank of Utah on January 22, 1982. The Committee's FEC report states that the loan was repaid on February 17, 1982. No interest was reported.

62040343852

J. Curtis Herge, counsel for the Hatch Election Committee, responded to the complaint in a letter dated June 18, 1982. He enclosed a copy of the promissory note dated January 22, 1982, from the Hatch Election Committee to the First Security Bank of Utah, which called for repayment on or before March 15, 1982, together with interest at the rate of 14 1/2% per annum. Mr. Herge also sent a copy of the repayment check, dated March 15, 1982, for \$40,837.78 (\$837.78 was interest). The interest was not reflected on the Committee reports because the Committee has a savings certificate with the bank which was earning interest. The interest expense paid on the note was considered as a reduction to the interest income. The Committee's reports were amended on June 10, 1982 to reflect the interest paid on the note.

The Committee was further questioned about the discrepancy between the repayment date of the loan shown on the FEC report (February 17, 1982) and the repayment date shown on the repayment check (March 15, 1982). Stanley R. DeWaal, treasurer of the Hatch Election Committee, responded in a letter dated July 16, 1982, that the loan was repaid on March 15, 1982, and that the February 17, 1982 repayment date shown on the report was incorrect. Mr. DeWaal could not explain why the February 17, 1982 date was reported, although he stated that the Committee had kept track of 40,000 contributors and had hired a temporary employee to help with the FEC report. The June 10, 1982

02040343853

amendment correctly reported the repayment date of the interest as March 15, 1982; however, Schedule C was not completed and therefore the repayment date of the principal on the loan was not amended. It is requested that the Committee amend their reports accordingly in the attached letter to their counsel.

Based on these facts, it appears that there is no reason to believe a violation of 2 U.S.C. § 441b was committed in connection with this matter.

RECOMMENDATIONS

1. Find no reason to believe that the Hatch Election Committee, Inc. violated 2 U.S.C. § 441b of the Federal Election Campaign Act of 1971, as amended.
2. Close the file.

Charles N. Steele
General Counsel

July 28, 1982
Date

BY:

Kenneth A. Gross
Associate General Counsel

Attachments

- (1) Complaint
- (2) Response from Herge
- (3) Amended FEC Report
- (4) Response from Stanley R. DeWaal
- (5) Proposed letters (2)

62040343854

32 MAY 21 11:43

FEDERAL ELECTION COMMISSION

UTAH STATE DEMOCRATIC COMMITTEE)
Michael T. Miller, Complainant)

COMPLAINT

HATCH ELECTION COMMITTEE)
Respondent)

32 MAY 21 11:43

GENERAL COUNSEL

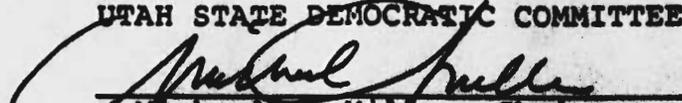
STATE OF UTAH)
COUNTY OF SALT LAKE) SS

Michael T. Miller, upon being first duly sworn, deposes and says,

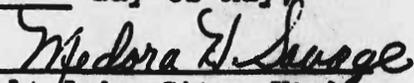
1. That he is Chairman of the Utah State Democratic Committee.
2. That he has examined the April 15, 1982, Federal Election Committee, Inc. report filed by U.S. Senator Orrin Hatch, covering the reporting period January 1, 1982, to March 31, 1982.
3. That the following violations of the Federal Election laws appears:
 - a). Hatch Election Committee received \$40,000 on January 22, 1982, and repaid the \$40,000 loan on February 17, 1982. The loan appears to have been made interest-free in violation of 2 USC 441 b.
4. These statements are not made upon personal knowledge, but are apparent from the face of the report itself.

Dated this 21st day of May, 1982.

UTAH STATE DEMOCRATIC COMMITTEE


Michael T. Miller, Chairman

Subscribed and sworn to before me this 21st day of May, 1982.

NOTARY PUBLIC 
Residing at Salt Lake City, Utah

My Commission Expires: Nov. 1, 1982

Address of Complainant: 849 East 400 South
Salt Lake City, UT 84102
801/329-0239

62040343855

600-7983
02 JUN 22 P 2: 02

Stamps & Seals
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
SUITE 800
2000 GREENWOOD DRIVE
MURKIN, VIRGINIA 22080
703 221-1000

GLENN J. SEDAM, JR.
J. CURTIS HERGE
ROBERT S. SPARKS, JR.
A. MARK CHRISTOPHER

JANIS A. CHERRY
KAREN LUSSEN BLAIR
JOHN ROBERT CLARK III
B. ERIC SIVERTSEN

SUITE 800
1700 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D. C. 20006
703 221-1000
TELE 710-221-0000
CABLE SEDAM HERGE

June 18, 1982

6/22 P 4: 56
GENERAL COUNSEL

Kenneth A. Gross, Esq.
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

Attention of Susan Donaldson

Re: MUR 1449

Dear Mr. Gross:

We are writing in reply to your letter to Mr. Stanley R. DeWaal, Treasurer of the Hatch Election Committee, dated June 2, 1982, with which you enclosed a copy of a complaint filed by the Utah State Democratic Committee in which it was alleged that the Hatch Election Committee received an interest-free loan in apparent violation of 2 U.S.C. 441b. This matter has been numbered MUR 1449.

Enclosed herewith, for your records, is a Statement of Designation of Counsel, signed by Mr. DeWaal, designating the undersigned as counsel to the Hatch Election Committee in connection with this matter.

The loan, which appears to be of concern to the Utah State Democratic Committee, was a loan of \$40,000.00 to the Hatch Election Committee by the First Security Bank of Utah on January 22, 1982. Enclosed herewith is a copy of the promissory note from the Hatch Election Committee to the First Security Bank of Utah, which evidences the loan and which called for repayment of the principal sum on or before March 15, 1982, together with interest at the rate of 14-1/2% per annum. The loan met the requirements set forth in 2 U.S.C. 431(8)(B)(vii).

The foregoing loan was paid in full, in accordance with the terms of the promissory note, on March 15, 1982. Enclosed herewith is a copy of the check from the Hatch Election Committee to the First Security Bank of Utah, dated March 15, 1982 and in

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Kenneth A. Gross, Esq.
Page Two
June 18, 1982

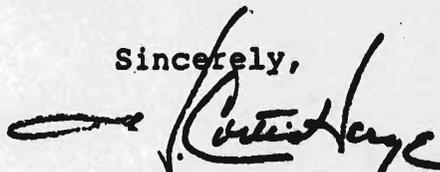
the amount of \$40,837.78. (The \$837.78 component of the check was interest calculated as follows: $\$40,000.00 \times 14.5\% \div 360 \times 52 = \837.78 .) It will be noted that the enclosed copy of the promissory note bears the "Paid" stamp of the Bank.

