FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1621

Date Filmed 11/1/85 Camera No. --- 2

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routing cards, duplicate copies, civil penalty check copies; all document

relating to conciliation negotiations, internal memoranda

and 12 Day Report before RTB

12 Day Pre Brief/ and Comments, objection notices, Commission vote sheet

and check copies

Copies of bank account numbers etc. of respondent, envelopes

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 Frances B Hogan

date 10-17-85

FZ

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Webb Franklin for Congress Committee	)	
Robert R. Knight, as treasurer	)	
W. B. Crump, III	)	
Don Barrett	)	MUR 1621
David Hicks, Sr.	)	
Bank of Greenwood	)	
Capital Foundation: Mississippi	)	
Republican Campaign Committee	)	
R. Andrew Taggart, as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of September 24, 1985, do hereby certify that the Commission decided by a vote of 5-0 to accept the conciliation agreements attached to the General Counsel's report dated September 12, 1985, and close the file in this matter.

Commissioners Aikens, Elliott, Josefiak, McDonald, and McGarry voted affirmatively for the decision. Commissioner Harris did not vote.

Attest:

September 25, 1985
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 2, 1985

Jan W. Baran, Esquire
Wiley and Rein
1776 K Street, N.W.
Washington, D.C. 20006

Re: MUR 1621
Webb Franklin for Congress Committee
Robert R. Knight, as treasurer
W.B. Crump, III
Don Barrett
David Hicks, Sr.

Dear Mr. Baran:

On September 24 , 1985, the Commission accepted the conciliation agreement you signed and a civil penalty in settlement of violations of 2 U.S.C. § 441a and 441b(a), provisions 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 respondents and the Commission. Should you wish any such information to become part of the public record, please advise us in writing within 10 days.

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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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Webb Franklin for Congress Committee	)	MUR 1621
Robert R. Knight, Treasurer	)	
W.B. Crump, III	)	
Don Barrett	)	
David Hicks, Sr.	)	

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 Respondents Webb Franklin for Congress Committee and as treasurer, Robert R. Knight violated the following:

1. 2 U.S.C. § 441a(f) for receipt of the following contributions made in excess of limitations at 2 U.S.C. § 441a(a)(1)(A) or § 441a(a)(2)(A):

   a) direct contributions and loan endorsements from three individuals;

   b) direct contributions made after the primary election in excess of net primary debt from a party-related multicandidate committee, the Capital Foundation: Mississippi Republican Party Campaign Committee;

   c) direct contributions from four individuals.

2. 2 U.S.C. § 441b(a) through receipt of loans in the form of overdrafts from a national bank (the Bank of Greenwood, a branch of the National Bank of Jackson, MS).

The Commission further found reason to believe that

Respondents W.B. Crump, III, Don Barrett and David Hicks, Sr., violated 2 U.S.C. § 441a(a)(1)(A) by making a contribution in the form of a loan endorsement and a direct contribution in excess of limitations to the Committee.

NOW, THEREFORE, the Commission and Respondents, 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 Respondents 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. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

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

A. The Committee is the principal campaign committee for candidate Webb Franklin, Second Congressional District, Mississippi, and its treasurer is Robert R. Knight.

B. 1. On November 22, 1982, the Committee secured an uncollateralized loan of $30,000 from the Bank of Greenwood, Mississippi, a branch of the First National Bank of Jackson, Mississippi.

2. The loan was endorsed by three individuals as follows :

Contributor	Date	Election	Amount		Excessive Portion
Don Barrett	8/28/82	G	$300		
	11/01/82	G	$300		
	11/22/82	G	10,000	(loan)	
			Total 10,600		$9,600
David Hicks, Sr.	8/28/82	G	$300		
	11/17/82	G	$200		
	11/22/82	G	10,000	(loan)	
			Total 10,500		$9,500
Bill Crump	8/28/82	G	$80		
	11/22/82	G	10,000	(loan)	
			Total $10,080		$9,080

August 17, 1982 Primary
November 2, 1982 General

3. On October 17, 1983, the Committee obtained a note of $30,000 from the Bank of Greenwood endorsed solely by the candidate in lieu of the November 22, 1982 loan.

4. 2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

5. 2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept contributions in violation of this section.

6. 2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

7. 2 U.S.C. § 431(8)(B)(vii)(I) states that loan/contributions shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

8. Pursuant to 2 U.S.C. § 431(8)(A)(i) and (B)(vii)(I), each individual endorser is liable for one-third the amount of the loan in addition to their direct contributions.

9. As a result of the original loan arrangements, the Respondent Committee violated 2 U.S.C. § 441a(f) for receipt of loan/contributions violative of 2 U.S.C. § 441a(a)(1)(A) in the amount of $28,180. Individual Respondents violated 2 U.S.C. § 441a(a)(1)(A) by making contribution in excess of limitations. Respondents state that such violations were not willful or intentional.

C. 1. After the Mississippi primary of August 17, 1982, the Committee received two contributions of $5,000 each from the Capital Foundation: Mississippi Republican Party Campaign Committee ("the Party Committee"), an account of the Republican State Party Committee.

2. The contribution checks were transmitted with a letter dated August 18, 1982, which designated one of the checks to pay primary debts; the other was designated for the November 2, 1982 general election.

3. Respondent documented primary election debts of $8,017.43.

4. FEC auditors applied cash on hand to calculate the net primary debt of $1,360.35.

5. The Party Committee's contribution of $5,000 exceeded the net primary debt by $3,639.65.

6. 2 U.S.C. § 441a(a)(2)(A) states that no multicandidate committee shall make contributions to any candidate and authorized political committees with respect to any federal election which, in the aggregate, exceed $5,000.

7. 2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept contributions in violation of this section.

8. 11 C.F.R. § 110.1(a)(2)(i) clarifies the contribution limitation of $5,000 per election: "With respect to any election" means in the case of a contribution designated in writing for a particular election, the election so designated, except that a contribution made after a primary election and designated for the primary shall be made only to the extent that the contribution does not exceed net debts outstanding from the primary election.

9. The Committee accepted a contribution of $3,639.65 in violation of 2 U.S.C. § 441a(f). The Committee states that such violation was not willful or intentional.

D. 1. During 1982, the Committee accepted contributions from individuals as follows:

Contributor	Date	Amount	Excessive Portion
Howard Brent	8/30/82	$1,000	
	12/20/82	200	$200
Steve D. Golding	10/08/82	$1,000	
	12/28/82	250	$250
P.F. Wetzek	11/08/82	$1,000	
	12/28/82	200	$200
Fae E. Rhodes	8/26/82	$1,000	
	8/28/82	300	
	12/16/82	200	$500

2. On October 3, 1983, the Committee refunded the excessive contributions totaling $1,150.

3. 2 U.S.C. § 441a(f) prohibits a candidate or political committee from knowingly accepting contributions violative of 2 U.S.C. § 441a(a)(1)(A).

4. The Committee accepted contributions totaling $1,150 in excess of limitations at 2 U.S.C. § 441a(a)(1)(A) in violation of 2 U.S.C. § 441a(f). The Committee states that such violation was not willful or intentional.

E. 1. On the fifth day before the general election held November 2, 1982, and for 14 days after the election, the Committee's campaign depository incurred bank overdrafts with the Bank of Greenwood, Mississippi (a branch of the First National Bank of Jackson, Mississippi) aggregating $30,076.38.

2. The Bank paid the checks which were submitted for payment on insufficient funds even though the depository was not covered by overdraft protection.

3. On November 22, 1982, the Committee secured the loan of $30,000 from the Bank and deposited this amount into the campaign depository for the purpose of paying the overdrafts.

4. 2 U.S.C. § 441b(a) prohibits the making or receipt of contributions or expenditures by a national bank in connection with a federal election.

5. 2 U.S.C. § 431(8)(A)(i) defines "contribution" as any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office.

6. 11 C.F.R. § 100.7(b)(11) states, in pertinent part, that an overdraft made on a checking or savings account shall be considered a contribution by the bank or institution unless: the overdraft is made on an account which is subject to a definite interest rate which is usual and customary; and there is a definite repayment schedule.

7. The Bank allowed overdrafts on the Committee's depository.

8. The campaign depository did not contain overdraft protection pursuant to 11 C.F.R. § 100.7(b)(11).

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9. The Committee received a contribution from a national bank in violation of 2 U.S.C. § 441b(a). The Committee states that such violation was not willful or intentional.

V. The Committee will refund $3,639.65 to the Capital Foundation: Mississippi Republican Party Campaign Committee.

VI. The Committee will pay a civil penalty to the Treasurer of the United States on behalf of all respondents in the amount of seven thousand five hundred dollars ($7,500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. Respondents agree that they 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. Respondents 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.

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

BY: _____ Oct 1, 1985
Kenneth A. Gross
Associate General Counsel
Date

FOR THE RESPONDENTS:

_____ 8/15/85
Jan W. Baran
Counsel
Date

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 2, 1985

James A. Keith
Brunini, Grantham, Grower and Hewes
1400 First National Bank Building
Jackson, Mississippi 39201

Re: MUR 1621
Bank of Greenwood

Dear Mr. Keith:

On September 24, 1985, the Commission accepted the conciliation agreement signed by your client and a civil penalty in settlement of a violation of 2 U.S.C. § 441b(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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Bank of Greenwood (Mississippi)	)	MUR 1621
	)	

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found probable cause to believe that The Bank of Greenwood ("Respondent") violated 2 U.S.C. § 441b(a) by making loans in the form of overdrafts.

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, the Bank of Greenwood (Mississippi), is a branch of the First National Bank of Jackson, Mississippi.

2. On the fifth day before the general election held November 2, 1982, and for 14 days after the election,

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the Webb Franklin for Congress Committee incurred bank overdrafts on its campaign depository with the Bank of Greenwood.

3. Respondent paid overdrafts aggregating $30,076.38.

4. Respondent paid the Committee's checks which were presented for payment on insufficient funds.

5. The Franklin Committee depository was not covered by overdraft protection.

6. On November 22, 1982, the Franklin Committee secured a note of $30,000 from the Respondent and deposited this amount into the campaign depository.

7. Respondent's assistant cashier, Fisher Southworth, III, was assistant treasurer of the Franklin Committee.

8. 2 U.S.C. § 441b(a) prohibits the making or receipt of contributions or expenditures by a national bank in connection with a federal election.

9. 2 U.S.C. § 431(8)(A)(i) defines "contribution" as any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office.

10. 11 C.F.R. § 100.7(b)(11) states, in pertinent part, that an overdraft made on a checking or savings account shall be considered a contribution by the bank or institution unless: the overdraft is made on an account which is subject

to a definite interest rate which is usual and customary; and there is a definite repayment schedule.

11. Respondent allowed overdrafts on an account entitled Webb Franklin Special Account No. 55-1597-8, an account used by the Franklin Committee as a campaign depository.

12. The Franklin Committee's campaign depository did not contain overdraft protection pursuant to 11 C.F.R. § 100.7(b)(11).

V. Respondent made a contribution to the Webb Franklin for Congress Committee in violation of 2 U.S.C. § 441b(a) by allowing overdrafts on the Webb Franklin Special Account No. 55-1597-8. Respondent contends it was not aware that the account was being used as a campaign depository.

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

VII. Respondent agrees that it shall not undertake any activity which is violation of the Federal Election Campaign Act of 1972, 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

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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 do notify the Commission.

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement, shall be valid.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

BY: _____ Oct 1 1985
Kenneth A. Gross
Associate General Counsel

Date

FOR THE RESPONDENT:

_____ August 28, 1985
Cecil R. Burnham
President

Date

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 2, 1985

Keith Hill, Executive Director
Capital Foundation: Mississippi
Republican Campaign Committee
P.O. Box 1178
Jackson, Mississippi 39205

Re: MUR 1621
Capital Foundation: Mississippi
Republican Campaign Committee
R. Andrew Taggart, as treasurer

Dear Mr. Hill:

On September 24 , 1985, the Commission accepted the conciliation agreement you signed and a civil penalty in settlement of violations of 2 U.S.C. § 441a and 441b(a), provisions 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 respondents and the Commission. Should you wish any such information to become part of the public record, please advise us in writing within 10 days.

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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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Capital Foundation:	)	MUR 1621
Mississippi Republican Party	)	
Campaign Committee	)	
R. Andrew Taggart, Treasurer	)	

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found probable cause to believe that The Capital Foundation: Mississippi Republican Party Campaign Committee and as treasurer, R. Andrew Taggart ("Respondent), violated 2 U.S.C. § 441a(a)(2)(A) by making a contribution in excess of limitations to the Webb Franklin for Congress Committee.

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, The Capital Foundation: Mississippi Republican Party Campaign Committee, functions as an account

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of the state party committee of the Mississippi Republican Party.

2. After the Mississippi primary of August 17, 1982, the Respondent made two contributions of $5,000 each to the Webb Franklin for Congress Committee ("the Franklin Committee").

3. The contribution checks were transmitted with a letter dated August 18, 1982, which designated one of the checks to pay the Franklin Committee's primary debts; the other was designated for the November 2, 1982 general election.

4. The Franklin Committee documented primary election debts of $8,017.43.

5. FEC auditors applied cash on hand to calculate the Franklin Committee's net primary debt as $1,360.35.

6. Respondent's contribution of $5,000 to the Franklin Committee's primary election exceeded the net primary debt by $3,639.65.

7. 2 U.S.C. § 441a(a)(2)(A) states that no multicandidate committee shall make contributions to any candidate and authorized political committees with respect to any federal election which, in the aggregate, exceed $5,000.

8. 11 C.F.R. § 110.1(a)(2)(i) clarifies the contribution limitation of $5,000 per election: "With respect to any election" means in the case of a contribution designated in writing for a particular election, the election so designated, except that a contribution made after a primary

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election and designated for the primary shall be made only to the extent that the contribution does not exceed net debts outstanding from the primary election.

V. Respondent made a contribution of $3,639.65 in excess of limitations in violation of 2 U.S.C. § 441a(a)(2)(A).

VI. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of five hundred dollars (~~$500~~), $350 pursuant to 2 U.S.C. § $437g(a)(5)(A).

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

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.

GCC# 8381
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XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement, shall be valid.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

BY: _____ Oct. 1, 1985
Kenneth A. Gross
Associate General Counsel

Date

85 AUG 26 A9:49

FOR THE RESPONDENT:

_____ 8.18.85
Name
Position Treasurer

Date

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0007534

Hagan

85 MAY 21 A9:10

The Bank of Greenwood
Branch of First National Bank of Jackson, Mississippi
Greenwood, Mississippi 38930

CECIL R. BURNHAM
PRESIDENT

RECEIVED
OFFICE OF THE
GENERAL
85 MAY 21 A9:41

May 17, 1985

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

RE: MUR 1621
The Bank of Greenwood

Dear Mr. Steele:

Enclosed is a Statement of Designation of Counsel form regarding the above referenced.

Thank you.

Sincerely,

Cecil R. Burnham
President

:ls

Enclosure

P.O. Box 945 / Telephone 601 / 455-1531

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: Brunini, Grantham, Grower & Hewes
James A. Keith
Leigh B. Allen

ADDRESS: First National Bank Building
P.O. Drawer 119
Jackson, Miss. 39205

TELEPHONE: 601/948-3101

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.

5-17-85
Date

Signature Cecil R. Burnham, Pres.

NAME: Cecil R. Burnham

ADDRESS: The Bank of Greenwood
P.O. Box 945
Greenwood, Miss. 38930

HOME PHONE: 601/453-6333

BUSINESS PHONE: 601/455:1531

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 3, 1985

Cecil R. Burnham, President
The Bank of Greenwood
P.O. Box 945
Greenwood, Mississippi 38930

Re: MUR 1621
The Bank of Greenwood

Dear Mr. Burnham:

This is in reference to your letter dated April 23, 1985, requesting an extension to respond to the General Counsel's Brief. Although your letter did not reiterate the reasons for the request, you explained by telephone that you received the Brief on April 15, 1985, and that you had assessed whether to hire counsel for the response. You stated that you would turn the case over to outside counsel who would need additional time to review the matter and make the appropriate response.

After considering these circumstances, the Commission has determined to grant your requested extension. Accordingly, your response will be due on May 20, 1985.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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GCC 7268

THE FEC

HAND DELIVERED

RECEIVED OFFICE OF GENERAL COUNSEL 85 APR 23 A 8:48

BAKER & HOSTETLER

ATTORNEYS AT LAW

818 CONNECTICUT AVE., N.W.

WASHINGTON, D.C. 20006

(202) 861-1500

TELECOPIER (202) 857-0010

IN CLEVELAND, OHIO
3200 NATIONAL CITY CENTER
CLEVELAND, OHIO 44114
(216) 621-0200
TWX 810 421 8375

IN COLUMBUS, OHIO
65 EAST STATE STREET
COLUMBUS, OHIO 43215
(614) 228-1541

IN DENVER, COLORADO
SUITE 1100, 303 EAST 17TH AVENUE
DENVER, COLORADO 80203
(303) 861-0600

IN ORLANDO, FLORIDA
13TH FLOOR BARNETT PLAZA
ORLANDO, FLORIDA 32801
(305) 841-1111

WRITER'S DIRECT DIAL NO.:
(202) 861-1572

APR 23 A10:38

April 22, 1985

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

Re: MUR 1621

Dear Mr. Steele:

This office is in receipt of your letter of April 9, 1985 and the General Counsel's Briefs attached thereto regarding the above-captioned matter. Our clients, Webb Franklin for Congress Committee, Robert R. Knight, treasurer, William B. Crump, III, Don Barrett, and David Hicks, Sr., have authorized me to indicate to you a desire to enter into negotiations directed towards reaching a conciliation agreement pursuant to 11 C.F.R. § 111.18(d). I understand that such negotiations do not preclude the filing of responsive briefs in the event negotiations are unsuccessful.