On the basis of the foregoing, it is submitted that the complaint of the Utah State Democratic Committee is without merit and should be dismissed without further action.

We are advised that the first quarter report of the Hatch Election Committee did not reflect the full payment of \$40,837.78, because the due date of the promissory note was the same as the due date on a savings certificate the Hatch Election Committee had with the Bank. Thus, the Committee's accountants considered the interest expense paid on the note as a net reduction on the interest income received on the certificate. While perhaps satisfactory from an accounting standpoint, this technical reporting error has been called to the attention of the Treasurer of the Committee, who has amended, or is in the process of amending, the relevant portions of the Committee's report.

We would be pleased to be of assistance to you in the event you require any additional information or documentation in connection with this matter.

Sincerely,


J. Curtis Herge

enclosures

cc: Senator Orrin Hatch
Mr. Stanley B. Parrish
Mr. Stanley R. DeWaal

02040343857

(4)

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: J. Curtis Herge
Sedan & Herge, P.C.
ADDRESS: 8300 Greensboro Drive, Suite 1100
McLean, Virginia 22102
TELEPHONE: (703) 821-1000

RE: MUR 1449

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and
other communications from the Commission and to act on my
behalf before the Commission.

HATCH ELECTION COMMITTEE

62040343858
June 14, 1982
Date

BY:

Stanley R. DeWaal
Signature Treasurer

NAME: Stanley R. DeWaal
ADDRESS: 405 South Main, Suite 711
Salt Lake City, Utah 84111
HOME PHONE: (801) 328-8173
BUSINESS PHONE:

HATCH ELECTION COMMITTEE

405 South Main, #711

SLC 84111

January 22, 1982

\$40,000.00**

On or before 52 days

AFTER DATE, FOR VALUE RECEIVED, I, WE OR EITHER OF US, PROMISE

PAY TO THE ORDER OF

FIRST SECURITY BANK OF UTAH
NATIONAL ASSOCIATION

AT ITS OFFICE Fourth South

Salt Lake City, Utah

Forty-Thousand and no/100----- DOLLAR

IN LAWFUL MONEY OF THE UNITED STATES OF AMERICA, WITH INTEREST THEREON, IN LIKE MONEY AT THE RATE OF 14.50 PER CENT

ANNUUM (INTEREST COMPUTED ON THE BASIS OF A 360 DAY YEAR AND ACTUAL DAYS ELAPSED), PAYABLE at maturity date

FROM UNTIL MATURITY AND THEREAFTER AT THE RATE OF 14.50 PER CENT ANNUM UNTIL PAID, AND IF NOT PAID AT MATURITY AND THIS NOTE BE PLACED WITH AN ATTORNEY FOR COLLECTION OR IF SUIT INSTITUTED FOR ITS COLLECTION, I, WE OR EITHER OF US, AGREE TO PAY IN EITHER CASE REASONABLE ATTORNEY'S FEES, THE MATURITIES, GUARANTIONS AND ENDORSEMENTS HEREOF SEVERALLY WAIVE PRESENTMENT FOR PAYMENT, PROTEST NOTICE OF PROTEST AND IF IN PAYMENT OF THIS NOTE IF THE INTEREST ON THIS NOTE IS NOT PAID AT THE TIME IT BECOMES DUE THE HOLDER OF THIS NOTE AT OPTION MAY DECLARE THE WHOLE DUE AND PAYABLE.

HATCH ELECTION COMMITTEE

NKC

DUE March 15, 1982

By: *[Signature]*

HATCH ELECTION COMMITTEE

405 SOUTH MAIN STREET SUITE 711 328-0173
SALT LAKE CITY, UTAH 84111

No 1098

FOURTH SOUTH OFFICE
FIRST SECURITY BANK OF UTAH
MEMBER, FEDERAL RESERVE SYSTEM
400 SOUTH MAIN
SALT LAKE CITY, UTAH 84111
31-1/12/82

40360
ORDER

First Security Bank

DATE
3/15/82

AMOUNT
\$ 40,837.78

NOT NEGOTIABLE

⑆01240000120061 01784 22⑆

PAYEE DETACH THIS STATEMENT BEFORE DEPOSITING

HATCH ELECTION COMMITTEE

DATE	ACCOUNT OR INVOICE NO.	DESCRIPTION	AMOUNT	DISCOUNT OR DEDUCTION	NET AMOUNT
3/15/82		Loan No. 6100502126-30643	40,837.78		40,837.78

EMPLOYEE'S NAME

HATCH ELECTION COMMITTEE, SALT LAKE CITY, UTAH

PAY PERIOD ENDING	HOURS	RATE	GROSS EARNINGS				NET EARNINGS PAID
				FICA	FED WITH TAX	STATE WITH TAX	
	REG T O T						

EMPLOYEE: THIS IS A STATEMENT OF YOUR EARNINGS AND DEDUCTIONS FOR PERIOD INDICATED. KEEP THIS FOR YOUR PERMANENT RECORD.

00121

1. Name of Committee (in Full)
Match Election Committee, Inc.

2. FEC Registration Number
CO004637

Address (Number and Street)
405 South Main Street, # 711

3. Is this Report an Amendment?
 YES NO

City, State and ZIP Code Check if address is different than previously reported.
Salt Lake City, UT 84111

TYPE OF REPORT

- April 15 Quarterly Report
- July 15 Quarterly Report
- October 15 Quarterly Report
- January 31 Year End Report
- July 31 Mid Year Report (Non-election Year Only)
- Twelfth day report preceding _____ (Type Election) election on _____ in the State of _____
- Thirtieth day report following the General Election on _____ in the State of _____
- Termination Report

This report contains activity for — Primary Election General Election Special Election Runoff Election

SUMMARY

	Column A This Period	Column B Calendar Year-to-Date
6. Covering Period <u>1/1/82</u> Through <u>3/31/82</u>		
6. Net Contributions (other than loans):		
(a) Total Contributions (other than loans) (from Line 11e)	\$ 158,733	\$ 158,733
(b) Total Contribution Refunds (from Line 20d)	\$ 500	\$ 500
(c) Net Contributions (other than loans) (Subtract Line 6b from 6a)	\$ 158,233	\$ 158,233
7. Net Operating Expenditures:		
(a) Total Operating Expenditures (from Line 17)	\$ 159,858	\$ 159,858
(b) Total Offsets to Operating Expenditures (from Line 14)	\$	\$
(c) Net Operating Expenditures (Subtract Line 7b from 7a)	\$ 159,858	\$ 159,858
8. Cash on Hand at Close of Reporting Period (from Line 27)	\$ 435,378	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D)	\$ 4,000	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	\$ 530	

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

For further information, contact:

Federal Election Commission
 Toll Free 800-424-9530
 Local 202-523-4088

Stanley DeWaal
 Type or Print Name of Treasurer

Stanley DeWaal
 SIGNATURE OF TREASURER

4/10/82
 Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437j

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

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6 2 0 4 3 0 8 2 1 0 6 7 4 0 3 8

HANDS DELIVERED

JAN 2 2 1982

FEDERAL ELECTION COMMISSION

Hatch Election Committee, Inc.

Period Covering the Period:

From: 1/1/82

To: 3/31/82

0 2 0 84 20 03 24 43 06 20 39

I. RECEIPTS

11. CONTRIBUTIONS (other than loans) FROM:

(a) Individuals/Persons Other Than Political Committees

(Memo Entry Unitized \$ _____)

(b) Political Party Committees

(c) Other Political Committees

(d) The Candidates

(e) TOTAL CONTRIBUTIONS (other than loans) (add 11a, 11b, 11c and 11d)

12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES

13. LOANS:

(a) Made or Guaranteed by the Candidate

(b) All Other Loans

(c) TOTAL LOANS (add 13a and 13b)

14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)

15. OTHER RECEIPTS (Dividends, Interest, etc.)

16. TOTAL RECEIPTS (Add 11e, 12, 13c, 14 and 15)

II. DISBURSEMENTS

17. OPERATING EXPENDITURES

18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES

19. LOAN REPAYMENTS:

(a) Of Loans Made or Guaranteed by the Candidate

(b) Of All Other Loans

(c) TOTAL LOAN REPAYMENTS (add 19a and 19b)

20. REFUNDS OF CONTRIBUTIONS TO:

(a) Individuals/Persons Other Than Political Committees

(b) Political Party Committees

(c) Other Political Committees

(d) TOTAL CONTRIBUTION REFUNDS (add 20a, 20b and 20c)

21. OTHER DISBURSEMENTS

22. TOTAL DISBURSEMENTS (Add 17, 18, 19c, 20d and 21)

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF THE REPORTING PERIOD

24. TOTAL RECEIPTS THIS PERIOD (From Line 16)

25. SUBTOTAL (Add Line 23 and Line 24)

26. TOTAL DISBURSEMENTS THIS PERIOD (From Line 22)

27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (Subtract Line 26 from 25)

	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees	117,312	117,312
(Memo Entry Unitized \$ _____)		
(b) Political Party Committees		
(c) Other Political Committees	41,421	41,421
(d) The Candidates		
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11a, 11b, 11c and 11d)	158,733	158,733
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES		
13. LOANS:		
(a) Made or Guaranteed by the Candidate		
(b) All Other Loans	40,000	40,000
(c) TOTAL LOANS (add 13a and 13b)	40,000	40,000
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)		
15. OTHER RECEIPTS (Dividends, Interest, etc.)	12,150	12,150
16. TOTAL RECEIPTS (Add 11e, 12, 13c, 14 and 15)	210,883	209,883
17. OPERATING EXPENDITURES	159,858	159,858
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	79,426	79,426
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate		
(b) Of All Other Loans	40,000	40,000
(c) TOTAL LOAN REPAYMENTS (add 19a and 19b)		
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	500	500
(b) Political Party Committees		
(c) Other Political Committees		
(d) TOTAL CONTRIBUTION REFUNDS (add 20a, 20b and 20c)	500	500
21. OTHER DISBURSEMENTS		
22. TOTAL DISBURSEMENTS (Add 17, 18, 19c, 20d and 21)	279,784	279,784

23. CASH ON HAND AT BEGINNING OF THE REPORTING PERIOD	\$ 504,279
24. TOTAL RECEIPTS THIS PERIOD (From Line 16)	\$ 210,883
25. SUBTOTAL (Add Line 23 and Line 24)	\$ 715,162
26. TOTAL DISBURSEMENTS THIS PERIOD (From Line 22)	\$ 279,784
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (Subtract Line 26 from 25)	\$ 435,378

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

Name, Address and ZIP Code of Loan Source		Original Amount of Loan	Cumulative Payments To Date	Balance Outstanding at Close of This Period
First Security Bank of Utah 403 South Main Street Salt Lake City, UT 84111 <small>Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</small>		40,000		40,000
Terms: Date Incurred <u>1/22/82</u> Date Due <u>3/15/82</u> Interest Rate <u>15.50</u> <small>(APR)</small> <input type="checkbox"/> Secured				
List All Endorsers or Guarantors (if any) to Item A				
1. Full Name, Mailing Address and ZIP Code		Name of Employer		
		Occupation		
		Amount Guaranteed Outstanding: \$		
2. Full Name, Mailing Address and ZIP Code		Name of Employer		
		Occupation		
		Amount Guaranteed Outstanding: \$		
3. Full Name, Mailing Address and ZIP Code		Name of Employer		
		Occupation		
		Amount Guaranteed Outstanding: \$		
Name, Address and ZIP Code of Loan Source		Original Amount of Loan	Cumulative Payments To Date	Balance Outstanding at Close of This Period
<small>Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</small>				
Terms: Date Incurred _____ Date Due _____ Interest Rate _____ <small>(APR)</small> <input type="checkbox"/> Secured				
List All Endorsers or Guarantors (if any) to Item B				
1. Full Name, Mailing Address and ZIP Code		Name of Employer		
		Occupation		
		Amount Guaranteed Outstanding: \$		
2. Full Name, Mailing Address and ZIP Code		Name of Employer		
		Occupation		
		Amount Guaranteed Outstanding: \$		
3. Full Name, Mailing Address and ZIP Code		Name of Employer		
		Occupation		
		Amount Guaranteed Outstanding: \$		
SUBTOTALS This Period This Page (optional)				
TOTALS This Period (last page in this line only)				40,000
Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.				

0 2 0 RA 20 03 21 US 08 76 40 4 1

Any information reported herein under false pretenses or statements may not be used in proof by any person for the purpose of obtaining compensation or for commercial purposes, either when using the name and address of any political committee to solicit contributions from such companies.

Name of Committee (in Full) **Hatch Election Committee, Inc.**

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Tracy Collins 200 South Main Street Salt Lake City, UT 84111		3/31/82	6,242
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date-\$	
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Commercial Security Bank Salt Lake City, UT 84111		3/31/82	3,282
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date-\$	
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
First Security Bank of Utah <i>405 So. Main Street</i> <i>S.L.C., Utah 84111</i>			2,626
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date-\$	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date-\$	
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date-\$	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date-\$	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date-\$	
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			12,150

Any information received from such reports and statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
Ratch Election Committee, Inc.