With respect to our client, Barrett, Barrett & Barrett please be advised that we concur with the recommendation contained in your General Counsel's Brief which recommends that the Commission find no probable cause to believe that Barrett, Barrett & Barrett violated 2 U.S.C. § 441a(a)(1)(A).

I trust that negotiations towards settling this matter will be commenced in the near future. Please call my office if there are any questions.

Sincerely,

Jan W. Baran

cc: William B. Crump, III
John W. (Don) Barrett
David Hicks, Sr.
Robert R. Knight

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the Mississippi Republican Party

State Headquarters

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
85 APR 23 P 2: 45

RECEIVED BY THE FEC
85 APR 23 P 1: 06

April 19, 1985

Federal Election Commission
Ms. Frances Hagan
Washington, D. C. 20463

Dear Fran:

As per our telephone conversation I would like to request an extention of time in which to file a brief. Being that I have just accepted the position of Executive Director of the Mississippi Republican Party, I feel that I need time to review the legal and factual issues of the case. It is also my understanding that I will assume position of Treasurer of the Mississippi Republican Party Campaign Committee.

If possible I would like to receive the FEC's audit field work report regarding the Franklin Committee. Also any other reports that would bring me up-to-date regarding this matter.

Should you have any questions, please feel free to contact me.

Sincerely,

B. Keith Hill, CPA
Executive Director

BKH/jkb

P.O. Box 1178/Jackson, MS 39205/(601)948-5191

The Bank of Greenwood
Branch of First National Bank of Jackson Mississippi
Greenwood, Mississippi 38930

RECEIVED BY THE FEC
GCC 7307
85 APR 29 A8:40
CECIL R. BURNHAM
PRESIDENT

April 23, 1985

85 APR 29 A9:30

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

RE: MUR 1621,
The Bank of Greenwood

Dear Mr. Steele:

I am in receipt of your letter of April 9, 1985, and hereby request an extension of time in which to file a brief.

You will also find enclosed a Statement of Designation of Counsel form.

Thank you for any consideration in the above request.

Sincerely,

Cecil R. Burnham
President

CRB:ls

Enclosure

4-29-85

8504055435

P.O. Box 945 / Telephone 601 / 455-1531

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 29, 1985

B. Keith Hill, Executive Director
Mississippi Republican Party
P.O. Box 1178
Jackson, Mississippi 39205

Re: MUR 1621
Capital Foundation:
Mississippi Republican
Party Campaign Fund
R. Andrew Taggart, Treasurer

Dear Mr. Hill:

This is in reference to your letter dated April 19, 1985, requesting an extension to respond to the General Counsel's Brief. After considering the circumstances presented in your letter, the Commission has determined to grant your requested extension. Since you stated in your telephone conversation that you received the Brief on April 18, 1985, your response will be due on May 8, 1985.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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The Bank of Greenwood
Branch of First National Bank of Jackson, Mississippi
Greenwood, Mississippi 38930

RECEIVED AT THE FEC
GCC 7307
85 APR 29 A8:40
CECIL R. BURNHAM
PRESIDENT

April 23, 1985

85 APR 29 A9:30

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

RE: MUR 1621,
The Bank of Greenwood

Dear Mr. Steele:

I am in receipt of your letter of April 9, 1985, and hereby request an extension of time in which to file a brief.

You will also find enclosed a Statement of Designation of Counsel form.

Thank you for any consideration in the above request.

Sincerely,

Cecil R. Burnham
President

CRB:ls

Enclosure

P.O. Box 945 / Telephone 601 / 455-1531

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: T. Harris Collier, III

ADDRESS: First National Bank
P.O. Box 291
Jackson, MS 39205

TELEPHONE: 601/354-5111

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.

April 23, 1985
Date

Cecil R. Burnham
Signature

NAME: Cecil R. Burnham

ADDRESS: The Bank of Greenwood
P.O. Box 945
Greenwood, Miss. 38930

HOME PHONE: 601/453-6333

BUSINESS PHONE: 601/455:1531

The Bank of Greenwood
Branch of First National Bank of Jackson, Mississippi
Greenwood, Mississippi 38930

RECEIVED AT THE FEC
GCL# 6309
85 JAN 8 A11 : 20
CECIL R. BURNHAM
PRESIDENT

MUR 1621
Hagar

January 2, 1985

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: Webb Franklin

Dear Mr. Gross:

In answer to your letter addressed to S. Craig Robinson dated December 17, 1984, Mr. Robinson is no longer employed with the Bank, but I have enclosed answers to your Interrogatories. If I can be of further help in this matter, please call.

Sincerely,

Cecil R. Burnham

Cecil R. Burnham
President

CRB:ls

Enclosures

P.O. Box 945 / Telephone 601 / 455-1531

1. Officers who were authorized to approve overdrafts in the absence of the President of the Bank during 1982:

   Senior Vice President and anyone of the following:
   Hillard Harper, Vice President
   Elvin Buckley, Vice President
   Will Lott, Vice President
   Joyce White, Assistant Vice President
   Fisher M. Southworth, Assistant Cashier
   John Lee, Assistant Cashier

2. a. Yes, Mr. Southworth was authorized to approve overdrafts in 1982, subject however jointly with the Senior Vice President as stated in number 1, above.

   b. The Webb Franklin, Special Account #55-1597-8 became overdrawn on November 3, 1982, and was cleared from overdraft on November 22, 1982. During these 19 days the decision to pay the account into overdraft was most probably made by Cecil R. Burnham, President. If Mr. Burnham was out of the Bank during this time it is possible that Mr. Southworth along with another officer could have approved the overdrafts. But as stated in previous correspondence no officer of The Bank of Greenwood was aware that the Webb Franklin, Special Account was his campaign depository account and was only allowing him the same privilege this Bank has allowed him over many years of banking. Records indicate this account opened on September 23, 1981, long before Mr. Franklin announced his candidacy for Congress. Further, no where on Bank records does it show that this was a campaign depository account. There has been overdrafts on Mr. Franklin's personal account over the years and all were approved by the President of the Bank or the Senior Vice President.

2. Copies of signature cards on Webb Franklin Special Account #55-1597-8 are attached.

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RECEIVED AT THE FEC
GCC#6312
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MUR 1621
Haga

January 2, 1985

Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D. C. 20463

Dear Mr. Gross:

Enclosed are the answers to your questions from your letter dated December 17, 1984.

Very truly yours,

Fisher M. Southworth, III

Fisher M. Southworth, III
113 E. Jefferson
Greenwood, Ms. 38930

/sht

85 JAN 8 A11:5

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Interrogatories

1. What was your role as assistant treasurer of the Webb Franklin for Congress Committee?

   Please delineate in detail your responsibilities regarding financial aspects of the campaign, reporting to the FEC, preparation of FEC disclosure reports, fundraising, or any other duties you performed.

2. What account was maintained as the Committee depository during the campaign?

3. On which accounts did you have signatory power during the campaign?

4. Did you know that the Webb Franklin Special account of the Bank of Greenwood was a campaign depository?

   If not, what account did you think was being used for campaign purposes?

5. Were you aware that Webb Franklin maintained accounts at the Bank of Greenwood?

   Did you know that Bill Crump and/or others had signatory power on any of candidate Webb Franklin's accounts?

6. What are your duties and responsibilities as Assistant Cashier at the Bank of Greenwood?

7.a Are you one of the bank officers authorized to approve overdrafts in the Bank President's absence?

   b If so, have you ever approved or seconded approval of an overdraft:

      1.) to the Webb Franklin Special account?
      -please list dates and amounts.

      2.) to a Webb Franklin personal account?
      -please list dates and amounts.

1. I was never assigned any particular role in the campaign, financial or otherwise.
   Although my name was listed as Assistant Treasurer of the Webb Franklin for Congress Committee, I never met with any Committee and was never asked to participate in any preparation of reports, fundraising or any other duties. It was my understanding that Robert Knight was to take care of all reporting. I only know I was never consulted in any area.

2. Bank of Greenwood's, Webb Franklin, Special.
   I did not know what account was being used at the time. As stated above I was not assigned any duties nor did I participate in any financial or fundraising affairs of the Campaign.

3. None

4. At the time I did not know that Mr. Franklin Special Account was a campaign depository account.
   I had no idea what account Mr. Franklin was using as his campaign account.

5. Yes.
   I did not, but would have assumed that someone would have signatory powers on his campaign accounts.

6. Primarily, loan officer.

7. a. Yes, jointly with another officer.

   b. 1. Maybe, but as stated, I was not aware at the time that this was his campaign depository account.
      2. Yes, jointly with another officer, numerous times over the many years Mr. Franklin has been doing business at The Bank of Greenwood. We have granted Mr. Franklin overdraft privileges for many years dating back to possibly high school and college days. He has always covered these overdrafts in a reasonable time. We do this for many of our customers which are credit worthy.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 17, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Fisher M. Southworth III
804 Martin
Greenwood, Mississippi 38930

RE: MUR 1621

Dear Mr. Southworth:

The Federal Election Commission, established in April, 1975, has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, Internal Revenue Code of 1954. In connection with an investigation being conducted by the Commission, the attached interrogatories which require you to provide certain information have been issued. The Commission does not consider you a respondent in this matter; but rather a witness only.

Since this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. That section of the Act prohibits the making public of any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to these questions. However, you are required to submit the information under oath within ten days of your receipt of this letter.

If you have any questions, please direct them to Frances B. Hagan, the staff member handling this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Questions

8 5 0 4 0 5 5 4 3 6 1

Interrogatories

1. What was your role as assistant treasurer of the Webb Franklin for Congress Committee?

   Please delineate in detail your responsibilities regarding financial aspects of the campaign, reporting to the FEC, preparation of FEC disclosure reports, fundraising, or any other duties you performed.

2. What account was maintained as the Committee depository during the campaign?

3. On which accounts did you have signatory power during the campaign?

4. Did you know that the Webb Franklin Special account of the Bank of Greenwood was a campaign depository?

   If not, what account did you think was being used for campaign purposes?

5. Were you aware that Webb Franklin maintained accounts at the Bank of Greenwood?

   Did you know that Bill Crump and/or others had signatory power on any of candidate Webb Franklin's accounts?

6. What are your duties and responsibilities as Assistant Cashier at the Bank of Greenwood?

7.a Are you one of the bank officers authorized to approve overdrafts in the Bank President's absence?

   b If so, have you ever approved or seconded approval of an overdraft:

      1.) to the Webb Franklin Special account?
      -please list dates and amounts.

      2.) to a Webb Franklin personal account?
      -please list dates and amounts.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 17, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. S. Craig Robinson
Senior Vice President
Bank of Greenwood
P.O. Box 945
Greenwood, Mississippi 38930

RE: MUR 1621
[Bank of Greenwood]

Dear Mr. Robinson:

On April 26, 1984, you were notified that the Commission found reason to believe the Bank of Greenwood violated 2 U.S.C. § 441b(a), a provision of the Federal Election Campaign Act of 1971, as amended. An investigation of this matter is being conducted and it has been determined that additional information from you is necessary.

Consequently, the Federal Election Commission has issued the attached interrogatories which require that you provide information which will assist the Commission in carrying out its statutory duty of supervising compliance with the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, U.S. Code. Please submit the answers to these additional questions within 10 days of receipt of this letter.

If you have any questions, please direct them to Frances B. Hagan, the staff member handling this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Questions

8 5 0 4 0 5 5 4 3 6 6

Interrogatories

1. In answer to Question 5 in the original Interrogatories regarding the Officers authorized to approve overdrafts, you stated that in the Bank President's absence, the Senior Vice President and "one other officer" approve the overdrafts. Please state the title of the "other officer" who approves overdrafts and identify the officer(s) by name who were authorized to approve overdrafts during 1982.

2.a State whether Fisher M. Southworth III, Assistant Cashier, was or is authorized to approve overdrafts.

b. If so, state whether Mr. Southworth actually approved overdrafts on the Webb Franklin Special account #55,1597-8, or on any other Webb Franklin bank account maintained at the Bank of Greenwood. Please give dates and amounts of the overdrafts he approved.

3. Please provide copies of documents which established the Webb Franklin, Special account, including, but not limited to, signature cards, any contemporaneous correspondence related to the new account and bank memoranda characterizing the account. Include documents which may have been subsequently generated to add signatories or request services on the account from inception to the present.

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● SENSITIVE

RECEIVED
THE FEC
SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION

84 NOV 21 A 8:28

In the Matter of	)	
	)	
Webb Franklin for Congress Committee	)	
The Bank of Greenwood (Mississippi	)	
Capital Foundation: Mississippi Republican Party Campaign Committee	)	MUR 1621
Barrett, Barrett and Barrett	)	
Don Barrett	)	
David Hicks, Sr.	)	
Bill Crump	)	

COMPREHENSIVE INVESTIGATIVE REPORT #2

On April 24, 1984, the Commission took the following actions concerning MUR 1621:

1. Found reason to believe that the Webb Franklin for Congress Committee and Robert Knight, as treasurer, violated the Act as follows:

   (a) 2 U.S.C. § 441a(f)
   (b) 2 U.S.C. § 441b(a)
   (c) 2 U.S.C. § 432(h)(1)
   (d) 2 U.S.C. § 434(b)(8)

2. Found reason to believe that the Bank of Greenwood violated 2 U.S.C. § 441b(a).

3. Found reason to believe that the following individuals violated 2 U.S.C. § 441(a)(1)(A):

   (a) Don Barrett
   (b) David Hicks, Sr.
   (c) Bill Crump

4. Found reason to believe that the Capital Foundation: Mississippi Republican Party Campaign Committee violated 2 U.S.C. § 441a(a)(2)(A).

5. Found reason to believe that the partnership of Barrett, Barrett and Barrett violated 2 U.S.C. § 441a(a)(1)(A).

Counsel for the Webb Franklin Committee, Barrett, Barrett and Barrett law firm and three individual respondents submitted affidavits and supporting documents regarding their various

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violations. The respondents Bank of Greenwood and the Mississippi Republican Party also sent responses to the reason to believe notices.

Our interrogatories to the Franklin Committee requested copies of the candidate's bank records during specific campaign time periods. The candidate agreed to comply with this request with the reservation that Office of General Counsel staff review the documents in his counsel's law office, taking copies of those documents which appear to be relevant to the case.

On July 19, 1984, staff members from this Office and from the Audit Division reviewed copies of the requested bank records. Subsequently, the auditor analyzed the additional financial information and on October 15, 1984, submitted this analysis to the Office of General Counsel. The information will be reviewed to determine whether additional reason to believe recommendations are necessary. Furthermore, reports or briefs will be prepared as appropriate for each of the respondents in this case.

Charles N. Steele
General Counsel

Nov 20, 1984
Date

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

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

84 JUL 16 AM : 26

In the Matter of	)	
	)	
Webb Franklin for Congress Committee	)	
The Bank of Greenwood (Mississippi)	)	
Capital Foundation: Mississippi Republican Party Campaign Committee	)	MUR 1621
Barrett, Barrett and Barrett	)	
Don Barrett	)	
David Hicks, Sr.	)	
Bill Crump	)	

SENSITIVE

COMPREHENSIVE INVESTIGATIVE REPORT #1

On April 24, 1984, the Commission took the following actions concerning MUR 1621:

1. Found reason to believe that the Webb Franklin for Congress Committee and Robert Knight, as treasurer, violated the Act as follows:

   (a) 2 U.S.C. § 441a(f)
   (b) 2 U.S.C. § 441b(a)
   (c) 2 U.S.C. § 432(h)(1)
   (d) 2 U.S.C. § 434(b)(8)

2. Found reason to believe that the Bank of Greenwood violated 2 U.S.C. § 441b(a).

3. Found reason to believe that the following individuals violated 2 U.S.C. § 441a(a)(1)(A):

   (a) Don Barrett
   (b) David Hicks, Sr.
   (c) Bill Crump

4. Found reason to believe that the Capital Foundation: Mississippi Republican Party Campaign Committee violated 2 U.S.C. § 441a(a)(2)(A).

5. Found reason to believe that the partnership of Barrett, Barrett and Barrett violated 2 U.S.C. § 441a(a)(1)(A).

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Counsel for the Webb Franklin Committee, Barrett, Barrett and Barrett law firm and three individual respondents submitted affidavits and supporting documents regarding their various violations. The respondents Bank of Greenwood and the Mississippi Republican Party also sent responses to the reason to believe notices.

Our interrogatory to the Franklin Committee requested copies of the candidate's bank records during specific campaign time periods. The candidate has agreed to comply with this request with the reservation that Office of General Counsel staff reviews the documents in his counsel's law office, taking copies of those documents which appear to be relevant to the case. We have agreed to accommodate this request and will arrange a mutually suitable time to allow a staff member adequate review of the records.

Charles N. Steele
General Counsel

July 13, 1984
Date

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Bank of Greenwood (Mississippi)	)	
The Capital Foundation:	)	
Mississippi Republican Party	)	MUR 1621
Campaign Committee and	)	
R. Andrew Taggart, as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of July 9, 1985, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions in MUR 1621:

1. Find probable cause to believe that the Bank of Greenwood violated 2 U.S.C. § 441b(a).

2. Approve the proposed conciliation agreement concerning the Bank of Greenwood, as recommended in the General Counsel's report dated June 26, 1985, subject to reduction of the civil penalty from Seven Thousand Five Hundred Dollars ($7,500) to Three Thousan[illegible] [illegible]llars (00).

3. Approve the [illegible]etter [illegible] the Bank of Green[illegible] as recommended in [illegible] General Counsel's report dated June [illegible], 1985.

4. Find probable cause to believe that the Capital Foundation: Mississippi Republican Party Campaign Committee and R. Andrew Taggart, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).