02098379874042

A. Full Name, Mailing Address and ZIP Code Per Original Report	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period 157,432
B. Full Name, Mailing Address and ZIP Code First Security Bank of Utah 405 South Main Street Salt Lake City, UT 84111	Purpose of Disbursement Interest on \$40,000 loan at 14.50% for 52 days Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 3/15/82	Amount of Each Disbursement This Period 838
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			158,370

DE WAAL AND KEELER
CERTIFIED PUBLIC ACCOUNTANTS

MEMBERS
OF THE AMERICAN INSTITUTE
OF CERTIFIED PUBLIC ACCOUNTANTS
STANLEY R. DE WAAL
REN KEELER

141 WEST 200 SOUTH 200 EAST
SALT LAKE CITY, UTAH 84111

July 16, 1982

Federal Election Commission

Washington, D.C. 20463

Gentlemen:

On January 22, 1982, the Hatch Election Committee borrowed \$40,000 from First Security Bank. The collateral used was a Money Market Certificate with a due date of March 15, 1982. The Committee repaid the loan on March 15, 1982.

On our report filed with the FEC, disclosing the repayment of the loan, the payment date is shown as February 17, 1982. I cannot explain why that particular date was typed in, except for the fact that due to the pressures of preparing the report by the due date, and the fact that we are keeping track of some 40,000 individual contributors, we had hired a temporary employee to help us with the report and in reviewing the report, the wrong date was not discovered.

In the reports filed, we account for approximately 95% of all expenditures which the committee has incurred and in addition to keeping track of every contribution, it is our intention to fully comply with the FEC requirements. The Committee has absolutely nothing to gain by using a wrong date. If there are any mistakes made, they are unintentional in nature.

Please give this your consideration.

Very truly yours,



Stanley R. De Waal
Treasurer
Hatch Election Committee

SRD:cma

62040343866

GLENN J. SEDAM, JR.
J. CURTIS HERGE
ROBERT R. SPARKS, JR.
A. MARK CHRISTOPHER

JANIS A. CHERRY
KAREN LUSSEN BLAIR
JOHN ROBERT CLARK III
B. ERIC SIVERTSEN

1700 PENNSYLVANIA AVENUE
WASHINGTON, D.C. 20540

PHONE 202-1000

DATE 07/19/82
1700 PENNSYLVANIA AVENUE
WASHINGTON, D.C. 20540
TELEPHONE 202-1000
CABLE 202-1000

RECEIVED
Office of the
GENERAL COUNSEL

3:02

July 19, 1982

Kenneth A. Gross, Esquire
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Attention: Susan Donaldson

Re: MUR 1449

Dear Mr. Gross:

Enclosed herewith is a letter from Stanley R. DeWaal, Treasurer, Hatch Election Committee, in which he discusses the two different dates reported to the Commission in connection with the payment in full of a loan in the sum of \$40,000.00 borrowed by the Committee.

Please feel free to contact me should you require any additional documentation or assistance in this matter.

Sincerely,

J. Curtis Herge
J. Curtis Herge *DS*

enclosure

62040343867



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. Curtis Herge, Esquire
8300 Greensboro Drive, Suite 1100
McLean, Virginia 22102

RE: MUR 1449

Dear Mr. Herge:

On June 2, 1982, the Commission notified you of a complaint alleging that your client, the Hatch Election Committee, Inc., had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on _____, 1982, determined that on the basis of the information in the complaint, and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. However, the Commission noted that the Committee's FEC reports have not been amended to reflect the repayment date on the principal of the loan as March 15, 1982 on Schedule C. Please have this matter clarified within ten days of this notice. This matter will become a part of the public record within thirty days.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

cc: Senator Orrin Hatch

62040343868



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

15

Utah State Democratic Committee
Michael T. Miller, Chairman
849 East 400 South
Salt Lake City, Utah 84102

RE: MUR 1449

Dear Mr. Miller:

The Federal Election Commission has reviewed the allegations of your complaint dated May 27, 1982, and determined that on the basis of the information provided in your complaint, and information provided by the Respondent, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed.

Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

82040343869

15

FEDERAL ELECTRONIC COMMISSION
WASHINGTON, D.C. 20543

SECRETARY
JUL 21 1982

July 19, 1982

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

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

SUBJECT: MUR 1449 - Utah State Democratic Committee
Withdrawal of First General Counsel's Report

The First General Counsel's Report on MUR 1449 was circulated to the Commission on July 8, 1982, on a 48 hour tally basis. The Office of General Counsel requests withdrawal of this report for further examination of an apparent factual discrepancy in the Committee's reports. Commissioner McDonald, who objected to this matter, agrees to its withdrawal.