(continued)

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5. Approve the proposed conciliation agreement concerning the Party Committee, as recommended in the General Counsel's report dated June 26, 1985, subject to reduction of the civil penalty from One Thousand, Eight Hundred and Twenty Dollars ($1,820) to Five Hundred Dollars ($500)

6. Approve the letter to the Party Committee as recommended in the General Counsel's report dated June 26, 1985.

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

Attest:

7-11-85
Date

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Webb Franklin for Congress	)	
and as treasurer,	)	
Robert R. Knight	)	MUR 1621
William B. Crump, III	)	
Don Barrett	)	
David Hicks, Sr.	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of May 21, 1985, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1621:

1. Enter into conciliation with the following respondents prior to a finding of probable cause to believe:

   a) Webb Franklin for Congress Committee and as treasurer, Robert R. Knight,

   b) W.B. "Bill" Crump, III.

   c) Don Barrett

   d) David Hicks, Sr.

2. Approve the proposed conciliation agreements attached to the General Counsel's report dated May 13, 1985.

(Continued)

3 5 0 4 0 5 5 4 3 7 1

3. Find no probable cause to believe that the Webb Franklin for Congress Committee and Robert Knight, as treasurer, violated 2 U.S.C. § 441a(f) in connection with a contribution written on the Barrett, Barrett and Barrett law firm Trust Account representing contributions from three individuals.

4. Take no further action against the Webb Franklin for Congress Committee and as treasurer, Robert Knight, regarding:

   a) 2 U.S.C. § 432(h)(1),

   b) 2 U.S.C. § 434(b)(8).

5. Find no probable cause to believe that the Barrett, Barrett, and Barrett partnership violated 2 U.S.C. § 441a(a)(1)(A).

6. Close the file as it relates to Barrett, Barrett and Barrett.

7. Send the letter attached to the General Counsel's report dated May 13, 1985.

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

Attest:

5-21-85
Date

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

8504055457

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Webb Franklin for Congress and as treasurer, Robert R. Knight	)	MUR 1621
William B. Crump, III	)	
Don Barrett	)	
David Hicks, Sr.	)	

EXECUTIVE SESSION

MAY 21 1985

GENERAL COUNSEL'S REPORT

On April 24, 1984, the Commission found reason to believe that the Webb Franklin for Congress Committee (the "Committee") violated the Act as follows:

1. 2 U.S.C. § 441a(f) for receipt of the following contributions made in excess of limitations at 2 U.S.C. § 441a(a)(1)(A) or § 441a(a)(2)(A):

   a) direct contributions and loan endorsements from three individuals: Don Barrett, David Hicks, Sr., and Bill Crump;

   b) direct contributions from a partnership; Barrett, Barrett and Barrett law firm;

   c) direct contributions made after the primary election in excess of net primary debt from a party-related multicandidate committee, the Capital Foundation: Mississippi Republican Party Campaign Committee;

   d) direct contributions from four individuals.

2. 2 U.S.C. § 441b(a) through receipt of loans in the form of overdrafts from a national bank (the Bank of Greenwood ["the Bank"], a branch of the National Bank of Jackson, MS).

3. 2 U.S.C. § 432(h)(1) through its apparent failure to deposit all receipts into and make all disbursements from a designated Committee depository. In addition, the Committee

violated 2 U.S.C. § 434(b)(8) by apparently failing to disclose loans made to the Committee by the candidate.

The Commission also found reason to believe that the following individuals violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in excess of limitations to the Committee:

a) Bill Crump
b) Don Barrett
c) David Hicks, Sr.

Finally, the Commission found reason to believe that the partnership of Barrett, Barrett and Barrett violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to the Committee.

On April 9, 1985, the Office of General Counsel mailed Briefs setting forth the factual and legal analysis of the issues as well as the proposed probable cause recommendations.*/ In a letter dated April 22, 1985, counsel for the respondent Committee and the three individuals expressed the desire of his clients to enter into negotiations toward settling these issues prior to probable cause findings. He also advised that he concurred with the Brief's recommendation of no probable cause that a violation of 2 U.S.C. § 441a(a)(1)(A) occurred concerning his client, the Barrett, Barrett and Barrett law partnership.

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*/ Two other respondents, the Bank of Greenwood (MS) and the Capital Foundation: Mississippi Republican Party Campaign Fund, have requested extensions of time to respond to the Briefs and will be discussed in a separate report.

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II. LEGAL ANALYSIS

As fully set forth in the General Counsel's Briefs to respondents, the Office of General Counsel is recommending no probable cause to believe that violations of 2 U.S.C. §§ 441a(a)(1)(A) or 441a(f) occurred in connection with a contribution to the Committee drawn on the Barrett, Barrett and Barrett Trust Account. In addition, we are recommending no further action against the Committee regarding 2 U.S.C. §§ 432(h)(1) and 434(b)(8). At the respondents' request, we are recommending pre-probable cause conciliation for the Committee's and three individuals' violations of 2 U.S.C. § 441a(a)(1)(A) and 2 U.S.C. § 441a(f).

III. DISCUSSION OF CONCILIATION OF PROVISIONS AND CIVIL PENALTY

Attached are conciliation agreements which this Office is prepared to propose in settlement of this matter.

The agreement proposed for the Committee contains admissions that violations of 2 U.S.C. § 441a(f) and § 441b(a) occurred. It also requires a refund of $3,639.65 to the Capital Foundation: Mississippi Republican Party Campaign Fund representing the excessive contribution. The agreement includes a civil penalty of $24,000. This amount was calculated as follows:

a) 25% of the excessive portion of contributions received from individuals and refunded by the Committee (25% of $29,330);

b) 50% of the amount of the excessive portion received from a state party committee and not refunded (50% of $3640);

c) 50% of the amount received from a national bank (50% of $30,000).

These figures are based on previous Commission actions at the outset of pre-probable cause negotiations in similar cases of excessive contributions and in §441b(a) cases.

For each of the three individuals who endorsed a loan of $30,000 and made direct contributions to the campaign, we have required an admission of the violation and have assessed a civil penalty of 25% of the amount of each person's violation as follows:

Respondent	Amount of Excessive	Amount of Proposed Civil Penalty
W.B. "Bill" Crump	$9,080	$2,270
Don Barrett	$9,600	$2,400
David Hicks, Sr.	$9,500	$2,375

IV. RECOMMENDATION

1. Enter into conciliation with the following respondents prior to a finding of probable cause to believe:

   a) Webb Franklin for Congress Committee and as treasurer, Robert R. Knight,

   b) W.B. "Bill" Crump, III.

   c) Don Barrett

   d) David Hicks, Sr.

2. Approve the attached proposed conciliation agreements.

3. Find no probable cause to believe that the Webb Franklin for Congress Committee and Robert Knight, as treasurer, violated 2 U.S.C. § 441a(f) in connection with a contribution written on the Barrett, Barrett and Barrett law firm Trust Account representing contributions from three individuals.

4. Take no further action against the Webb Franklin for Congress Committee and as treasurer, Robert Knight, regarding:

   a) 2 U.S.C. § 432(h)(1),

   b) 2 U.S.C. § 434(b)(8).

5. Find no probable cause to believe that the Barrett, Barrett and Barrett partnership violated 2 U.S.C. § 441a(a)(1)(A).

6. Close the file as it relates to Barrett, Barrett and Barrett.

7. Send attached letter to respondents.

13 May 1985
Date

Charles N. Steele
General Counsel

Attachments
Proposed Conciliation Agreements (4)
Letter to Respondents

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RECEIVED BY THE FEC

HAND DELIVERED

85 MAY 20 A10:15

Hagan

RECEIVED

GENERAL COUNSEL

BRUNINI, GRANTHAM, GROWER & HEWES

ATTORNEYS AT LAW

1400 FIRST NATIONAL BANK BUILDING

JACKSON, MISSISSIPPI 39201

EDMUND L. BRUNINI
JOHN M. GROWER
GEORGE P. HEWES, III
NEWT P. HARRISON
RICHARD W. DORTCH
JOHN A. WELSCH, JR.
LEIGH B. ALLEN, III
JOHN R. HUTCHERSON
EDMUND L. BRUNINI, JR.
LAWRENCE E. ALLISON, JR.
CHARLES P. ADAMS, JR.
W. DAVID WATKINS
HOLMES S. ADAMS
WILLIAM L. SMITH
JEFFERSON D. STEWART
ROBERT D. DRINKWATER

CHRISTOPHER A. SHARPE
LESLIE H. SOUTHWICK
R. DAVID KAUFMAN
JOHN E. MILNER
R. WILSON MONTJOY, II
WALTER S. WEEMS
LAVONE R. WARREN
JAMES A. KEITH
JOSHUA J. WIENER
JOHN M. LOPER
W. RODNEY CLEMENT, JR.
BROOKS EASON
JOHN E. WADE, JR.
ELIZABETH LEVAN RILEY
J. PERRY SANSING

MAILING ADDRESS:
P. O. DRAWER 119
JACKSON, MISSISSIPPI 39205

TELEPHONE:
601-948-3101

COUNSEL
R. GORDON GRANTHAM

1985 MAY 20 A11:46

May 17, 1985

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

Re: MUR 1621
The Bank of Greenwood

Dear Mr. Steele:

Enclosed are three copies of Respondent's brief filed in the above-referenced matter.

Very truly yours,

BRUNINI, GRANTHAM, GROWER & HEWES

James A. Keith

James A. Keith

JAK:jmb
Enclosures

8 5 0 5 5 4 3 3 1

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF THE
BANK OF GREENWOOD (MISSISSIPPI) MUR 1621

REPLY BRIEF OF THE BANK OF GREENWOOD

The Federal Election Commission ("FEC") has charged The Bank of Greenwood ("Bank") located in Greenwood, Mississippi, with violating 2 U.S.C. Section 441b(a) by allowing overdrafts on the Webb Franklin Special Account No. 55-1597-8. The overdrafts began with an overdraft of $353.87 on October 28, 1982, which was cleared on October 29, 1982. The next overdraft, $5,703.28, did not occur until November 3, 1982, one day after the general election. Overdrafts then continued until November 19, 1982 when the balance was -$20,636.68. The largest overdraft occurred on November 16, 1982, in the amount of $30,076.38.

The Webb Franklin Special Account No. 55-1597-8 was opened on September 23, 1981, several months before Mr. Franklin had announced his candidacy for Congress. This account maintained a positive average balance from February, 1982, through December, 1982. (See Bank's response to FEC Question No. 9). No Bank records reflected that this account was Mr. Franklin's campaign account, and no Bank employee was aware that the account was being used as a campaign account.

(See Fisher M. Southworth, III, Affidavit attached hereto as Exhibit B). No overdrafts were approved with the knowledge that the overdrafts were for a campaign account.

It is very common for customers, especially professionals, to have special accounts other than their own personal account. Mr. Franklin had a personal account as well as the aforementioned special account, with no distinction between these accounts other than the designation of personal and special. There was nothing to indicate that Account No. 55-1597-8 was a campaign account.

The Federal Election Commission attempts to make much of the fact that Fisher M. Southworth, III, Assistant Cashier, was listed as the Assistant Treasurer of the Webb Franklin for Congress Committee. The FEC claims that by virtue of this position, Mr. Southworth should have known that the account was being used as a campaign account. However, as Mr. Southworth stated in his answers to FEC interrogatories, and as seen in his affidavit, Mr. Southworth's position with the committee carried no responsibility for participation in the campaign whatsoever. Mr. Southworth was never asked to meet with the campaign committee, he was never consulted by the committee, he had no signatory authority on the account, and he never participated in any financial or fund raising activities of the campaign. Because of his lack of involvement in the campaign, Mr. Southworth was never in a

position to know what accounts had been set up for Mr. Franklin's campaign.

Webb Franklin has been a valued customer of the Bank for many years and has had overdraft privileges like many other Bank customers. For instance, from December, 1981 through November, 1982, the Bank had 492 accounts which had overdrafts of $100 or more. (See Exhibit A). Mr. Franklin's personal account was overdrawn in amounts up to $7,800. During this same period of time Account No. 55-1597-8 maintained a positive average balance. (See Bank's response to FEC Question No. 9). When this account was overdrawn, it was charged fees totaling $750.00. Mr. Franklin's account No. 55-1597-8 was simply being treated the same way his personal account and the accounts for customers in good standing were treated by the Bank.

In summary, an overdraft of $353.87 was made five days before the election and it was cleared four days before the election took place. The next overdraft occurred after the election and overdraft status was completely cleared by November 19, 1982. These overdrafts occurred on an account which no Bank employee knew was a campaign account. The Bank, as a result, handled this account as any other account for a customer in good standing with the Bank. Therefore, the Bank should not be held in violation of 2 U.S.C. Section 441b(a) for overdrafts on an account which was not known to be a campaign account.

Dated: May 17, 1985.

Respectfully submitted,

BRUNINI, GRANTHAM, GROWER & HEWES

BY: James A. Keith

James A. Keith, One of the Attorneys for The Bank of Greenwood

OF COUNSEL:

BRUNINI, GRANTHAM, GROWER & HEWES
1400 First National Bank Building
P. O. Drawer 119
Jackson, Mississippi 39205
Telephone No.: (601) 948-3101

850405543

STATE OF MISSISSIPPI
COUNTY OF LEFLORE

AFFIDAVIT OF FISHER M. SOUTHWORTH, III

Personally appeared before me the undersigned authority in and for the stated jurisdiction, Fisher M. Southworth, III, who having first duly sworn, states, and deposes on oath as follows:

1. My name is Fisher M. Southworth, III. I am employed by The Bank of Greenwood in Greenwood, Mississippi. My title is Assistant Cashier and my responsibilities include, Assistant Branch Manager (Park Avenue Branch), Loan Officer (Commercial and Installment Loans), General Branch Manager helping supervise eight (8) employees. I have had these responsibilities for the last two (2) years.

2. I was appointed the Assistant Treasurer of the Webb Franklin for Congress Committee. I had no duties as Assistant Treasurer and never met with the committee and I never participated in any financial or fund raising activities of the Campaign. I had no knowledge of the financial affairs of the committee and I was not aware of what account Webb Franklin used as his campaign account.

3. I am aware that Webb Franklin had an account with The Bank of Greenwood called Webb Franklin Special Account, number 55-1597-8. This account was opened September 23, 1981, several months before Webb Franklin announced his candidacy for Congress. Neither I nor any Bank employee was aware that this account was Webb Franklin's Campaign account.

4. Webb Franklin has been a customer of The Bank of Greenwood for many years. Mr. Franklin has been allowed overdrafts on his accounts with the Bank as have other customers in good standing with the Bank. Mr. Franklin's accounts including number 55-1957-8 have not been treated any differently than accounts of other customers who maintain good standing with the Bank.

Dated this the 16th day of May, 1985.

FISHER M. SOUTHWORTH, III

Sworn to and subscribed before me this the 16th day of May, 1985.

NOTARY PUBLIC

My Commission Expires: MY COMMISSION EXPIRES NOV. 6, 1988

EXHIBIT "B"

EXHIBIT "A"

8 5 0 4 0 5 5 4 3 3 7

8 5 0 4 0 5 5 4 3 3 3

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OVERDRAFT ACCOUNT $100 OR MORE

ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
04-8522-7	BU	417,7-	326,2-	225,7-	165,5-	168,8-	260,0-	157,9-	59,5-	69,8-	175,1-	153,0-	216,1-	199,608-
04-8526-8	BU	3,7	1,1-	1,1-	8-	1,5	6,1-	6,4-	8,7-	9-	48,9	172,9-	23,6	10,025-
04-8535-9	BU	16,8	132,5	95,2	57,7	3,2	1,7-	32,6	8	12,1	8,6-	333,6-	145,2	12,683
05-0020-7	BU	3,5-	1,2	7	1,4	1,0	3,3	2,6	2,6	3,9	2,0	1,9	4-	1,391
05-0023-1	BU	1-	3-	1	3	3		1-	2-	1	2-	5-	6-	109-
05-0031-4	BU	3-	2-	1-						4-	4-	5-		316-
05-0153-6	BU	1,7	5,6	1	4,5	6,7-	5,1	4,0	1,8-	1,8-	2,3	4,7	1,6	1,608
05-0163-5	BU	2,0	1,5	1,4	6	1,5	1,9		6	7	1		1-	1,010
05-0176-7	BU			1	1-		4-	2,5-	1,2-	6-	6-	2,0-	1,2-	944-
05-0216-1	BU	4	1		4	3	5	7	1,6	1,0	6	1-	8-	427
05-0223-7	BU	5	3	9	3	3	3		1	1,0	7,0	3-	2	963
05-0249-2	BU	2	2	4	4	2-					5	6	5	325
05-0263-3	BU	1		1-	7	1,3	1,5	8,6	1,3	5	8	2	2	1,372
05-0337-5	BU	5,0-	5,0-	3,4-	1,5-	3,6-	3,4-	3,2-	3,9-	1,8-	6-	1	1,1	2,516-
05-0449-8	BU	4,2	1,3	1,2	5		5	1-			2	1	1,3	1,022
05-0506-5	BU	34,3	11,8	42,6	35,0	1,1-	33,9-	1,6	1,5	19,9-	2,0	14,6-	31,1-	2,350
05-0531-3	BU	1,2-	3	5,4	12,4	33,9	1,5	5,9	3,0-	29,4	3,4	3,4	4,5	7,991
05-0601-4	BU	2	2	8	9	2,4	8	7	1	1-	5	6	5	633
05-0620-4	BU	1						2	4-		1,0	2,1	6	528
05-0625-3	BU	23,0	100,5	49,7	33,8	81,1	20,3	6,2-	21,9	7,5	14,9	17,8-	39,2	30,658

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OVERDRAFT ACCOUNT $100 OR MORE

ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
05-0680-8	BU	2,2	8	8	8	1,0	1,0	6		8	1	1	1,1-	645
05-0741-8	BU	2,8	11,3	8,3	2,2	2,2	3,5	7	7	8	1-	1,0	1,5	2,908
05-0840-8	BU	2-		3	2	2	8	1,3	1,4	1,2	1,1	3	2	618
05-0867-1	BU	6,8-	4,5-	2,4-	1,5-	3,7-	5	1,5-	8-	1,8-	5-	5-	7-	2,016-
05-0889-5	BU	5	7	9	3	2,0	2,5	3,3	4,6	5,7	2,9	3,0	6,7-	1,641
05-1031-3	BU	4,6	4		1-	3-	3-	3-		1	3	4	4,0	880
05-1075-0	BU	29,5-	64,5-	6,5-	5,6-	4,6-	45,7	8	4-	13,0-	24,1-		9,2	8,409-
05-1104-8	BU	1,9-	2,7-	9,2-			1-	5	6	3-	2,2-	4-	2-	1,590-
05-1146-9	BU	1	10,2-	6,6-	6-	1	10,4-		5,4-	10,4-	1,6-	1,6-	3	4,209-
05-1148-5	BU		4,4	8,7	2	9	3	3,6	1,3-	6,3-	3,9	2,3	3,5	1,836
05-1154-3	BU	3,1	2,5	2,2	1,9	1,9	86,3-	2,4	2,2	1,9	2,6	6,9	4,3	4,533-
05-1242-6	BU	7,9-	3	1,1-	7,9	1,0	5		1,0	1,0	1,7	8	2-	454
05-1424-0	BU	8	2,4	1,3	5	7	5-	9	1,4	1,6	[illegible]	1,5	1,9	1,191
05-1436-4	BU	2-	1-	1-										133-
05-1459-6	BU	1-	7	2,4		1,0-	5,6-	7,2-		6	2,8	2,[illegible]	7,2	260
05-1506-4	BU	1	[illegible]	5	4	6	3-	9-	4-	1,3-		1,6-		250-
05-1520-5	BU											1-		100-
05-1523-9	BU	2,6	6-	1,2	2,1	2,1	7	2	9	1,0	1	5	2,6	1,116
05-1714-4	BU	6-	1,0-	4-	1,1-	3-	3	8	7	3	7	4	1	8-
05-1726-8	BU	6-	6-	9-	5-		2	2	2					285-

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OVERDRAFT ACCOUNT $100 OR MORE

ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
05-1742-5	BU			5-	1,5	1,6-		2,6-		5-	1,1-	4-		742-
05-1788-8	BU	1,1					3	3	7-	4,2	5,7	4,4		2,185
05-1921-5	BU	2,6	3	6-	2-	1-	4,1-	5	2,9-	1,1-	2,8-	9,8-	1,5-	1,641-
05-1963-7	BU	2,1		4-	3-	2	4	1				3	1	312
05-1999-1	BU	10,0	9,5	9	38,7-	38,7-	4,2	1,9	3,9	6	6	3,0	2	3,550-
05-2008-0	BU	1,4	1,4		3,7-	1,5	4	2,6	1,6	1-	2,7	3-	1,9	854
05-2015-5	BU	2-	1-	3-	3-	1-	1-	2-	2-	1-				177-
05-2066-8	BU	1,4-	3,1-	4,1-	1-	2,9-	4,3-	6-	8,1-	4,0-	8,2-	3,8-	6,2-	3,900-
05-2105-4	BU	1,2-	8	4,0-	2,5	3	1,4	1,3-	1,3-	1,9-	7,7	7,9	1-	900
05-2116-1	BU	1		3		2-	6	1,2	9,8-		3,2	4,6	6,9	766
05-2151-8	BU				1-	1-	2-		3-	2-		2-		183-
05-2171-6	BU	1,3	1,7	9	3,6	3,3	3,8	9	9	8	2-	2-		1,527
05-2203-7	BU		2-	3,5			1-	4	1	2	2	4,7	1	988
05-2207-8	BU	1-		5-	7-	1,0-	6-	4-	7-	1,0-	2,4-	2,2-		960-
05-2215-1	BU	5	2		2-	2	2	2	2	2	3	3	3	218
05-2229-2	BU	7,2	6,0	1,6	4	4,8	15,8	17,0	30,9	21,9	3,0-	7,6	54,9	13,758
05-2231-8	BU				7	4-	4-							33-
05-2232-6	BU	7	7	3,1	1,0	4	1				1	1-		750
05-2242-5	BU	1,1	1,2	1,4	4,1-	1	2,0	1,7	1,6	8	1,7	1,7	1,1	858
05-2298-7	BU	1	1,2-	1,7	1,6	4	4-	9	3	1-	3,6-	2,6-	4-	283-

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OVERDRAFT ACCOUNT $100 OR MORE

ACCT NUMBER	DESC	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
05-2323-3	BU	1			2		1-	1-						25
05-2337-3	BU		1		1-	1-	1-					3	1	33
05-2343-1	BU	1	1	6	7	1,4	2	9	7			5	1,3-	390
05-2355-5	BU	2	2	2	1-			4	4	4	4	4		277
05-2366-2	BU	8	1,1	2,2	1,2-	1,2-	2,0-	6-	7,0-	3,7-	1,7-	1,1-	9-	1,275-
05-2379-5	BU	1,8-	2,0-	3,5-	6	5	7	5	1	1-	6-	1,5-	2,4-	791-
05-2462-9	BU	2-	1,1	5	1,4	1,4	1,1	1,9			1,0	4	1	870
05-2472-8	BU		9-	8-		2	1-	2-	8-	6-	2-	3	4	270-
05-2533-7	BU	6	2	4-	8-	4-	6-	6-	6	1-	3-	2-	9-	241-
05-2540-2	BU	3,7	2,1	2,3	2,6	2,8	2,4	2,3	2,3	2,5	1,2	1,2-	5	1,958
05-2576-6	BU	4	1,1-	5	3	1,5		1,0-	2-	1-	3-	1,9	1,7	327
05-2671-5	BU	2,1	1	1,8-		2,2	4,1		1,0	1,6	2,7	2,6	1,5	1,610
05-2684-8	BU	9	3,0	2,5	1,9	1,3	1,5	1,0	1,1	1,0	1,8	2-	9	1,391
05-2686-3	BU		1		6			2,4	1,3	1,9	4	1,4-	2	687
05-2696-2	BU	1,0	1,0	7	7	4	3	2	2	1	2-		2-	381
05-2706-9	BU	1-	1-									1		33-
05-2736-6	BU	1	1	1	8-	8-	1	1	1	1	1	1	1	50-
05-2738-2	RG	1-	2-	8	1,8	4-	1,4-	1-	3-	4	1,4	2,7	1,5	508
05-2752-3	BU	12,9-	3-	1,1-	3,2-		8-	1,0	4,3	1,1	3,1	1,2-	1,3-	1,027-
05-27[illegible]5-4	BU	6	5	4	7		1	4	1-					371

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OVERDRAFT ACCOUNT $100 OR MORE

ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
05-2798-6	BU	4	6-	4	1-	5-	1-			1-	2	2	1,1	90
05-2812-5	RG	3,0-	3,2-	5,5-	5,0-	11,5-	1	1,4-	4,5-	4,9-	6-	1,6-	1,1-	3,516-
05-2827-3	BU			1	8	1-	1-	3	1		1	1	3	177
05-2830-7	RG	6	5-	6	1-		2		5	4	1	6-	8	200
05-2857-0	BU	1	1			5-	5-				5-			260-
05-2863-8	BU	1,3-	1,3-	1,3-	1,4-	1,8-	1,9-	2,3	3	3	6-	6-	6-	658-
05-2866-1	BU	1,0-	1,2-			3,7	1,7	2	2	6,3	3,9	5-	1-	1,320
05-2930-5	BU	8	2	2	4	7	3	1	1	3	1,8	1,1-	5	358
05-2931-3	BU	11,5-	10,5-		7-	1,7-	11,5-	21,2	3	10,8-	1,2-	5,2-	7,4-	3,545-
05-2956-0	BU	4,8	7,5	7,1	9,1	1,4-	3,2	3,9	3	4,3	5,4	11,4	11,3	5,575
05-2979-2	BU	8	2,3-	11,9-	4,9-	16,2-	1,3		7	2,4	5,0	2,5	6	2,000-
05-2985-9	BU	8-	8-	1,3-	1,0-	2-								820-
05-2987-5	BU	4-	1-					1	1-		2-	1-		133-
05-2989-1	RG	3-		1		1	2	2			1-	1-	9	125
05-2991-7	BU	1,6	2,1	1,1	1,4	1,7	5	6	2	1	6-	5	6	816
05-2993-3	BU	1	5-	1-	5	2-	2-		3-	1-	7-	9	1-	63-
05-2994-1	BU	3	3,1-	2,0-	9	1,6-	2,1-	6-	1,2-	1,0	2	3,0		472-
05-2998-2	BU	4	2,5	2,2	1,4	51,8-	1,4	2,4	54,3	5,9	5,2	7,4	11,4	3,558
05-3003-0	BU	1	2,4-	7-	7-	3,3-	2,2-		3,2	3,2	5-	1,7-	2,4-	672-
05-3004-8	BU	2,2	1	2	1,2	1-	5			1,6	6,7	15,3	3,4	2,836

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OVERDRAFT ACCOUNT $100 OR MORE

ACT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
05-3005-5	BU		1,5-	1,5-	3-	1,5-	1,5-	6-		3-	2-	2-	2-	780-
05-3014-7	RG							2-			2-			200-
05-3025-3	BU		4	11,4-	5	4	4	1	4	1-	1-			1,044-
05-3028-7	RG		1,4-	1,7-	9-	3-	1	2	1,3	1,5	1,0			22-
05-3029-5	RG	1,2-	1-	4-	4-	4-	5	1,1	9	2	5	5	2	116
05-3050-1	BU	6,4	3	3	2,0	1	1-	3,2	3,8	4,5	9,0	2,1	2,7-	2,408
05-3066-7	BU	1						1-	1-	1-				50-
05-3076-6	BU	3	2	6	4	7-	4,9	1,6	2,0	2,2	1,2	3	1	1,091
05-3089-9	BU		1,2-								15,3	4	4	3,725
05-3118-6	BU	1,1-	1,1-	5,2	2,0	1,3	1,3	3,3	1,0	2-	1,3	7-	5-	983
05-3121-0	BU	4	1	4,3	1,0	4	3	3	9	5-	2,2	1,4	2,6	1,116
05-3123-6	BU	1,2	1	3,5-	2,1-	2,0-	1,6-		1	1	4	2	4	609-
05-3158-2	BU	3	2,7	1,2	1,0-	2,2	2,3-	1	8-	1,7	2,6-	3,7	10,7	1,325
05-3163-2	BU							2-	3-	1-	1-			175-
05-3173-1	BU								1,2		2-	5	1,2	675
05-3183-0	BU	7-	6,8	2,9	1,4-	1	16,0-	29,2	25,6	3,6	1,9	4,2-		4,345
05-3195-4	BU	4	2-	4	7	1,5	1,4	10,5	6,0	7	7	25,4	23,3	5,900
05-3220-0	BU	5			2,2-		1	1						375
05-3231-7	BU	3-												300-
05-3233-3	BU								1,5-					1,500-

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ACCT NUMBER	DESC	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
05-3237-4	BU	6	6		1	1		1-	1-	2				200
[illegible]-3256-4	RG	1,9-	2,1-	1-	2,6-	2	2,6	3	5-	1,5-		3	3	454-
05-3271-3	BU	6	5	2	2	7		1,7-	1,2-	7	4-	2,0	2,0	327
05-3306-7	BU		2,5	6,2	9,2	6	6,9	3,3	4,0	26,0-	4,2		1,8	1,270
[illegible]-3308-3	BU		2,9	1-	1-	2							4-	500
05-3311-7	BU		2	6	2,6	1,1	1,3	2,0	2,4	2,4	8	7-	3,4	1,463
05-3318-2	BU		8	6	1	2-	2	2	7	1	1			288
05-3326-5	BU				3	6	1		4	4	6-			200
05-3330-7	BU			3	2	3	6	2	2	1,8	1,8	5-	2	510
05-3342-2	BU						8	1,7	2,9	2,0	2,0	2,0	2,0-	1,342
05-3344-8	RG					1	1,4	2	4	10,3-	10,3-	20,4	7	325
05-3351-3	BU					6-								600-
05-3367-9	BU								1-		5-	7,4		2,266
05-3373-7	RG											1-	1-	100-
[illegible]-3407-3	BU												1-	100-
[illegible]-3653-2	BU	2	1		3-		3,0-	3,0-	1	1	2,7-	1		933-
05-4496-5	BU	1-			2,8-	2,8-			1	2	7	1,1	15,7	1,512
[illegible]-6005-0	PF		1,4	7,7	5	3,4	11,7	1,0	1	1-	3	1,3		2,730
[illegible]-4348-0	RG	6	1,2	7	1,4	3	8-	1,0	6	5			2-	530
[illegible]2-4369-6	RG			1		7	6	5	1		1-	1-		257

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CCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
52-4379-5	RG	12,2-	11,5-	7,5	13,1	11,0	2,7	1,5	1,8	1,6	2,2	5,6	9,9	2,766
4480-1	RG	1-		2-	3-	2-	1-	2-	2-		1-	3-	8-	250-
52-4502-2	RG			1-	1-			2-	4-	3-		1-		200-
4616-0	RG	2		1	1-	3			3	1,0			5	328
52-4672-3	RG							1-	1-			1	1,1	250
52-4745-7	RG	5	1-		3	1	3	1,3	1,0	6	6	6	1,6	618
52-4752-3	RG				1-	2-					1-			133-
52-4806-7	RG	1,4	1,7	1	2,0	1,0	1,2	1,2-	3,1	4	1,5	1,5	2,1	1,233
52-4910-7	RG	3	3	3	3	3	3	4	3	1			3-	230
52-5071-7	RG	1,1	1,1	6	3,3-	4,2-	2	9	1,0	1,4	11,4	7,.	7,4	2,108
52-5087-3	RG	3,6	1,6	4,8	1,3	1,3	3	4-	3-	1	1	1	3,5	1,333
52-5238-2	RG										5-			500-
52-5411-5	RG								1-				1-	100-
52-5430-5	RG			1-	2		3	1			1		1	116
5431-3	RG	1,5	1,4	3,1	4,6	1,7	4	1,2	1,8	1,3	1,5	3	2-	1,550
52-5478-4	RG		6		1-	1	3				6,0	6,0	6,0	2,700
52-5525-2	RG	5	3-	3	2	1,2	5	9	2	1,6	1	1,7	1,4	691
52-5552-6	RG		4					1	2-			1	5	180
5555-9	RG		1	2-	2-	1-	4-	4	5	5	4	6	4-	109
52-5580-7	RG	1-	2-	4			1-	1-	3-	5-	4-		8-	233-

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T NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
5593·7	RG	1,0	4	4	8	6	7	8	4	5	7	1-	1-	508
·5675·5	RG				1-		1-	1			1			
·5699·5	RG	9	6	1,8	16,4	3,8	44,0	25,2	9	1,4-	5,5	13,6	6,5	9,833
5759·7	RG	1-	2-	3-	3-	1-		1-	1-	3,2	2,5		6-	390
·5771·2	RG	9	1-	2-	3	9	1,1	1,5	2,1		6	1		720
5772·0	RG		3	11,0	4,0	2,2	9	1-					1,3	2,800
5813·2	RG					1-	1-	1-	2-	3-	3-	2-		185-
·5940·3	RG	1-												100-
·6101·1	RG			1-						1-	2-		4-	200-
·6123·5	RG		1	3	1-	1							8	240
·6187·0	RG	3-	3		2	1-	3-	2,9	2			7-	4-	200
·6195·3	RG	1-	7	3,3	3,5	3,1	2,8	2,4	1,5	5	3		3	1,663
·6212·6	RG	1,5	3		3-	2-	1-	1	2-	1-	1-	3	1	118
6222·5	RG	1-	1-											100-
6228·2	RG	3-	9	4	1	5,4	5,7	3,7	3,3	1,2	2,1	2,4	4,1	2,416
6262 1	RG	1,0	3		2	3	2	3	6		4-		1,0	433
·6375·1	RG	1,0	5	5	2-		2-	5	1,2	8	1,2	1,4	1,9	781
391·8	RG	3				3-			1		2	1		80
6475·9	RG	2	1	1,6	1,2	1,1	3	1	7	7	3	1-		563
·6487·4	RG	2-		2-		1	4	1-	7	1-	3-	3-	5	50

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NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
516-0	RG	1,3-	2,5-	3,0-	1-	1-	7-	3-	5-	1,0-	6-			1,010-
19-4	RG	1	1-				1-	1-						50-
523-6	RG	1-				2-		1,8	2,1	1,5	1			866
81-3	RG	1		1-	1-	3	2	1		1	1	2	1,3	220
632-5	RG	4,2-	4,2-	3,9-	7-	2,1-	2,1-	8-	4,1-	6,1-	7,5-	7,8-	9-	3,700-
634-1	RG	1-		2				2		3		1	1	133
738-0	RG		1-					1-	2-	2-			2-	160-
796-8	RG	1,3	1,0		1-							1	8	620
893-3	RG	3-				1-	3-			1-	3-	4-	2-	242-
026-9	RG	2-		4	2				1-	1-				40
058-2	RG	1									1-			
076-4	RG				1-									100-
164-8	RG	9	1-				2	1		1-	1-	1-	1-	87
310-7	RG	7-	3,1	3,7	3,4	2,4	2,1	1,3	1,1	1,3	4,2	2,3	1,6	2,150
-4	RG	8-	1-	1-		1	2-	1	2		3-		9	22-
570-6	RG	9-	4,5	1,5-	2,5-		4,1	1,0	3	3,6	2,5-		1,5-	460
521-7	RG	3,3-	2,9	3,5	5,5	3,2	3,0	3,2	2,2	4,1	4,1	1,8	1,8	2,666
58-7	RG	2-	1		6-	6-	1,0	3	4			1,0	8	244
560-5	RG		2	1	6-	1		1-	2	1,0	1-			100
836-1	RG	2,7	1,3	3,1	1,0	7	3	5	6		2-	2	1	936