62040343870

FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

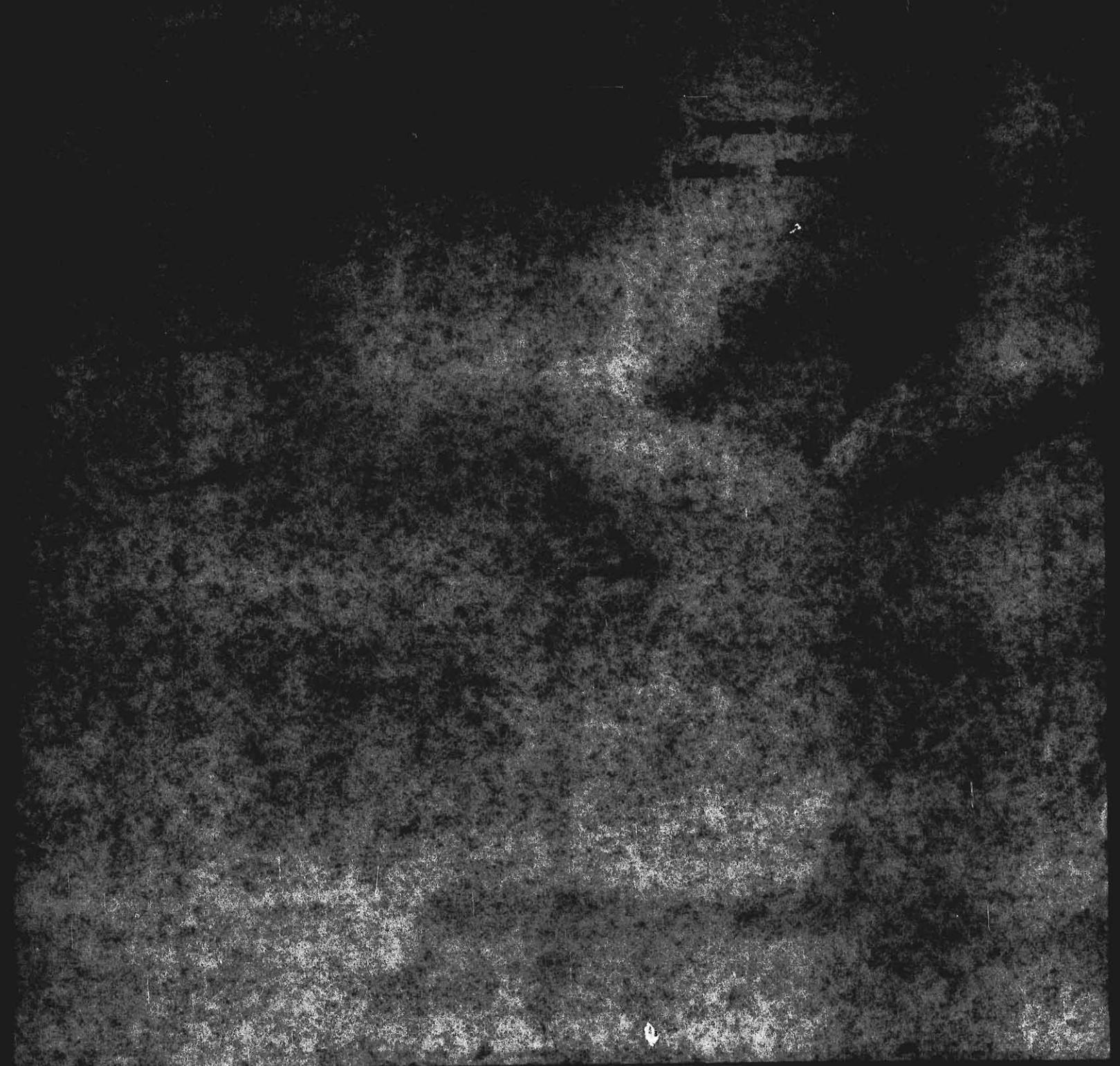
MEMORANDUM TO: CHARLES N. STEELE, GENERAL COUNSEL
FROM: MARJORIE W. BRADY / JODY RUSCH *JR*
DATE: JULY 12, 1982
SUBJECT: OBJECTION - MER 1449 First General Counsel's
Report dated July 8, 1982; Received in OCS,
7-8-82, 9:35

The above-named document was circulated to the Commission on Thursday, July 8, 1982 at 4:00.

Commissioner McDonald submitted an objection at 10:44, July 12, 1982.

This matter will be placed on the agenda for the Executive Session of Tuesday, July 20, 1982.

62040343872



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

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY
82 JUL 8 4 35

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY
OGC TO THE COMMISSION 7-8-82

MUR NO. 1449
DATE COMPLAINT RECEIVED
BY OGC May 27, 1982
DATE OF NOTIFICATION TO
RESPONDENT June 2, 1982
STAFF MEMBER
Susan Donaldson

COMPLAINANT'S NAME: Utah State Democratic Committee
RESPONDENT'S NAME: Hatch Election Committee
RELEVANT STATUTE: 2 U.S.C. § 441b
INTERNAL REPORTS CHECKED: Hatch Election Committee
FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

The Utah State Democratic Committee alleged that the Hatch Election Committee, Inc. received an interest-free loan for \$40,000 on January 22, 1982, from the First Security Bank of Utah. 2 U.S.C. § 441b prohibits any national bank from making contributions in connection with any federal election, and prohibits any candidate or political committee from receiving such a contribution.

FACTUAL AND LEGAL ANALYSIS

A review of the Hatch Committee reports reveal that the Committee received \$40,000 from the First Security Bank of Utah on January 22, 1982. The loan was repaid on February 17, 1982. No interest was reported.

82040343874

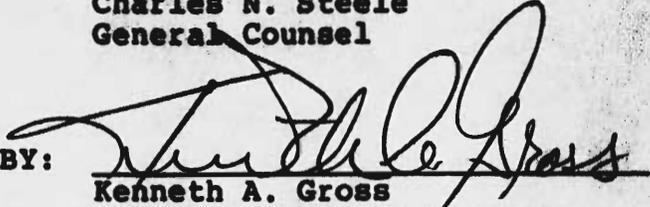
J. Curtis Herge, counsel for the Hatch Election Committee, responded to the complaint in a letter dated June 18, 1982. He enclosed a copy of the promissory note dated January 22, 1982, from the Hatch Election Committee to the First Security Bank of Utah, which called for repayment on or before March 15, 1982, together with interest at the rate of 14 1/2% per annum. Mr. Herge also sent a copy of the repayment check, dated March 15, 1982, for \$40,837.78 (\$837.78 was interest). The interest was not reflected on the Committee reports because the Committee has a savings certificate with the bank which was earning interest. The interest expense paid on the note was considered as a reduction to the interest income. The Committee's reports will be amended to reflect the interest paid on the note. Based on these facts, it appears that there is no reason to believe a violation of 2 U.S.C. § 441b was committed in connection with this matter.

RECOMMENDATIONS

1. Find no reason to believe that the Hatch Election Committee, Inc. violated 2 U.S.C. § 441b of the Federal Election Campaign Act of 1971, as amended.
2. Close the file.

Charles N. Steele
General Counsel

July 7, 1982
Date

BY: 
Kenneth A. Gross
Associate General Counsel

- Attachments**
- (1) Complaint
 - (2) Response from Herge
 - (3) Proposed letters (2)

62040343875

32 MAY 27 P 1: 43

FEDERAL ELECTION COMMISSION

UTAH STATE DEMOCRATIC COMMITTEE)
Michael T. Miller, Complainant)

COMPLAINT

HATCH ELECTION COMMITTEE)
Respondent)

STATE OF UTAH)
COUNTY OF SALT LAKE) SS

32 MAY 27 P 3: 05

GENERAL COUNCIL

DEPT. OF COMMERCE

Michael T. Miller, upon being first duly sworn, deposes and says,

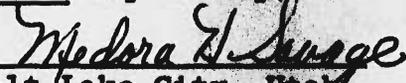
1. That he is Chairman of the Utah State Democratic Committee.
2. That he has examined the April 15, 1982, Federal Election Committee, Inc. report filed by U.S. Senator Orrin Hatch, covering the reporting period January 1, 1982, to March 31, 1982.
3. That the following violations of the Federal Election laws appears:
 - a). Hatch Election Committee received \$40,000 on January 22, 1982, and repaid the \$40,000 loan on February 17, 1982. The loan appears to have been made interest-free in violation of 2 USC 441 b.
4. These statements are not made upon personal knowledge, but are apparent from the face of the report itself.

Dated this 21st day of May, 1982.

UTAH STATE DEMOCRATIC COMMITTEE


Michael T. Miller, Chairman

Subscribed and sworn to before me this 21st day of May, 1982.

NOTARY PUBLIC 
Residing at Salt Lake City, Utah

My Commission Expires: Nov. 1, 1982

Address of Complainant: 849 East 400 South
Salt Lake City, UT 84102
801/329-0239

62040343876

Kenneth A. Gross, Esq.
Page Two
June 18, 1982

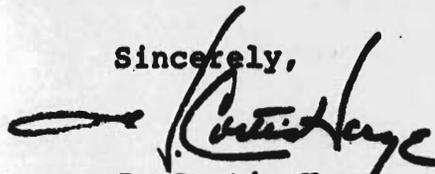
the amount of \$40,837.78. (The \$837.78 component of the check was interest calculated as follows: $\$40,000.00 \times 14.5\% \div 360 \times 52 = \837.78 .) It will be noted that the enclosed copy of the promissory note bears the "Paid" stamp of the Bank.

On the basis of the foregoing, it is submitted that the complaint of the Utah State Democratic Committee is without merit and should be dismissed without further action.

We are advised that the first quarter report of the Hatch Election Committee did not reflect the full payment of \$40,837.78, because the due date of the promissory note was the same as the due date on a savings certificate the Hatch Election Committee had with the Bank. Thus, the Committee's accountants considered the interest expense paid on the note as a net reduction on the interest income received on the certificate. While perhaps satisfactory from an accounting standpoint, this technical reporting error has been called to the attention of the Treasurer of the Committee, who has amended, or is in the process of amending, the relevant portions of the Committee's report.

We would be pleased to be of assistance to you in the event you require any additional information or documentation in connection with this matter.

Sincerely,



J. Curtis Herge

enclosures

cc: Senator Orrin Hatch
Mr. Stanley B. Parrish
Mr. Stanley R. DeWaal

62040343878

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: J. Curtis Herge
Sedan & Herge, P.C.
ADDRESS: 8300 Greensboro Drive, Suite 1100
McLean, Virginia 22102
TELEPHONE: (703) 821-1000

RE: MUR 1449

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and
other communications from the Commission and to act on my
behalf before the Commission.

HATCH ELECTION COMMITTEE

June 14, 1982

Date

BY:

Signature

Treasurer

NAME: Stanley R. DeWaal
ADDRESS: 405 South Main, Suite 711
Salt Lake City, Utah 84111
HOME PHONE: (801) 328-8173
BUSINESS PHONE:

62040343879

January 22, 1982

1
0
8
8
8
3
1
3
0
4
0
23 REV. 6/73

40,000.00**

On or before 52 days

AFTER DATE FOR VALUE RECEIVED. I, WE OR EITHER OF US PROMISE

PAY TO THE ORDER OF

FIRST SECURITY BANK OF UTAH

NATIONAL ASSOCIATION

AT ITS OFFICE Fourth South

Salt Lake City, Utah

Forty-Thousand and no/100----- DOLLAR

IN LAWFUL MONEY OF THE UNITED STATES OF AMERICA, WITH INTEREST THEREON, IN LIKE MONEY AT THE RATE OF 14.50 PER CENT

ANNUM (INTEREST COMPUTED ON THE BASIS OF A 360 DAY YEAR AND ACTUAL DAYS ELAPSED), PAYABLE at maturity

date

FROM UNTIL MATURITY AND THEREAFTER AT THE RATE OF 14.50 PER CENT PER ANNUM UNTIL PAID, AND IF NOT PAID AT MATURITY AND THIS NOTE BE PLACED WITH AN ATTORNEY FOR COLLECTION OR IF SUIT INSTITUTED FOR ITS COLLECTION, I, WE OR EITHER OF US, AGREE TO PAY IN EITHER CASE REASONABLE ATTORNEY'S FEES THE MAIN SURETIES, GUARANTORS AND ENDORSERS HEREOF SEVERALLY WAIVE PRESENTMENT FOR PAYMENT, PROTEST NOTICE OF PROTEST AND OF NON-PAYMENT OF THIS NOTE IF THE INTEREST ON THIS NOTE IS NOT PAID AT THE TIME IT BECOMES DUE THE HOLDER OF THIS NOTE AT OPTION MAY DECLARE THE WHOLE DUE AND PAYABLE.

HATCH ELECTION COMMITTEE

NKC

DUE March 15, 1982

By: *[Signature]*

HATCH ELECTION COMMITTEE

405 SOUTH MAIN STREET SUITE 711 328-8173
SALT LAKE CITY, UTAH 84111

No 1098

FOURTH SOUTH OFFICE
FIRST SECURITY BANK OF UTAH
NATIONAL ASSOCIATION
405 SOUTH MAIN
SALT LAKE CITY, UTAH 84111
31-1/12/82

PAY

40237007

DATE

AMOUNT

3/15/82

\$ 40,857.78

First Security Bank

NOT NEGOTIABLE

⑆00000⑆ ⑆124000012006⑆ 01764 22⑆

ORDER
OF

4033

PAYEE: DETACH THIS STATEMENT BEFORE DEPOSITING

HATCH ELECTION COMMITTEE

DATE	ACCOUNT OR INVOICE NO.	DESCRIPTION	AMOUNT	DISCOUNT OR DEDUCTION	NET AMOUNT
3/15/82		Loan No. 6100502126-30643	40,857.78		40,857.78

EMPLOYEE'S NAME

HATCH ELECTION COMMITTEE, SALT LAKE CITY, UTAH

PAY PERIOD ENDING	HOURS	RATE	GROSS EARNINGS	DEDUCTIONS			NET EARNINGS PAID
				FICA	FED WITH TAX	STATE WITH TAX	
REG. T.							
O.T.							

EMPLOYEE: THIS IS A STATEMENT OF YOUR EARNINGS AND DEDUCTIONS FOR PERIOD INDICATED. KEEP THIS FOR YOUR PERMANENT RECORD.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. Curtis Herge, Esquire
8300 Greensboro Drive, Suite 1100
McLean, Virginia 22102

RE: MUR 1449

Dear Mr. Herge:

On June 2, 1982, the Commission notified you of a complaint alleging that your client, the Hatch Election Committee, Inc., had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on _____, 1982, determined that on the basis of the information in the complaint, and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within thirty days.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

cc: Senator Orrin Hatch

62040343882



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Utah State Democratic Committee
Michael T. Miller, Chairman
849 East 400 South
Salt Lake City, Utah 84102

RE: MUR 1449

Dear Mr. Miller:

The Federal Election Commission has reviewed the allegations of your complaint dated May 27, 1982, and determined that on the basis of the information provided in your complaint, and information provided by the Respondent, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed.

Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

62040343883

GLENN J. SEDAN, JR.
J. CURTIS HERGE
ROBERT S. SPARKS, JR.
A. MARK CHRISTOPHER

JANIS A. CHERRY
KAREN LUSSEN BLAIR
JOHN ROBERT CLARK III
B. ERIC SIVERTSEN

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

July 19, 1982

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
JUL 23 1982
3:02 PM
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543
TELEPHONE ROOM
CABLE MESSAGE UNIT

Kenneth A. Gross, Esquire
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Attention: Susan Donaldson

Re: MUR 1449

Dear Mr. Gross:

Enclosed herewith is a letter from Stanley R. DeWaal, Treasurer, Hatch Election Committee, in which he discusses the two different dates reported to the Commission in connection with the payment in full of a loan in the sum of \$40,000.00 borrowed by the Committee.

Please feel free to contact me should you require any additional documentation or assistance in this matter.

Sincerely,

J. Curtis Herge
J. Curtis Herge *DS*

enclosure

62040343884

FALTON MASS

DE WAAL AND KEELER
CERTIFIED PUBLIC ACCOUNTANTS

MEMBERS
OF THE AMERICAN INSTITUTE
OF CERTIFIED PUBLIC ACCOUNTANTS
STANLEY R. DE WAAL
REX KEELER

775 FIRST SECURITY BANK BUILDING
100 SOUTH MAIN
SALT LAKE CITY, UTAH 84111

July 16, 1982

Federal Election Commission

Washington, D.C. 20463

Gentlemen:

On January 22, 1982, the Hatch Election Committee borrowed \$40,000 from First Security Bank. The collateral used was a Money Market Certificate with a due date of March 15, 1982. The Committee repaid the loan on March 15, 1982.

On our report filed with the FEC, disclosing the repayment of the loan, the payment date is shown as February 17, 1982. I cannot explain why that particular date was typed in, except for the fact that due to the pressures of preparing the report by the due date, and the fact that we are keeping track of some 40,000 individual contributors, we had hired a temporary employee to help us with the report and in reviewing the report, the wrong date was not discovered.

In the reports filed, we account for approximately 95% of all expenditures which the committee has incurred and in addition to keeping track of every contribution, it is our intention to fully comply with the FEC requirements. The Committee has absolutely nothing to gain by using a wrong date. If there are any mistakes made, they are unintentional in nature.

Please give this your consideration.

Very truly yours,



Stanley R. De Waal
Treasurer
Hatch Election Committee

SRD:cma

82040343885

SEDAM & HERGE

ATTORNEYS AT LAW

SUITE 1100

8300 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22102

To

Kenneth A. Gross, Esquire
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

FIRST CLASS MAIL

RECEIVED
JUN 22 1982 12:02

GLENN J. SEDAM, JR.
J. CURTIS HERGE
ROBERT R. SPARKS, JR.
A. MARK CHRISTOPHER

JANIS A. CHERRY
KAREN LUSSEN BLAIR
JOHN ROBERT CLARK III
B. ERIC BIVERTSEN

MILWAUKEE, WISCONSIN 53103

June 18, 1982

SUITE 270
1800 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006
(703) 621-0000
TELETYPE 621-0000
CABLE SEDAMERGE

JUN 22 4:56
GENERAL COUNSEL

Kenneth A. Gross, Esq.
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

Attention of Susan Donaldson

Re: MUR 1449

Dear Mr. Gross:

We are writing in reply to your letter to Mr. Stanley R. DeWaal, Treasurer of the Hatch Election Committee, dated June 2, 1982, with which you enclosed a copy of a complaint filed by the Utah State Democratic Committee in which it was alleged that the Hatch Election Committee received an interest free loan in apparent violation of 2 U.S.C. 441b. This matter has been numbered MUR 1449.

Enclosed herewith, for your records, is a Statement of Designation of Counsel, signed by Mr. DeWaal, designating the undersigned as counsel to the Hatch Election Committee in connection with this matter.

The loan, which appears to be of concern to the Utah State Democratic Committee, was a loan of \$40,000.00 to the Hatch Election Committee by the First Security Bank of Utah on January 22, 1982. Enclosed herewith is a copy of the promissory note from the Hatch Election Committee to the First Security Bank of Utah, which evidences the loan and which called for repayment of the principal sum on or before March 15, 1982, together with interest at the rate of 14-1/2% per annum. The loan met the requirements set forth in 2 U.S.C. 431(b)(8)(B)(vii).

The foregoing loan was paid in full, in accordance with the terms of the promissory note, on March 15, 1982. Enclosed herewith is a copy of the check from the Hatch Election Committee to the First Security Bank of Utah, dated March 15, 1982 and in

02040343887

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: J. Curtis Herge
Sedam & Herge, P.C.
ADDRESS: 8300 Greensboro Drive, Suite 1100
McLean, Virginia 22102
TELEPHONE: (703) 821-1000

RE: MUR 1449

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and
other communications from the Commission and to act on my
behalf before the Commission.

HATCH ELECTION COMMITTEE

June 14, 1982
Date

BY:

Signature

Treasurer

NAME: Stanley R. DeWaal
ADDRESS: 405 South Main, Suite 711
Salt Lake City, Utah 84111
HOME PHONE: (801) 328-8173
BUSINESS PHONE:

62040343889

HATCH ELECTION COMMITTEE

405 South Main, #711

SLC 84111

January 22, 1982

\$40,000.00**

On or before 52 days

AFTER DATE FOR VALUE RECEIVED I, WE OR EITHER OF US, PROMISE

PAY TO THE ORDER OF

FIRST SECURITY BANK OF UTAH

NATIONAL ASSOCIATION

AT ITS OFFICE Fourth South

Salt Lake City, Utah

Forty-Thousand and no/100----- DOLLAR

IN LAWFUL MONEY OF THE UNITED STATES OF AMERICA, WITH INTEREST THEREON, IN LIKE MONEY AT THE RATE OF 14.50 PER CENT

ANNUM (INTEREST COMPUTED ON THE BASIS OF A 360 DAY YEAR AND ACTUAL DAYS ELAPSED), PAYABLE at maturity

FROM date UNTIL MATURITY AND THEREAFTER AT THE RATE OF 14.50 PER CENT

PER ANNUM UNTIL PAID AND IF NOT PAID AT MATURITY AND THIS NOTE BE PLACED WITH AN ATTORNEY FOR COLLECTION OR IF SUIT INSTITUTED FOR ITS COLLECTION, I, WE OR EITHER OF US, AGREE TO PAY IN EITHER CASE REASONABLE ATTORNEY'S FEES. THE MAKERS, GUARANTORS AND ENDORSERS HEREOF SEVERALLY WAIVE PRESENTMENT FOR PAYMENT, PROTEST, NOTICE OF PROTEST AND OF NON-PAYMENT OF THIS NOTE. IF THE INTEREST ON THIS NOTE IS NOT PAID AT THE TIME IT BECOMES DUE, THE HOLDER OF THIS NOTE AT OPTION MAY DECLARE THE WHOLE DUE AND PAYABLE.