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ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
52-7858-5	RG	7	2	1	3	2	2	8		5-	3	2	3	254
52-7888-2	RG	3-	6-	9-	1,0-	8-	1,0-	1-	5-	7-	4-	3-	3-	575-
52-7941-9	RG	2-	1-	2-	6-			2-	4-		3-	2-	7-	322-
52-8064-9	RG		1	1		3-								33-
52-8140-7	RG	2-	5-	8-	6-	1-	5-	1,3-	3,1-	3,1-				1,133-
52-8151-4	RG	1,3	8	1,5	7	4	6-	4	3-	3-		1,2	2,2	663
52-8214-0	RG		2	2	1	1-				1	2	1		114
52-8215-7	RG	3	1,5	3	9	1,2	3-	3		2	2	9	1	509
52-8268-6	RG	1-	1	1	2				1-	1-	1-	1-	1	
52-8269-4	RG	2	2	2-			7							225
52-8374-2	RG	9	1,1	4-	8	4	2-	1,7-		1-	4	2,2	9,5	1,172
52-8406-2	RG						2		1		1-	4	8	280
52-8461-7	RG		1-		1-	1-						1		50-
52-8474-0	RG	1	5			1,2	1-	1	1	3	3	2		300
52-8498-9	RG	2-				1		3-		1-				125-
52-8525-9	RG	2	2	2		6	2	1-	2	1	3	1	2	200
52-8543-2	RG	2,5	6	2	2		1,3	4	3	1-	1	3		580
52-8555-6	RG	6	4	2-	2-	1	2		3		1-	2	2	150
52-8694-3	RG				1-	1-							1	33-
52-8706-5	RG			1-		2			1-	1-	1			

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ACCT NUMBER	DESC	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
52-8773-5	RG						1-							100-
52-8846-9	RG	2-	1-	1	1	2,0		1-	3	5	1		2-	250
52-9167-9	RG	1-	2-	1-		1,5-	4-			6-	9-	1,6-	2,2-	844-
52-9263-6	RG			1-										100-
52-9332-9	RG					1-	1-							100-
52-9380-8	RG			2-	1	1				1,7-	9	1-	1-	142-
52-9511-5	RG	4	2,2-	1,6	2,7	35,3	7,1	4,6	21,2	15,8	11,4	5,6	3,2	8,891
52-9550-6	RG	1-	2-			1-	4	7	1					133
52-9588-6	RG							2-						200-
52-9593-6	RG	3						4-	2		2	2		100
52-9697-5	RG	2	2-	1	1							6	4	200
52-9810-4	RG	2				1	1	4	1-			1	1	128
52-9866-6	RG	2-	8	3	1,3	1,4	4	4	5	5	8	7	3	600
52-9961-5	RG	2-	5			1,0	1,2	1,5			2			700
53-0035-5	RG	1,6	1,6	1,4	1,4	1,1		4	7	3	5	5	8-	790
53-0037-1	RG	3,3	1,0	6	1,1	6-	9	1,1	1,1	1,4	1,9	1,7	1,0	1,208
53-00[illegible]6-2	RG	1	2-	2-		2,1-	2,4-			1		5-	2	625-
53-0058-7	RG	2		1-	1-			2-	2-	3-	1-	3-	3-	155-
53-0074-4	RG	1,1-	4-	2-	1			3	1-	2-			1	187-
53-0202-1	RG		1				2-	1	1	1	3-	2		14

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ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
53-0208-8	RG	3	3-	3-	5-	5-	1,7-	2,3-	1,8-	1,7-			1	870-
53-0270-8	RG								1-			1-	1-	100-
53-0278-1	RG				1,8		1-	2-	2-	7	5	8		471
53-0313-6	RG		1		3		2	2	1	1	1-			128
53-0338-3	RG	2,8-	2,8-	9	9		1	4		7	8	6	5	120-
53-0370-6	RG	2			1	3		2-		1	1	8	2	200
53-0376-3	RG		5-	5-	5-		1	1		3	7		3-	75-
53-0458-9	RG	7-	8-	8-	6-	1,1-	1,5-	9-	8-	8-	5-	7-	1,2	666-
53-0608-9	RG	6-	2-	3-	4-	4-	9-	1,0-	1,0-	2-	2		2-	454-
53-0693-1	RG	4	2-	2	1		2			2	2	2	6	211
53-0794-7	RG		1,9-	5-	2	4	4		8-	2-		2	2	222-
53-0796-2	RG	1	3	2-	2,7-	2-		1-	1	1-	2		1-	270-
53-0805-1	RG		2	3	3	5	6	5	2	1	3	1	1-	272
53-1041-2	RG	1	1,6	1	1,9	1,0	4	1-	8-		1	2	8-	336
53-1194-9	RG	1-	1	1			1-	1-	3-			8		57
53-1196-4	RG	6-	1			1-	3-		1-	1-		1-		171-
53-1203-8	RG	1			1				2				3-	25
53-1436-4	RG	4		3	3		1-	2	1	2	2	3		211
53-1457-0	RG	5	2	2		2-	1-						2-	66
53-1508-0	RG	2	3-		1			4	4	1	1	1	2	144

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ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
53-1529-6	RG	3	2			2	1	1		4-	2		2	112
53-1647-6	RG										1-			100-
53-1651-8	RG	1,6	1,1	8	1,2	9	8	6	1	1-	1	9	3	691
53-1727-6	RG	1-	3-	2-	3-	4-	6-	6-	1,0-	1,0-				500-
53-1779-7	RG	3,3	2-	1	1-	9-	1,8-	2	2-	2-	2	1		45
53-1875-3	RG	1-	1-											100-
53-1878-7	RG	4	7	5		1			1-		1-	1		228
53-1963-7	RG	1-	3		1	1			1		1	1	2	112
53-1997-5	RG	1,7	1,1	1		2-	9	2,3	1,8	1,5	9	2,4	2,5	1,363
53-2148-4	RG	1,0	6		1-	1-	1	8	1,3	1,4	2	7	2	554
53-2153-4	RG		1-	3-		1-	3-	3-				1-	2-	200-
53-2472-8	RG	1	1	1	1	1	2-		1			1		62
53-2630-1	RG	2-	2-	4-	4-	2-		1-					1	200-
53-2636-8	RG	1-	1-	3-			1-		1-				1-	133-
53-2676-4	RG			1	1				1-					33
53-2833-1	RG				1	1-	1-		2-	4-	3		4	
53-3134-3	RG	1-	1	6,8	2		2-		1,8	4-	2-		1,0-	777
53-3581-5	RG					1-							1	
53-3660-7	RG	4-				2			3					33
53-3718-3	RG	1,1-	4,2-	4,4-	5,7-	5,7-	5-	1-	2,9-	3,2-	4-	9-	1,3-	2,533-

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ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
53-4168-0	RG							1-						100-
53-4378-5	RG	3	3		1-				1	2	2	7	7	300
53-4450-2	RG	1-	5-	5-	5-	5-	3-	3-		3-	4-	4-	3-	372-
53-4483-3	RG	2			1-									50
53-4535-0	RG	3-	3-						1-					233-
53-4581-4	RG	2	1						2-					33
53-4662-2	RG	1-	7	1,0			6	2,9	1,0	1	2-	1,8		866
53-4685-3	RG	1	1-		1-	1	2-	3		3-	4	1-		11
53-4771-1	RG			1-					6-	6-	5-	5-	5-	466-
53-4848-7	RG				1-									100-
53-5014-5	RG			1-	1	3		1					2	120
53-5123-4	RG								1-					100-
53 5235-6	RG	2		6	9	6-			1,0	10,1	2	2	2,1	1,633
53-5589-6	RG												1-	100-
53-5753-8	RG							1-	1-	4-	3-	4-		260-
53-5760-3	RG	4-	4-	1-				4						125-
53-5814-8	RG	7-	4-	2,1-		1,6-	4-	1,3-	1,3-	7,8-	1,7-	1,7-	6-	1,781-
53-5834-6	RG	4-	1-			1-	1-		2-	2-	1-	3-	4-	211-
53-5948-4	RG				1-	1			1	1	1			60
53-6179-5	RG	1-						2-	2-				1	100-

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ACCT NUMBE	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
53-6506-9	RG	4-	3-			1-	1-	1-					2-	200-
53-6512-7	RG		6,1-											6,100-
53-6525-9	RG	9-	9-		1-	3-	1			1,1-			7-	557-
53-6687-7	RG	4	7	3	3		2-	2	2	1	1	7	2	272
53-6928-5	RG		2,6-					5-	5-	5-	7-	7-		916-
53-6979-8	RG					7	3-							200
53-7222-2	RG	2	1	1-	1-	1		3	4	3	3	2	1	163
53-7308-9	RG	1-												100-
53-7353-5	RG			1-	1-									100-
53-7362-6	RG											1-	1-	100-
53-7394-9	RG								2	1-				50
53-7839-3	RG	3-	5-		1-		1-		2-	4-	3-	4		187-
53-8023-3	RG	1	1-											
53-8028-2	RG			1-		4	5	4	1,0			1-		350
53-8111-6	RG				6						9-	9-		400-
53-8469-8	RG	1-	2-			1-	1-	1-	3-	1-	1-	2-	1-	140-
53-8513-3	RG		1-											100-
53-9170-1	RG		1-	7-	7-	4-	1-	8-				1		385-
53-9179-2	RG		5-	2-			5-	2-	5-	10,9			3,1-	842
53-9242-8	RG	5	1	1							1-	1-		100

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ICT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
53-9276-6	RG									1-				100-
53-9344-2	RG					1								
53-9580-1	RG	3	5	2	3	1	3	1	1-			2	1	200
53-9612-2	RG	1,6-	9-	3,7	8,2	18,5	18,5	18,7	15,9	61,1	27,9	1,9-	3,2-	13,741
53-9670-0	RG	2	1	1	2		2	2	4,6-		4	3	7	220-
53-9683-3	RG	1-	1-	1	3	8	2				3	3	4	244
53-9713-8	RG	2,1	1,4	6	5	5	5	6	1	1,5	9	8	1-	783
54-0028-8	RG	1-												100-
54-0045-2	RG	2		1	2	2	1-				1-		1-	57
54-0397-7	RG	3 1	1,5-	5,2-	27,8-	6,4	4,6	6-	2,9-	1,5	6	6	4,0	1,016-
54-0737-4	RG							2-		1-		1	4-	150-
54-1269-7	RG		1-									1-	1	33-
54-1291-1	RG		1-	2-	2-									166-
54-1301-8	RG		9-	6-	4-	1-	1-	6-	3-		7-	7-	1,4-	580-
54-1322-4	RG									1-				100-
54-1340-6	RG	4	6	3	3	3	1-			1	1			250
54-1361-2	RG	4-	1-											250-
54-1411-5	RG	1-	1-				1-	1-				1		60-
54-1415-6	RG							1-						100-
54-1445-3	RG	5	4	1	3	3	4	3,8-	1,5	1		8	1	63

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OVERDRAFT ACCOUNT $100 OR MORE

ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
54-1517-9	RG	1,2-	1,2-	2-	1-	1,1-		6-		5-	3-	3-	2-	570-
54-1572-4	RG	3	1,1	6	4	2-	3,6	1,1	1	5	3	1,1	2,8	975
54-1691-2	RG	2	4	4	1	5	1	1-	3	1	1	2	6	241
54-1942-9	RG									1-		1		
54-1953-6	RG			2-	1		2-	2						25-
54-2037-7	RG	1-	1-	1-	1-				1-	1-	1,0	1,4	8	288
54-2492-4	RG	3,5	5	4	1,9	1-	5	1,1	9-	2,1-	2,2	2,3	3	800
54-2513-7	RG			1	2-	1			1	3	1		2	100
54-2672-1	RG			1-										100-
54-2673-9	RG	1-		1-	3-	1-	1-						1-	133-
54-2752-1	RG	4	3	2	2	3	2,0	1,5	4	2	1-	6-	1-	391
54-2839-6	RG	1-	1-	2-	1-	1-								120-
54-2896-6	RG	31,4-	31,4-	17,8-		5,0-	3,2-		13,1-	1	3,9-	11,1-	45,0-	16,180-
54-2962-6	RG		1-							1,0	9	1		475
54-3052-5	RG	2	2	6	7	2			2-			3	3	287
54-3226-5	RG	2	1,7	1	3			1,2	2	2,8-	3	1-	2	130
54-3279-4	RG	1,3	2,7	8	7	1	1	7	5	5	1-	9	2	700
54-3286-9	RG	1	1-	1-		1-	1-	2-	1	1		1		22-
54-3346-1	RG					1	4				1-			133
54-3408-9	RG	1-	7-	3-	6-	6-								460-

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ACCT NUMBER	DESC	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
54-3457-6	RG		1				1-			1-				33-
54-3676-1	RG			1-					3	5				233
54-3691-0	RG		5-	5-	1,7-	1,7-		1	1	2-	2-	5-	5-	560-
54-3705-8	RG	1-	1-	1-	2-	2-	3-	1-	3-	5-	7-	3-	1-	250-
54-3719-9	RG	1,3	1,6	1,4	1,0-	1,8	4	1,5	11,3	9,6	8,5	8,5	8,4	4,441
54-3746-2	RG	4	1	1									1-	125
54-3943-5	RG	1,0	9,8	62,5	32,1	7,3	4,8	1,2	1,2	8-	5,8	1,4	1,0	10,608
54-4124-1	RG	8	2,0	2	1-	1,6	6	1,0	1,4	1		9	4	809
54-4133-2	RG				1	2	1		2	2		1-	1,0	242
54-4147-2	RG						1-						1-	100-
54-4177-9	RG		1-		1								5-	166-
54-4236-3	RG							2-					1-	150-
54-4301-5	RG		1		1		1	1,6-	1,0	5	3	4	3	133
54-4485-6	RG	3,6-	3,0-	1,1-	3-	3,1	1,1		9-	1,6	1,0-	1,1-	4-	509-
54-4522-6	RG			1		2	2		2	5	1-			183
54-4573-9	RG	1-	3	2	4		1	2	2	4		1		200
54-4810-5	RG	4		1-	4	2	4	5	6	3	5	2	4	345
54-5001-0	RG	1,0	9	1,3	7	2	1	4	1	1-	3	5	7	508
54-5128-1	RG	4-	9-	1,0-	2-	2-	1,3-	1,3-	2,1-			7-	8-	890-
54-51[illegible]-3	RG		1		1-			1-		1	1	1	5	100

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OVERDRAFT ACCOUNT $100 OR MORE

ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
54-5263-6	RG	1	1			4-								66-
54-5440-0	RG	2-	2-	4-	5-	1	1			2	2	1	4-	100-
54-5615-7	RG		3	2	1	1						1-		120
54-5652-0	RG	3			8-									250-
54-5657-9	RG	1,0-	3-	2-	2-	1		2-		1		1-	2-	222-
54-5802-1	RG	1-		2	2-	1	3	4	5-	1-	2-	1,2-	1-	127-
54-5920-1	RG	2							1-	1-	2-			50-
54-5981-3	RG	1,2	7	4	8	4		2	2		1-	3	8	490
54-6008-4	RG						1		1-			1-	1-	50-
54-6046-4	RG		1-		1	1-			1-	1-	1-			66-
54-6067-0	RG	2-	2,3	1	3	1				1	1	1	1,6	500
54-6078-7	RG	1	1		1-									33
54-6125-6	RG	2	1-				2	1	4	1	1-	2	3	144
54-6148-8	RG	1		1-									2	66
54-6267-6	RG	1-	1-	1-					1-	1-	1-	1-		100-
54-6307-0	RG	1,8-	4,2-	1-	11,8-	3-	1-	4-	1,2-	·,2-	12,2--	16,1-	10,4-	4,983-
54-6310-4	RG	3,3	3,3	8,4	8,4	8,9	6,0	1,7	13,4-	1,7-	2,5-	7-	2	1,825
54-6341-9	RG		1-	1-	1-	1-								100-
54-6597-6	RG	2	1-	1			1-	1,9	6		1-	1-	1-	233
54-6647-9	RG		1-											100-

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OVERDRAFT ACCOUNT $100 OR MORE

ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
54-7017-4	RG	2-												200-
54-7113-1	RG	1-	1-											100-
54-7155-2	RG	2	1-				4	4	1					200
54-7233-7	RG		1-	1										
54-7575-1	RG	6	6	6									1-	425
54-7605-6	RG	1-	1-	1-				1		5	3			100
54-7625-4	RG	3-		3	6-	6	1	2	1	5	5	6	1	190
54-7647-8	RG	2-	2-		1-	1-	1-			1-			2-	142-
54-7648-6	RG					1-	1-	1-			1-	1-		100-
54-7707-0	RG				4		1		6	1.5	1.2	3.1-	3	142
54-7773-2	RG	6-		1	1-	3-	3-							240-
54-7775-7	RG		2-	1-	2-	2-		1-					2-	166-
54-7839-1	RG	5-		1-	1-	1-	4-	2-	1-		5-	5-	5-	300-
54-7969-6	RG							4-						400-
54-8054-6	RG										1-	1-		100-
54-8080-1	RG	6-	1-	3-	1-	1-								240-
54-8171-8	RG		5-	6-	3-	1-	2-	3-	2-			1-	1-	270-
54-8684-0	RG	6	8	5	1-	7-	2-	1.7	2.0	1.5	1.4	1.9	1.1	875
54-8746-7	RG	1	3	4	4	5	4	3	2-	2-	2		2	218
54-8800-2	RG	1	3-	7-	4-	7	7-	7-	2-	5	3-	4-	8-	266-

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OVERDRAFT ACCOUNT $100 OR MORE

ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
54-8884-6	RG			1	1			1-		1				50
54-9103-0	RG	2-		8	9	9	3	1-	1-			2-	6-	188
54-9111-3	RG			1	2-	2	4	3	3	7	7	7	5	370
54-9128-7	RG	4	4	4	4	4	5-	4	4	5	4	4	4	333
54-9266-5	RG	2-	2-	2-			2-	1-	1-		2	6	2	
54-9334-1	RG								1-	1-				100-
54-9386-1	RG						1-	1-	2-	1-				125-
54-9556-9	RG											1-	1-	100-
54-9600-5	RG	1-	7-	2-	2-				5-	7-	5-	1-	2-	355-
54-9819-1	RG	1,5	5	3	3	7			4	4	5-	2	2	400
54-9970-2	RG	1-		2				1-	1					25
55-0007-9	RG		1-			2-								150-
55-0044-2	RG							1-	2-	1-	1-	6-		220-
55-0086-3	RG	1-	3-		2-	2-	1		1-	1-	2-	4-	1-	160-
55-0198-6	RG										2-	2-	1-	166-
55-0370-1	RG							1-		1			9	250
55-0431-1	RG	2				2	2			1-				125
55-0437-8	RG		1	1-			6			1-		3-	1-	16
55-0466-7	RG						1-	1-	1-		1-	1-	1-	100-
55-0589-6	RG							1-					1	

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OVERDRAFT ACCOUNT $100 OR MORE

ACCT NUMBER	DESC	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
55-0658-9	RG	2,9	2,5	2,5	2,5	1,4	6-		5	1,6	3,1	1-	3-	1,454
55-0673-8	RG	3	1,4	9	4	8	3	3	1,4	8	3	1-	7	625
55-0789-2	RG		1			2	1	2	4	2-	4	2		175
55-0813-0	RG	1-					6	3	6-	4-	1-	4-	3-	125-
55-0834-6	RG								1-	1-	1-	1-		100-
55-0844-5	RG	1-	2-	1-	1-	6-		5-	5-	1-	3-	6-		310-
55-1020-1	RG	1-	4-	7-	4,1		3		4	3	1,3	6	6-	520
55-1071-4	RG	5-		6-	2	5	3	3	3	2	5	4	1	154
55-1082-1	RG	3	4	6	1,1	7	5	4	2			2-		444
55-1086-2	RG				1								2-	50-
55-1216-5	RG	1-	1-	1	3	7	7	7	7	7	7	7	7	483
55-1237-1	RG	2-												200-
55-1359-3	RG		1	2	4		1-	1-	1-	1-	3	3		100
55-1418-7	RG		2,9	1,2		3		1-		2,4	5	3-	1	875
55-1560-6	RG	3,2	1,9	17,5	16,5	7,2	5,8	2,0	1,0		2-	1	5	5,045
55-1597-8	RG	4	4	2		2,9	2,3	7,6	6,7	4,5	3-	30,0-	6,2	81
55-1624-0	RG	2-	1	1,7	3-	3-	1	1	1	1	1	1	1	[illegible]
55-1627-3	RG		3-	4-			3-	3-	7-	1-	9-	5-	2-	411-
55-1704-0	RG	36,5-	1		3	7-			5	7	5		9-	4,500-
55-1724-8	RG	4	2	1	3	2			2-	2-	2-	1-	1,7	220

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OVERDRAFT ACCOUNT $100 OR MORE

ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
55-1736-2	RG				1-				1-	2-	1-	1-	1-	116-
55-1759-4	RG												1-	100-
55-1788-3	RG	2				6	1		3-	1-				100
55-1828-7	RG												1-	100-
55-1861-8	RG			1		1	1-	2-		3	4			100
55-1923-6	RG						2,2	1,9	6	1	2-	7-	2,0-	271
55-2204-0	RG							3	4	3			2-	200
55-2286-7	RG											1-		100-
55-2362-6	RG											1-		100-
55-2372-5	RG								3		1-	1		100
55-2437-6	RG	4,7	42,2	17,4	34,2-	10,1	11,9	15,0	17,2	61,2	11,6	19,7	18,7	16,291
55-2465-7	RG		1-	1-	1	1,7	2	2	1					300
55-2476-4	RG			1				5,5-	3				1	1,250-
55-2494-7	RG	2-			1-	1-	1-		2-	2-	2-	2-	2-	166-
55-2530-8	RG			2-										200-
55-2595-1	RG	4	9-	1,7-	1,9-	1,8-	3-		3-	6-	1,0-	1,2-	1,2-	891-
55-2680-1	RG	9	2-	1,2	1,3	8	5		1,3	4		5	2,0	909
55-2737-9	RG											1-	1-	100-
55-2755-1	RG						8	3					1	333
55-2781-7	RG			1-			2					1-		

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ACCT NUMBE	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
55-2843-5	RG	2-						1-	1-	9	1-	1-	1	57
55-2880-7	RG	9	1,9	4	5	2,3	2,3	16,6-	5	1,2	17,8-		1,9	2,045-
55-2970-6	RG		7-	7-	6-	1,1-	1-			6	8-	4	5	277-
55-2977-1	RG				1-	1	1			3				100
55-3069-6	RG			1	2	1		1-	1	1	1		1-	62
55-3119-9	RG								4			2-	2-	
55-3148-8	RG									3	1	1-	1-	50
55-3154-6	RG											2-	4-	300-
55-3186-8	RG												1-	100-
55-3254-4	RG												1-	100-
55-3320-3	RG												2-	200-
55-3424-3	RG												1-	100-

NUMBER OF ACCOUNTS 492

the Mississippi Republican Party

State Headquarters

RECEIVED BY THE FEC
GCC#7448
85 MAY 14 P12:08

May 8, 1985

85 MAY 14 P1:34

Ms. Frances B. Hagan
Federal Election Commission
1325 K Street, NW
Washington, D. C. 20463

RE: MUR 1621
Capital Foundation: Mississippi Republican Party Campaign Committee
R. Andrew Taggart, Treasurer

Dear Fran:

Enclosed is the Party Committee's response to the above referenced matter. As per our telephone conversations, I realize that you would very much like to resolve this matter and that feeling is mutual.

I would hope that the enclosed letter expresses our efforts to comply with the Federal Election Campaign Act. Every attempt is made to comply with the regulations of the Federal Election Campaign Act and I trust that this will be taken into account.

If you feel that any other information is needed please contact me. I really appreciate your assistance in this matter as I am "new on the job".

Sincerely,

Keith Hill

Keith Hill, CPA
Executive Director

2 5 0 4 0 5 5 4 4 1 3

P.O. Box 1178/Jackson, MS 39205/(601)948-5191

the Mississippi Republican Party

State Headquarters

May 8, 1985

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

RE: MUR 1621
Capital Foundation: Mississippi Republican Party Campaign Committee
R. Andrew Taggart, Treasurer

Dear Mr. Steele:

In response to the enclosed brief regarding the above referenced matter, we express the fact that the Party Committee made the contribution for the retirement of the primary election debt of the Franklin Committee in good faith. The Party Committee made its best effort to determine the existence of a primary election debt through conversations with the Franklin Committee. In reliance upon the conversations, a contribution of $5,000 made payable to the Franklin Committee was mailed August 18, 1982. A copy of the transmittal letter is enclosed for your review.

In light of the inability of the Party Committee to acquire documentation of the debts outstanding, we feel that the Party Committee acted in good faith upon reliance of the conversations with the Franklin Committee to substantiate a primary election debt. As per the enclosed copy of the letter addressed to the Federal Election Commission dated April 19, 1985, we requested a copy of the Federal Election Commission's Audit Field Report regarding the Franklin Committee. As of today, this report has not been received. A concern that we have is the method of accounting that was utilized in this audit. Was it cash basis, modified accrual, or accrual accounting?

Nevertheless, the fact remains that the Party Committee did not contribute to the Franklin Committee with reckless regard or misrepresentation. Every reasonable effort was made on behalf of the Party Committee to comply with the regulations of the Federal Election Campaign Act.

In our opinion, we do not feel that the Party Committee should be viewed upon as probable cause in violation of 2 U.S.C. § 441a (a) (2) (A). We feel that the proper cure for this misunderstanding would be with the refund of the excessive contribution.

Respectfully submitted,

B. Keith Hill, CPA
Executive Director

BKH/jkb

Enclosure

P.O. Box 1178/Jackson, MS 39205/(601)948-5191

8 5 0 4 0 5 5 4 4 1 1

August 18, 1982

The Honorable Webb Franklin
P. O. Box 1599
Greenwood, MS 38930

Dear Webb:

Congratulations on your primary victory. On behalf of the Capital Foundation of the Mississippi Republican Party I am pleased to send you the enclosed checks for $10,000 made out to your campaign.

The $5,000 check is to be applied to retiring your debts from the primary and the other is for the general election. This contribution is made in light of recommendations from the leadership of the party and our State Headquarters staff.

The party is proud of you and your campaign and we are looking forward to your victory in November.

Sincerely,

Julius M. Ridgway

JMR/bs
Enclosure

April 19, 1985

Federal Election Commission
Ms. Frances Hagan
Washington, D. C. 20463

Dear Fran:

As per our telephone conversation I would like to request an extention of time in which to file a brief. Being that I have just accepted the position of Executive Director of the Mississippi Republican Party, I feel that I need time to review the legal and factual issues of the case. It is also my understanding that I will assume position of Treasurer of the Mississippi Republican Party Campaign Committee.

If possible I would like to receive the FEC's audit field work report regarding the Franklin Committee. Also any other reports that would bring me up-to-date regarding this matter.

Should you have any questions, please feel free to contact me.

Sincerely,

B. Keith Hill, CPA
Executive Director

BKH/jkb

85040554416

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 9, 1985

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: MUR 1621

Attached for the Commission's review are 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 findings of probable cause or no probable cause to believe were mailed on April 9, 1985. Following receipt of the Respondents' replies to these notices, this Office will make a further report to the Commission.

Attachments:

Briefs
Letters to Respondents

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Webb Franklin for Congress Committee	)	MUR 1621
	)	

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On April 24, 1984, the Commission found reason to believe that the Webb Franklin for Congress Committee ("the Committee") violated the Act as follows:

1. 2 U.S.C. § 441a(f) for receipt of the following contributions made in excess of limitations at 2 U.S.C. § 441a(a)(1)(A) or § 441a(a)(2)(A):

   a) direct contributions and loan endorsements from three individuals: Don Barrett, David Hicks, Sr., and Bill Crump;

   b) direct contribution from a partnership, Barrett, Barrett and Barrett law firm;

   c) direct contribution made after the primary election in excess of net primary debt from a party-related multicandidate committee, the Capital Foundation: Mississippi Republican Party Campaign Committee;

   d) direct contributions from four individuals.

2. 2 U.S.C. § 441b(a) through receipt of loans in the form of overdrafts from a national bank (the Bank of Greenwood ["the Bank"], a branch of the National Bank of Jackson, MS).

3. 2 U.S.C. § 432(h)(1) through its apparent failure to deposit all receipts into and make all disbursements from a designated Committee depository. In addition, the Committee violated 2 U.S.C. § 434(b)(8) by apparently failing to disclose loans made to the Committee by the candidate.

Attachment A (1)

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II. FACTUAL AND LEGAL ANALYSIS

1. Excessive Contributions

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee 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 contributions in violation of this section.

a) <u>loan endorsements</u>

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

2 U.S.C. § 431(8)(B)(vii)(I) states that loan/contributions shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

On November 22, 1982, just after the 1982 general election, the Committee obtained an uncollateralized bank loan of $30,000. The loan was endorsed by three individuals and used for the purpose of liquidating debts and substantial overdrafts. Pursuant to 2 U.S.C. § 431(8)(A)(i) and (B)(vii)(I), each individual

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A (2)

endorser is liable for 1/3 the amount of the loan in addition to their direct contributions. On October 17, 1983, after the auditors notified the Committee of the apparent violations, the Committee obtained a new note endorsed solely by the candidate. Counsel for the Committee and individual respondents stated that "none of the parties were aware that endorsements constituted a contribution under the Act."

As a result of the original loan arrangements, the Committee violated 2 U.S.C. § 441a(f) for receipt of contributions violative of 2 U.S.C. § 441a(a)(1)(A) as follows:

Contributor	Date	Election		Amount		Excessive Portion
Don Barrett	8/28/82	G		$300		
	11/01/82	G		$300		
	11/22/82	G		10,000	(loan)	
			Total	10,600		$9,600
David Hicks, Sr.	8/28/82	G		$300		
	11/17/82	G		$200		
	11/22/82	G		10,000	(loan)	
			Total	10,500		$9,500
Bill Crump	8/28/82	G		$80		
	11/22/82	G		10,000	(loan)	
			Total	$10,080		$9,080

August 17, 1982 Primary
November 2, 1982 General

The Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that the Committee violated 2 U.S.C. § 441a(f) in this matter.

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b) <u>apparent partnership contribution</u>

During the audit review, the auditors found a law firm partnership check dated July 15, 1982, contributing $3,000 to the Committee. Based on this evidence, it appeared that the partnership, Barrett, Barrett and Barrett law firm, had violated 2 U.S.C. § 441a(a)(1)(A) for making an excessive contribution and that the Committee had violated § 441a(f) for receipt of the excessive portion totaling $2,000. See 2 U.S.C. § 431(11) and 11 C.F.R. § 110.1(e).

In response to interrogatories included with the Commission's reason to believe notification, the Committee and law firm explained that the contribution in question was made at the request of three individual contributors from their personal funds held in trust by the law firm for its clients. A member of the law firm, John W. (Don) Barrett, attested in an affidavit that the Trust Account check "did not represent any funds of the firm, Barrett, Barrett and Barrett." A copy of the check supported the assertion that the account is a "Trust Account." The committee reported the receipt as contributions of $1,000 from each of the three individuals. The Committee had refunded the contributions on advice of FEC auditors prior to confirming that the receipt was legal.

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The Office of General Counsel will recommend no probable cause that the Committee violated 2 U.S.C. § 441a(f) in this matter.

c) post-primary contribution

2 U.S.C. § 441a(a)(2)(A) states that no multicandidate committee shall make contributions to any candidate and authorized political committees with respect to any federal election which, in the aggregate, exceed $5,000.

11 C.F.R. § 110.1(a)(2)(i) clarifies the contribution limitation of $5,000 per election: "With respect to any election" means in the case of a contribution designated in writing for a particular election, the election so designated, except that a contribution made after a primary election and designated for the primary shall be made only to the extent that the contribution does not exceed net debts outstanding from the primary election.

Shortly after Webb Franklin's victory at the August 17, 1982, Mississippi primary, the Committee received two contributions of $5,000 each from the Capital Foundation: Mississippi Republican Party Campaign Committee ("the Party Committee"), an account of the Republican State Party Committee.

A (5)

The contribution checks were transmitted with a letter dated August 18, 1982, which specifically designated one of the checks to pay primary debts; the other was designated for the November 2, 1982 general election.

During the audit fieldwork, the Committee provided invoices and accrued payroll which verified debts of $8,017.43. After applying cash on hand, the auditors calculated the Committee's net debt on the primary date to be $1,360.35.1/ 11 C.F.R. § 110.1(a)(2)(i). Based on the auditors' calculation, it is evident that the Party Committee's primary election contribution of $5,000 exceeded the net primary debt by $3,639.65.

The Party Committee states, "It was the understanding of the committee at the time of the contribution in question that there remained more than $5,000 in primary debts outstanding. In light of the good faith contribution and inability ... to acquire documentation of debts actually outstanding, ... no violation was committed." However, regardless of the amount of apparent debt, the amount of available cash applied to it substantially reduced the net result.

1/ The net primary debt was calculated through August 17, 1982, the primary date. The calculation was made during the field audit when the Committee provided all of the invoices and payroll figures for the debt determination. As a result, the auditors could see that there was no significant change (if any) in the

A(6)

The Franklin Committee argues that the refund of $3,000 made on October 3, 1983, to remedy an apparent excessive contribution from a partnership (see 1(b) above), retroactively should be applied to the primary debt for purposes of increasing the amount of the debt (and thus the amount of offsetting contributions) by $3,000. The Committee acknowledges that a refund of the balance in excess of the net debt would then be required.

It is the Office of General Counsel's position that the $3,000 contribution refund made more than a year after the primary would not affect the amount of the primary debt that the Committee had outstanding on the primary date. The debt position of the committee on the date of the contribution is the relevant date for determining its legality, not a debt position created well after the fact by virtue of a refund. Therefore, we are prepared to recommend probable cause that the Webb Franklin for Congress Committee violated 2 U.S.C. § 441a(f) in this matter.

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footnote 1/ continued
net debt after the date of the primary. This is noted to assure that there was no change in the debt picture between the primary and the date the Committee received the Party's contribution which would have affected the outcome of the finding regarding these two respondents.

A (7)

d) <u>receipt of excessive contributions from four individuals</u>

During 1982, four individuals (Howard Brent, Steve D. Golding, P.F. Wetzek and Fae E. Rhodes) 2/ made direct contributions to the Committee, each in excess of limitations at 2 U.S.C. § 441a(a)(1)(A). The excessive portion of the contributions totaled $1,150 and were refunded by the Committee on October 3, 1983.

The Office of General Counsel will recommend probable cause against the Committee for a violation of 2 U.S.C. § 441a(f) and will include $1,150 in the amount of the Committee's § 441a(f) violations.

2. Receipt of Loans in the form of Overdrafts

2 U.S.C. § 441b(a) states in part that it is unlawful for any national bank to make a contribution or expenditure in connection with any election to any political office or in connection with any primary election to select candidates for any political office, or for any officer or any director of any national bank to consent to any contribution or expenditure by the national bank, prohibited by this section; or for any candidate or political committee knowingly to accept or receive any contribution prohibited by this section.

2/ The Commission previously found reason to believe and took no further action against the individuals for violations of 2 U.S.C. § 441a(a)(1)(A).

A(8)

2 U.S.C. § 431(8)(A)(i) defines "contribution" as any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office.

11 C.F.R. § 100.7(b)(11) states, in pertinent part, that an overdraft made on a checking or savings account shall be considered a contribution by the bank or institution unless: the overdraft is made on an account which is subject to a definite interest rate which is usual and customary; and there is a definite repayment schedule.

On the fifth day before the 1982 general election, and for 14 days after the election, the Committee incurred bank overdrafts with the Bank of Greenwood, Mississippi (a branch of the First National Bank of Jackson, Mississippi) aggregating from $353.87 to $30,076.38. On November 22, 1982, the Committee secured a loan of $30,000 from the Bank and deposited this amount into the campaign depository.

Because the Bank allowed these substantial overdrafts on a campaign depository which had no overdraft protection, the Commission found reason to believe that the Bank made loans in the form of overdrafts and the Committee received the overdrafts in violation of 2 U.S.C. § 441b(a). 11 C.F.R. § 100.7(b)(11).

If the Bank knew that the account was a campaign depository, then its approval of overdrafts on such account clearly would

constitute the making of a a prohibited contribution. The presumption that the Bank had knowledge of the campaign depository is buttressed by the information that the Bank's assistant cashier, Fisher M. Southworth, III, also served as the assistant treasurer of the Committee. In interrogatories to the Committee, the Bank, and Mr. Southworth, we sought to ascertain the role Mr. Southworth played as a Bank officer and in the campaign. Each answer attests to Mr. Southworth's ignorance of the campaign nature of the account in question and his lack of financial duties with the campaign. Mr. Southworth stated, "I was never assigned any particular role in the campaign ... I was never consulted in any any area." Bank records show that Mr. Southworth was not a signatory on the campaign account, nor was the treasurer, Mr. Robert Knight. Only the candidate and the campaign manager, Bill Crump, had signature powers on the Webb Franklin Committee depository.

Our interrogatories also inquired as to the Bank's practices regarding overdrafts in general and the campaign account in particular. The Bank stated that the Bank president approved overdrafts; and in his absence, approval was made by the senior vice president and another officer (either of three vice presidents, an assistant vice president, or one of two assistant cashiers). Fisher Southworth was authorized to jointly approve overdrafts with the senior vice president. The Bank stated that "no officer of the Bank of Greenwood was aware that the Webb

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Franklin, Special Account was his campaign depository account and was only allowing him the same privilege this Bank has allowed him over many years of banking."

The Bank asserts that it knew nothing of the political account and treated the Webb Franklin, Special Account as it would any other personal account of a credit worthy customer. We obtained a computer printout from the Bank showing all accounts overdrawn by $100 or more per month during 1982. The Bank allowed overdrafts on 492 accounts. The Bank charged the campaign account $750 in fees for the checks paid on insufficient funds.3/ The Bank also allowed overdrafts of $700 to $7,800 each month on the candidate's personal account. The Bank charged a fee for these overdrafts as well, but subsequently refunded the fees totaling $1,000.

We asked Mr. Southworth if he approved any of the overdrafts on the Webb Franklin Special account or on the candidate's personal account. Mr. Southworth stated that he may have joined in approving the particular overdrafts on the account in question during the election period. He maintains that he was not aware

3/ Overdrafts aggregating as much as $30,000 were approved for the Special Account (campaign depository) just before and after the 1982 election. The Bank charged the campaign account a fee for each check paid on insufficient funds. However, the charges represent a fee for the service of paying a check written on insufficient funds, and do not reflect payment of "a definite interest rate" as contemplated by 11 C.F.R. § 100.7(b)(11).

A (11)

that the account was a Committee account and "had no idea" what account was used as the depository.

In summary, the Committee, the Bank and the assistant Bank cashier/assistant Committee treasurer all assert that the Bank did not know that the Webb Franklin-Special Account was the Committee depository. However, an agent for the Bank, Fisher Southworth, was also a Committee agent, and through that agency relationship the Bank could have known and certainly should have known of the existence of a campaign depository at the Bank.

The approval of considerable overdrafts is highly questionable when the overdrafts appear on the accounts of a candidate for federal office, particularly during an election period and even if those accounts are assumed to be personal accounts. Indeed, the Bank respondents place excessive emphasis on the defense that they thought the account was personal. No one at the Bank has denied that they were aware that Mr. Franklin was running for Congress. Therefore, the candidate's sudden increase of expenditures at election time should have led to the reasonable conclusion that the funds provided in the form of overdrafts would be used in the campaign.

This Office cannot disregard the Bank's laissez faire approach to the matter of funding the account of a federal candidate. The Bank should have known about the campaign depository through its agent, Fisher Southworth, and it should

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have taken the initiative to avoid making contributions in connection with a federal election.

The Bank's assistant cashier was named assistant Committee treasurer. Despite the paucity of campaign duties he claims, it is highly questionable whether a bank officer who, in the Committee treasurer's absence also bore responsibility for the campaign committee, should have been allowed to approve overdrafts on a campaign depository. The Bank and the Committee should have exerted sufficient care to avoid the Bank's influencing this election through approving loans in the form of overdrafts. The Bank should have known through its agent that the Webb Franklin Special Account was the campaign depository of a local candidate for federal office. Therefore, by approving the overdrafts on a campaign account not covered by overdraft protection as defined in 11 C.F.R. § 100.7(b)(11), the Bank of Greenwood made a contribution to the Webb Franklin for Congress Committee in violation of 2 U.S.C. § 441b(a). The Committee's receipt of this contribution constitutes a violation of 2 U.S.C. § 441b(a).

3. Candidate Use of Depository and Reporting of Apparent Loans

2 U.S.C. § 432(h)(1) states in part that all receipts and disbursements of a political committee shall be deposited into or disbursed from (other than petty cash) a checking account at a depository designated by such committee.

2 U.S.C. § 434(b)(8) states in part that each report shall disclose the amount and nature of outstanding debts and obligations owed by or to a political committee.

In the audit review of Committee expenditures, the auditors noted a bank counter check payable to the Bank in the amount of $23,200. The check notation stated the purpose as partial repayment to the candidate "on loans to campaign." No candidate loans to the campaign were noted on disclosure reports. As a result, the Audit Report required that the Committee provide information concerning apparent loans by the candidate to the Committee and further, that that if loans to the campaign meant that undesignated accounts were used for campaign activity, such accounts should be designated as Committee depositories and all campaign activity should be disclosed.

In addition, the auditors' expenditure review showed other discrepancies between the disclosed payee and the payee on the check. In particular, Webb Franklin was disclosed as the payee, when the payee on the check was "Cash", the "Bank of Greenwood," or various clothing vendors. The purposes were reported as "personal expenses," "travel expenses," or "salary." The purposes noted on the check itself were "advance for Washington trip," "candidate or campaign clothes," "shirts and ties," or "expenses-candidate."

The Committee's response to the auditors' inquiry concerning these discrepancies indicated that the disbursements were salary payments to the candidate. The treasurer stated that the candidate had provided no evidence to indicate that the campaign payments were used for other than personal purposes. Based on the audit evidence and the Committee's less than satisfactory response, we questioned whether the candidate, on behalf of the Committee, made disbursements for campaign activity from an account other than a Committee depository in violation of 2 U.S.C. § 432(h)(1) and concomitantly, whether the Committee failed to report the candidate loans for campaign expenditures in violation of 2 U.S.C. § 434(b)(8).

In response to the reason to believe notification, the Committee reiterated that the Committee did not receive any loans from the candidate; instead, "the Committee paid a salary to the candidate because he was required to resign from his paying job as Circuit Judge in order to run for office." After the auditors questioned the disbursements, the Committee prepared an income tax statement for the Internal Revenue Service. The Committee stated in response to reason to believe that Mr. Franklin reported the salary payments to the IRS and on his Personal Financial Disclosure report with the Clerk of the U.S. House of Representatives.

In interrogatories sent with the reason to believe notice, this Office requested the candidate's personal banking records to determine whether any campaign activity was conducted through accounts other than the Committee depository. The Committee produced bank statements and canceled checks from a Webb Franklin personal account at the Bank of Greenwood for 1982. Office of General Counsel and Audit staff members reviewed the documents in the Committee counsel's office. The Committee copied specific items we requested and subsequently sent these to this Office.

The review of Webb Franklin's personal account provided no clear indication that campaign activity was conducted through the account. The purpose of expenditures from the personal account was not apparent for entertaining expenses, American Express payments and certain loan payments. It was evident that another account exists which apparently is used by Mrs. Franklin. In addition, we learned the Webb Franklin personal account remained overdrawn by several thousand dollars each month of 1982. This account was charged overdraft fees which were later refunded ($1,000).

In summary, there was no evidence obtained through the review of bank records or Committee responses which indicates that additional investigation of these issues is advisable or that the payments to the candidate were for purposes other than personal expenses which could be included under "salary." Any further review of personal bank account and business records

would be based solely on conjecture about the information in hand. Therefore, the Office of General Counsel is prepared to recommend that no further action be taken concerning 2 U.S.C. § 432(h)(1) and 2 U.S.C. § 434(b)(8).

III. General Counsel's Recommendations

1. Find probable cause to believe that the Webb Franklin for Congress Committee and Robert Knight, as treasurer, violated 2 U.S.C. § 441a(f) for excessive contributions from:

   a. three individuals in the form of direct contributions and loan endorsements;

   b. post-primary contribution in excess of net primary debt from the Mississippi Republican Party;

   c. excessive contributions from four individuals.

2. Find no probable cause to believe that the Webb Franklin for Congress Committee and Robert Knight, as treasruer, violated 2 U.S.C. § 441a(f) in connection with a contribution written on the Barrett, Barrett and Barrett law firm Trust Account representing contributions from three individuals.

3. Find probable cause to believe that the Webb Franklin for Congress Committee and Robert Knight, as treasurer, violated 2 U.S.C. § 441b(a) through receipt of contributions in the form of overdraft loans from the Bank of Greenwood, Mississippi.

4. Take no further action against the Webb Franklin for Congress Committee and as treasurer, Robert Knight, regarding:

   a. 2 U.S.C. § 432(h)(1),

   b. 2 U.S.C. § 434(b)(8).

8 April 1985
Date

Charles N. Steele
General Counsel

A(17)

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
W.B. "Bill" Crump, III	)	MUR 1621

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On April 24, 1984, the Commission found reason to believe that W.B. "Bill" Crump, III violated 2 U.S.C. § 441a(a)(1)(A) by making a contribution in the form of a loan endorsement and direct contribution in excess of limitations to the Webb Franklin for Congress Committee ("the Committee").

II. LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the agregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

2 U.S.C. § 431(8)(B)(vii)(I) states that loan/contributions shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

On November 22, 1982, just after the 1982 general election, the Committee obtained an uncollateralized bank loan of $30,000. The loan was endorsed by three individuals and used for the purpose of liquidating debts and substantial overdrafts.

Attachment B (1)

Pursuant to 2 U.S.C. § 431(8)(A)(i) and (B)(vii)(I), each individual endorser is liable for 1/3 the amount of the loan in addition to their direct contributions. On October 17, 1983, after the auditors notified the Committee of the apparent violations, the Committee obtained a new note endorsed solely by the candidate. Counsel for the Committee and individual respondents stated that "none of the parties were aware that endorsements constituted a contribution under the Act."

As a result of the original loan arrangements and a direct contribution, Bill Crump violated 2 U.S.C. § 441a(a)(1)(A) as follows:

Contributor	Date	Election	Amount	Excessive Portion
Bill Crump	8/28/82	G	$80	
	11/22/82	G	10,000 (loan)	
			Total $10,080	$9,080

August 17, 1982 Primary
November 2, 1982 General

Therefore, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe in this matter.

III. RECOMMENDATION

Find probable cause to believe that W.B. Crump, III violated 2 U.S.C. § 441a(a)(1)(A).

April 1985
Date

BY: Charles N. Steele
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
David Hicks, Sr.	)	MUR 1621
	)	

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On April 24, 1984, the Commission found reason to believe that David Hicks, Sr., violated 2 U.S.C. § 441a(a)(1)(A) by making a contribution in the form of direct contributions and a loan endorsement in excess of limitations to the Webb Franklin for Congress Committee ("the Committee").

II. LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

2 U.S.C. § 431(8)(B)(vii)(I) states that loan/contributions shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

On November 22, 1982, just after the 1982 general election, the Committee obtained an uncollateralized bank loan of $30,000. The loan was endorsed by three individuals and used for the purpose of liquidating debts and substantial overdrafts. Pursuant to 2 U.S.C. § 431(8)(A)(i) and (B)(vii)(I), each

Attachment C(1)

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individual endorser is liable for 1/3 the amount of the loan in addition to their direct contributions. On October 17, 1983, after the auditors notified the Committee of the apparent violations, the Committee obtained a new note endorsed solely by the candidate. Counsel representing both the Committee and individual respondents stated that "none of the parties were aware that endorsements constituted a contribution under the Act."

As a result of the original loan arrangement and other direct contributions, David Hicks, Sr. violated 2 U.S.C. § 441a(a)(1)(A) as follows:

Contributor	Date	Election	Amount	Excessive Portion
David Hicks, Sr.	8/28/82	G	$300	
	11/17/82	G	$200	
	11/22/82	G	10,000 (loan)	
		Total	10,500	$9,500

August 17, 1982 Primary
November 2, 1982 General

Therefore the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe in this matter.

III. RECOMMENDATION

Find probable cause to believe that David Hicks, Sr., violated 2 U.S.C. § 441a(a)(1)(A).

6 April 1986
Date

Charles N. Steele
General Counsel

C(2)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Don Barrett) MUR 1621

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On April 24, 1984, the Commission found reason to believe that Don Barrett violated 2 U.S.C. § 441a(a)(1)(A) by making a contribution in the form of a direct contribution and a loan endorsement in excess of limitations to the Webb Franklin for Congress Committee ("the Committee").

II. LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

2 U.S.C. § 431(8)(B)(vii)(I) states that loan/contributions shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

On November 22, 1982, just after the 1982 general election, the Committee obtained an uncollateralized bank loan of $30,000. The loan was endorsed by three individuals and used for the

Attachment D (1)

purpose of liquidating debts and substantial overdrafts. Pursuant to 2 U.S.C. § 431(8)(A)(i) and (B)(vii)(I), each individual encorser is liable for 1/3 the amount of the loan in addition to their direct contributions. On October 17, 1983, after the FEC auditors notified the Committee of the apparent violations, the Committee obtained a new note endorsed solely by candidate Webb Franklin. Counsel representing both the Committee and Don Barrett stated that "none of the parties were aware that endorsements constituted a contribution under the Act."

As a result of the original loan arrangement, and other direct contributions, Don Barrett exceeded limitations by $9,600 in violation of 2 U.S.C. § 441a(a)(1)(A) as follows:

Contributor	Date	Election	Amount	Excessive Portion
Don Barrett	8/28/82	G	$300	
	11/01/82	G	$300	
	11/22/82	G	10,000 (loan)	
		Total	10,600	$9,600

August 17, 1982 Primary; November 2, 1982 General

Therefore, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe in this matter.

III. RECOMMENDATION

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

April 1985
Date

Charles N. Steele
General Counsel

D(2)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Barrett, Barrett and Barrett	)	MUR 1621
	)	

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On April 24, 1984, the Commission found reason to believe that the law partnership of Barrett, Barrett and Barrett violated 2 U.S.C. § 441a(a)(1)(A) by making a contribution in excess of limitations to the Webb Franklin for Congress Committee ("the Franklin Committee").

II. LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(11) defines the term "person" (as applicable at 2 U.S.C. § 441a(a)(1)(A)) to include a partnership.

11 C.F.R. § 110.1(e) states that a contribution by a partnership be attributed to each partner in direct proportion to his or her share of the partnership profits, according to instructions which shall be provided by the partnership to the committee or candidate, or be attributed by agreement of the partners, as long as only the profits of the partners to whom the contribution is attributed are reduced (or losses increased), and these partners' profits are reduced (or losses increased) in proportion to the contribution attributed to each of them; and not exceed the contribution limits.

Attachment E(1)

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During the FEC audit review, the auditors found a law firm partnership check dated July 15, 1982, contributing $3,000 to the Franklin Committee. Based on this evidence, it appeared that the partnership, Barrett, Barrett and Barrett law firm, had violated 2 U.S.C. § 441a(a)(1)(A) for making an excessive contribution of $2,000. See 2 U.S.C. § 431(11) and 11 C.F.R. § 110.1(e).

In response to interrogatories included with the Commission's reason to believe notification, the Franklin Committee and the law firm explained that the contribution in question was made at the request of three individual contributors who are clients of the law firm. According to the responses, the contributions represent the individuals' personal funds held in trust by the law firm for its clients. A member of the law firm, John W. (Don) Barrett, attested in an affidavit that the contribution drawn on a Trust Account Check, "did not represent any funds of the firm, Barrett, Barrett and Barrett." A copy of the check supported the assertion that the account is a "Trust Account." The committee reported the receipt as contributions of $1,000 from each of three individuals. The Committee had refunded the contributions on advice of FEC auditors prior to confirming that the receipt was legal.

Based on the statements and evidence presented, the Office of General Counsel concludes that no violation of 2 U.S.C. § 441a(a)(1)(A) occurred in this matter. Therefore, this Office is prepared to recommend no probable cause to believe that Barrett, Barrett and Barrett violated 2 U.S.C. § 441a(a)(1)(A).

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III. RECOMMENDATIONS

Find no probable cause to believe that Barrett, Barrett and Barrett violated 2 U.S.C. § 441a(a)(1)(A).

8 Aug 1986
Date

BY: Charles N. Steele
General Counsel

85040554443

E(3)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Bank of Greenwood (Mississippi)	)	MUR 1621
	)	

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On April 24, 1984, the Commission found reason to believe that the Bank of Greenwood, Mississippi (a branch of the First National Bank of Jackson, Mississippi) ("the Bank"), violated 2 U.S.C. § 441b(a) by making prohibited contributions in the form of overdrafts to the Webb Franklin for Congress Committee ("the Committee").

II. LEGAL ANALYSIS

2 U.S.C. § 441b(a) states in part that it is unlawful for any national bank to make a contribution or expenditure in connection with any election to any political office or in connection with any primary election to select candidates for any political office, or for any officer or any director of any national bank to consent to any contribution or expenditure by the national bank, prohibited by this section.