HATCH ELECTION COMMITTEE

NKC

DUE March 15, 1982

By: *[Signature]*

HATCH ELECTION COMMITTEE
 405 SOUTH MAIN STREET SUITE 711 328-8173
 SALT LAKE CITY, UTAH 84111

No 1098

FRONT SOUTH OFFICE
FIRST SECURITY BANK OF UTAH
 NATIONAL ASSOCIATION
 400 SOUTH MAIN
 SALT LAKE CITY, UTAH 84111
 31-1/1240

PAY _____ **DATE** 3/15/82 **AMOUNT** \$40,857.78

First Security Bank

ORDER
 for
 40

NOT NEGOTIABLE

⑆0001070⑆ ⑆124000012006⑆ 01764 22⑆

PAYEE: DETACH THIS STATEMENT BEFORE DEPOSITING

HATCH ELECTION COMMITTEE

DATE	ACCOUNT OR INVOICE NO.	DESCRIPTION	AMOUNT	DISCOUNT OR DEDUCTION	NET AMOUNT
3/15/82		Loan No. 6100502126-30643	40,857.78		40,857.78

EMPLOYEE'S NAME

HATCH ELECTION COMMITTEE, SALT LAKE CITY, UTAH

PAY PERIOD ENDING	HOURS	RATE	GROSS EARNINGS	F.I.C.A.	FED. WITH TAX	STATE WITH TAX			NET EARNINGS PAID
REG. T.									
O.T.									

EMPLOYEE: THIS IS A STATEMENT OF YOUR EARNINGS AND DEDUCTIONS FOR PERIOD INDICATED. KEEP THIS FOR YOUR PERMANENT RECORD.

62040313892

SEDAM & HERGE

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

SUITE 1100

8300 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22102



RECEIVED
82 JUN 22 P 2:02
JUN 18 '82

Kenneth A. Gross, Esq.
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

Attention of Susan Donaldson

1449

ROUTING SLIP

Improper Complaint ltr.

No Jurisdiction ltr.

Respondent Notification ltr (1)

Complainant Notification ltr.

Other:

3
9
3
4
3
4
0
4
0
2
8

To HAC from SB on 6/1/82 for signature

To Docket from HAC on 6/2 for mailing

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

June 2, 1982

**REGISTERED MAIL
RETURN RECEIPT REQUESTED**

Mr. Stanley R. de Waal, Treasurer
Hatch Election Committee
405 South Main Street, #711
Salt Lake City, Utah 84111

Re: MUR 1449

Dear Mr. de Waal:

This letter is to notify you that on May 27, 1982 the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1449. Please refer to this number in all future correspondence.

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

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

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

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

62040343894

MUR # 1449
DATE 5/20/82

PLEASE PROVIDE THE NAMES AND ADDRESSES OF ALL RESPONDENTS WHICH ARE TO BE SENT A COPY OF THE COMPLAINT. IF A PRINCIPAL CAMPAIGN COMMITTEE IS A RESPONDENT, A CARBON COPY IS TO BE SENT TO THE CANDIDATE. PLEASE PROVIDE THE NAME AND ADDRESS OF THE CANDIDATE AND PUT A "CC" BESIDE THE CANDIDATE'S NAME. IF A CANDIDATE IS A RESPONDENT, A CARBON COPY IS TO BE SENT TO THE CANDIDATE'S PRINCIPAL CAMPAIGN COMMITTEE. PLEASE PROVIDE THE NAME AND ADDRESS OF THE PRINCIPAL CAMPAIGN COMMITTEE AND PUT A "CC" BESIDE THE COMMITTEE'S NAME. PLEASE PROVIDE THIS INFORMATION, ON THIS SHEET, WITHIN 24 HOURS OF RECEIPT OF THIS NOTICE. THANK YOU.

62040343896

MR. STANLEY R. de Waal, TREASURER
HATCH ELECTION COMMITTEE
405 South Main Street, #711
Salt Lake City, UT 84111

cc: SENATOR ORRIN HATCH ~~6204034~~
125 Russell Senate Office Bldg
Washington, DC
20510

RECEIVED
OFFICE OF THE
SALT LAKE COUNTY

UTAH STATE DEMOCRATIC COMMITTEE
Michael T. Miller, Complainant

HATCH ELECTION COMMITTEE
Respondent

STATE OF UTAH)
COUNTY OF SALT LAKE) SS

Michael T. Miller, upon being first duly sworn, deposes and says,

1. That he is Chairman of the Utah State Democratic Committee.
2. That he has examined the April 15, 1982, Federal Election Committee, Inc. report filed by U.S. Senator Orrin Hatch, covering the reporting period January 1, 1982, to March 31, 1982.
3. That the following violations of the Federal Election laws appears:
 - a). Hatch Election Committee received \$40,000 on January 22, 1982, and repaid the \$40,000 loan on February 17, 1982. The loan appears to have been made interest-free in violation of 2 USC 441 b.
4. These statements are not made upon personal knowledge, but are apparent from the face of the report itself.

Dated this 21st day of May, 1982.

UTAH STATE DEMOCRATIC COMMITTEE

Michael T. Miller
Michael T. Miller, Chairman

Subscribed and sworn to before me this 21st day of May, 1982.

NOTARY PUBLIC *Madara St. Savage*
Residing at Salt Lake City, Utah

My Commission Expires: Nov. 1, 1982

Address of Complainant: 849 East 400 South
Salt Lake City, UT 84102
801/329-0239

02040343897

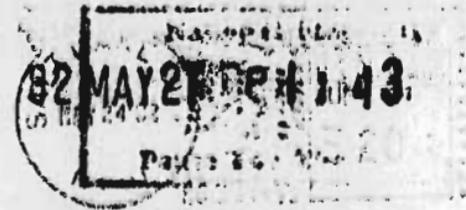
62040113498



**Utah State
Democratic
Committee**

849 East 400 South
Salt Lake City, Utah 84102

**Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463**





FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF NUR # 1449

Date Filmed 8/25/82 Camera No. --- 2

Camera # 9PC

6-2040343899

6-2040343899