2 U.S.C. § 431(8)(A)(i) defines "contribution" as any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office.

11 C.F.R. § 100.7(b)(11) states, in pertinent part, that an overdraft made on a checking or savings account shall be considered a contribution by the bank or institution unless: the overdraft is made on an account which is subject to a definite

Attachment F (1)

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interest rate which is usual and customary; and there is a definite repayment schedule.

On the fifth day before the 1982 general election, and for 14 days after the election, the Committee incurred bank overdrafts with the Bank of Greenwood, Mississippi, aggregating from $353.87 to $30,076.38.

Because the Bank allowed these substantial overdrafts on a campaign depository which had no overdraft protection, the Commission found reason to believe that the Bank made loans in the form of overdrafts and the Committee received the overdrafts in violation of 2 U.S.C. § 441b(a). 11 C.F.R. § 100.7(b)(11).

If the Bank knew that the account was a campaign depository, then its approval of overdrafts on such account clearly would constitute the making of a a prohibited contribution. The presumption that the Bank had knowledge of the campaign depository is buttressed by the information that the Bank's assistant cashier, Fisher M. Southworth, III, also served as the assistant treasurer of the Committee. In interrogatories to the Committee, the Bank, and Mr. Southworth, the Office of General Counsel sought to ascertain the role Mr. Southworth played as a Bank officer and in the campaign. Each answer attests to Mr. Southworth's ignorance of the campaign nature of the account in question and his lack of financial duties with the campaign. Mr. Southworth stated, "I was never assigned any particular role in the campaign ... I was never consulted in any area." Bank records show that Mr. Southworth was not a signatory on the campaign account, nor was the treasurer, Mr. Robert Knight. Only

F(2)

the candidate and the campaign manager, Bill Crump, had signature powers on the Webb Franklin Committee depository.

Our interrogatories also inquired as to the Bank's practices regarding overdrafts in general and the campaign account in particular. The Bank stated that the Bank president approved overdrafts; and in his absence, approval was made by the senior vice president and another officer (either of three vice presidents, an assistant vice president, or one of two assistant cashiers). Fisher Southworth was authorized to jointly approve overdrafts with the senior vice president. The Bank stated that "no officer of the Bank of Greenwood was aware that the Webb Franklin, Special Account was his campaign depository account and was only allowing him the same privilege this Bank has allowed him over many years of banking."

The Bank asserts that it knew nothing of the political account and treated the Webb Franklin, Special Account as it would any other personal account of a credit worthy customer. We obtained a computer printout from the Bank showing all accounts overdrawn by $100 or more per month during 1982. The Bank allowed overdrafts on 492 accounts. The Bank charged the campaign account $750 in fees for the checks paid on insufficient funds.*/ The

*/ Overdrafts aggregating as much as $30,000 were approved for the Special Account (campaign depository) just before and after the 1982 election. The Bank charged the campaign account a fee for each check paid on insufficient funds. However, the charges represent a fee for the service of paying a check written on insufficient funds, and do not reflect payment of "a definite interest rate" as contemplated by 11 C.F.R. §100.7(b)(11).

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Bank also allowed overdrafts of $700 to $7,800 each month on the candidate's personal account. The Bank charged a fee for these overdrafts as well, but subsequently refunded the fees totaling $1,000.

We asked Mr. Southworth if he approved any of the overdrafts on the Webb Franklin Special account or on the candidate's personal account. Mr. Southworth stated that he may have joined in approving the particular overdrafts on the account in question during the election period. He maintains that he was not aware that the account was a Committee account and "had no idea" what account was used as the depository.

In summary, the Committee, the Bank and the assistant Bank cashier/assistant Committee treasurer all assert that the Bank did not know that the Webb Franklin-Special Account was the Committee depository. However, an agent for the Bank, Fisher Southworth, was also a Committee agent, and through that agency relationship the Bank could have known and certainly should have known of the existence of a campaign depository at the Bank.

The approval of considerable overdrafts is highly questionable when the overdrafts appear on the accounts of a candidate for federal office, particularly during an election period and even if those accounts are assumed to be personal accounts. Indeed, the Bank respondents place excessive emphasis on the defense that they thought the account was personal. No one at the Bank has denied that they were aware that Mr. Franklin was running for Congress. Therefore, the candidate's sudden

increase of expenditures at election time should have led to the reasonable conclusion that the funds provided in the form of overdrafts would be used in the campaign.

This Office cannot disregard the Bank's laissez faire approach to the matter of funding the account of a federal candidate. The Bank should have known about the campaign depository through its agent, Fisher Southworth, and it should have taken the initiative to avoid making contributions in connection with a federal election.

The Bank's assistant cashier was named assistant Committee treasurer. Despite the paucity of campaign duties he claims, it is highly questionable whether a bank officer who, in the Committee treasurer's absence also bore responsibility for the campaign committee, should have been allowed to approve overdrafts on a campaign depository. The Bank should have exerted sufficient care to avoid influencing this election through approving loans in the form of overdrafts. The Bank should have known through its agent that the Webb FRanklin Special Account was the campaign depository of a local candidate for federal office. Therefore, by approving the overdrafts on a campaign account not covered by overdraft protection as defined in 11 C.F.R. § 100.7(b)(11), the Bank of Greenwood made a contribution to the Webb Franklin for Congress Committee in violation of 2 U.S.c. § 441b(a).

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III. **RECOMMENDATION**

Find probable cause to believe that the Bank of Greenwood, Mississippi violated 2 U.S.C. § 441b(a).

8 April 1981
Date

Charles N. Steele
General Counsel

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F(6)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Capital Foundation:	)	MUR 1621
Mississippi Republican	)	
Party Campaign Committee	)	

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On April 24, 1984, the Commission found reason to believe that the Capital Foundation: Mississippi Republican Party Campaign Committee and as treasurer, R. Andrew Taggart, violated 2 U.S.C. § 441a(a)(2)(A) by making a contribution in excess of net primary debt to the Webb Franklin for Congress Committee ("the Franklin Committee"). 11 C.F.R. § 110.1(a).

II. LEGAL ANALYSIS

2 U.S.C. § 441a(a)(2)(A) states that no multicandidate committee shall make contributions to any candidate and authorized political committees with respect to any federal election which, in the aggregate, exceed $5,000.

11 C.F.R. § 110.1(a)(2)(i) clarifies the contribution limitation of $5,000 per election: "With respect to any election" means in the case of a contribution designated in writing for a particular election, the election so designated, except that a contribution made after a primary election and designated for the primary shall be made only to the extent that the contribution does not exceed net debts outstanding from the primary election.

Shortly after Webb Franklin's victory at the August 17, 1982, Mississippi primary, the Franklin Committee received two

Attachment 6 (1)

contributions of $5,000 each from the Capital Foundation: Mississippi Republican Party Campaign Committee ("the Party Committee"), an account of the Republican State Party Committee.

The contribution checks were transmitted with a letter dated August 18, 1982, which specifically designated one of the checks to pay primary debts; the other was designated for the November 2, 1982 general election.

During the FEC's audit fieldwork, the Franklin Committee provided invoices and accounts of accrued payroll which verified debts of $8,017,43. After applying cash on hand to the debt figure, the auditors calculated the Franklin Committee's net debt on the primary date to be $1,360.35.1/ 11 C.F.R. § 110.1(a)(2)(i). Based on the auditors' calculation, it is evident that the Party Committee's primary election contribution of $5,000 exceeded the net primary debt by $3,639.65.

The Party Committee states, "It was the understanding of the committee at the time of the contribution in question that there remained more than $5,000 in primary debts outstanding. In light of the good faith contribution and inability .... to acquire documentation of debts actually outstanding, ... no violation was committed." However, regardless of the amount of apparent

1/ The net primary debt was calculated through August 17, 1982, the primary date. The calculation was made during the field audit when the Franklin Committee provided all of the invoices and payroll figures for the debt determination. As a result, the auditors could see that there was no significant change (if any)

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debt, the amount of available cash applied to it substantially reduced the net result. The Franklin Committee argues that its refund of $3,000 made on October 3, 1983, to remedy an apparent excessive contribution from a partnership, retroactively should be applied to the primary debt for purposes of increasing the amount of the debt (and thus the amount of offsetting contributions) by $3,000. The Franklin Committee acknowledges that a refund to the Party Committee of the balance in excess of the net debt would then be required.

It is the Office of General Counsel's position that the $3,000 contribution refund made more than a year after the primary would not affect the amount of the primary debt that the Franklin Committee had outstanding on the primary date.The debt position of the committee on the date of the contribution is the relevant date for determining its legality, not a debt position created well after the fact by virtue of a refund. Therefore, we are prepared to recommend probable cause to believe that the Party Committee did violate 2 U.S.C. § 441a(a)(2)(A) by making a contribution to the Franklin Committee which exceeded limitations by $3,639.65.

---

footnote 1/ continued
in the net debt after the date of the primary. This is noted to assure that there was no change in the debt picture between the primary and the date the Franklin Committee received the Party Committee's contribution which would have affected the outcome of the finding regarding these two respondents.

III. RECOMMENDATION

Find probable cause to believe that the Capital Foundation: Mississippi Republican Party Campaign Committee and R. Andrew Taggart, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).

6 April 1992
Date

Charles N. Steele
General Counsel

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G(4)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 9, 1985

Jan W. Baran, Esquire
Baker & Hostetler
818 Connecticut Avenue, N.W.
Washington, D.C. 20006

RE: MUR 1621
Webb Franklin for Congress
Committee
Robert R. Knight, Treasurer
W.B. Crump III
Don Barrett
David Hicks, Sr.
Barrett, Barrett and Barrett

Dear Mr. Baran:

Based on information ascertained in the normal course of carrying out its supervisory responsbilities, the Federal Election Commission, on April 24, 1984, took the following action concerning your clients:

1. Found reason to believe that the Webb Franklin for Congress Committee and Robert Knight, as treasurer, violated the Act as follows:

   (a) 2 U.S.C. § 441a(f)
   (b) 2 U.S.C. § 441b(a)
   (c) 2 U.S.C. § 432(h)(1)
   (d) 2 U.S.C. § 434(b)(8)

2. Found reason to believe that the following individuals violated 2 U.S.C. § 441(a)(1)(A):

   (a) Don Barrett
   (b) David Hicks, Sr.
   (c) Bill Crump

3. Found reason to believe that the partnership of Barrett, Barrett and Barrett violated 2 U.S.C. § 441a(a)(1)(A).

ATTACHMENT H(1)

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 in each case except as follows:

a) the Office of General Counsel will recommend no probable cause to believe that the Committee violated 2 U.S.C. § 441a(f) as it relates to contributions from individuals received by a check drawn on the Trust Account of Barrett, Barrett and Barrett law firm;

b) the Office of General Counsel will recommend no probable cause to believe that the Barrett, Barrett and Barrett law partnership violated 2 U.S.C. § 441a(a)(1)(A);

c) the Office of General Counsel will recommend no further action against the Committee with regard to 2 U.S.C. § 432(h)(1) and 2 U.S.C. § 434(b)(8).

Submitted for your review are briefs stating the position of the General Counsel on the legal and factual issues of these cases. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the briefs 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 briefs 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 15 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 20 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.

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Should you have any questions, please contact Frances B. Hagan, the staff member assigned to handle this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Brief

cc: The Honorable Webb Franklin

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H(3)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 9, 1985

Cecil R. Burnham, President
The Bank of Greenwood
P.O. Box 945
Greenwood, Mississippi 38930

RE: MUR 1621
The Bank of Greenwood

Dear Mr. Burnham:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on April 24, 1984, found reason to believe that your bank violated 2 U.S.C. § 441b(a) and instituted an investigation in this matter.

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

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

If you are unable to file a responsive brief within 15 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 20 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.

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ATTACHMENT I (1)

Should you have any questions, please contact Frances B. Hagan, the staff member assigned to handle this matter, (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Brief

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I (2)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 9, 1985

R. Andrew Taggart, Treasurer
Capital Foundation: Mississippi Republican
Party Campaign Committee
Box 1178
Jackson, Mississippi 39205

RE: MUR 1621
Capital Foundation: Mississippi
Republican Party Campaign Committee
R. Andrew Taggart, Treasurer

Dear Mr. Taggart:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on April 24, 1984, found reason to believe that the Capital Foundation: Mississippi Republican Party Campaign Committee and you, as treasurer, had violated 2 U.S.C. § 441a(a)(2)(A) and instituted an investigation in this matter.

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

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

If you are unable to file a responsive brief within 15 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 20 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.

ATTACHMENT I (1)

Should you have any questions, please contact Frances B. Hagan, the staff member assigned to handle this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Brief

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GCC# 4121

BAKER & HOSTETLER

ATTORNEYS AT LAW

818 CONNECTICUT AVE., N.W.
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IN DENVER, COLORADO
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IN ORLANDO, FLORIDA
13TH FLOOR BARNETT PLAZA
ORLANDO, FLORIDA 32801
(305) 841-1111

'84 JUL 23 P2:42

July 23, 1984

WRITER'S DIRECT DIAL NO.:
(202) 861- 1572

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

Re: MUR 1621, Webb Franklin for Congress Committee, et al.

Dear Ms. Hagan:

On Thursday, July 20, 1984, this office made available to you for inspection the personal bank statements and checks of Congressman Webb Franklin in connection with the above-captioned matter. As per our agreement, I hereby transmit to you the enclosed photocopies of those documents of which you requested a copy.

Sincerely,

J Baran

Jan W. Baran

JWB:pjc
Enclosures

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Gcc# 3643

BAKER & HOSTETLER

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WRITER'S DIRECT DIAL NO.:
(202) 861- 1572

June 15, 1984

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

Attention: Ms. Frances B. Hagan

RE: MUR 1621, Webb Franklin For Congress Committee, et al.

Dear Mr. Steele:

This office represents the Webb Franklin For Congress Committee ("Committee"), Robert R. Knight, Treasurer, W.B. (Bill) Crump, III, John W. (Don) Barrett, David E. Hicks, Sr., and the law firm Barrett, Barrett & Barrett, respondents in the above-referenced matter. Attached please find the Affidavit of W.B. Crump, III [hereafter "Crump Affidavit"] and the Affidavit of John W. (Don) Barrett [hereafter "Barrett Affidavit"]. The affidavits, other documents referred to herein and this letter are in response to the letters of April 26, 1984 from Federal Election Commission ("FEC") chairman Lee Ann Elliott to the respondents and are intended to answer the questions sent to the Committee and to Barrett, Barrett & Barrett.

I. Alleged Excessive Contribution from Barrett, Barrett & Barrett.

The FEC has found reason to believe that Barrett, Barrett & Barrett made and the Committee accepted a contribution of $3,000 in violation of the contribution limit, 2 U.S.C. § 441a(a)(1)(A). The Barrett Affidavit demonstrates that this is not factually correct.

The contribution in question was a check drawn on the Barrett, Barrett & Barrett Trust Account ("Trust Account"). Barrett Affidavit ¶ 3 (copy of check attached thereto). The Trust Account is an account which contains funds of clients held in trust by the law firm. Id. The $3,000 check constituted the personal funds of three individuals, Mrs. Pat M. Barrett, Sr., Mildred Barrett McGill and Don McGill. Id. ¶¶ 4 & 5. The contribution was reported as contributions from each of the respective individuals on the Committee's pre-primary election report.

A refund was made by the Committee to the law firm on October 3, 1983 at the recommendation of FEC auditors who apparently were unaware that the contribution was not from the law firm itself. A copy of the refund check is attached.

Accordingly, the contributions from the Trust Account on behalf of the above named individuals are not in excess of any contribution limit.

II. Alleged Excessive Contribution from the Mississippi Republican Party

The FEC has found reason to believe that the Committee violated the contribution limit by accepting a $5,000 primary election contribution from the Mississippi Republican Party when the Committee's net debt from the primary was $1,360.35. This figure has not been adjusted to reflect the refund of $3,000 in primary contributions as set forth in the preceding section. Accordingly, the Committee believes that the excess portion of the Mississippi Republican Party contribution is $639.35, rather than $3,639,35. The Committee is prepared to refund $639.35 to the Party.

III. Alleged Excessive Contribution from Individuals

The FEC has found reason to believe that the Committee received general election contributions in excess of $1,000 from four individuals: Howard Brent, P.F. Wetzek, Fae E. Rhodes and Steve Golding. The excess portion of these contributions were refunded on October 3, 1983 (copies of checks attached).

IV. Alleged Excessive Contributions from Loan Endorsements

The FEC has found reason to believe that W.B. (Bill) Crump, David E. Hicks and John W. (Don) Barrett made and the Committee accepted contributions in excess of the

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contribution limit because the three individuals endorsed a loan of $30,000 to the Committee. None of the parties were aware that endorsements constituted a contribution under the Act. Crump Affidavit ¶ 8. Once this was brought to their attention, the loan promptly was reissued by the bank and was endorsed only by Webb Franklin, the candidate. Id. ¶ 9.

V. Alleged Prohibited Bank Overdrafts

The FEC has found reason to believe that prohibited overdrafts were extended to the Committee by the Bank of Greenwood. Overdraft protection expressly is permitted by FEC regulations, 11 C.F.R. 100.7(b)(11), provided the protection is automatic, of a definite and customary interest rate and of a definite repayment schedule. The Committee believes that the overdrafts in question meet these criteria. The Bank of Greenwood by letter of October 28, 1983 from Cecil R. Burnham, President (copy attached) has assured the Committee that the overdraft protection was the same as the type extended to non-political customers and of the sort previously extended to Webb Franklin. In fact, the Bank believed that the Committee's depository was a personal depository of Webb Franklin. Customary interest charges in the form of overdraft fees were levied and paid by the Committee. Crump Affidavit ¶ 7. Furthermore, repayment was

prompt. The overdrafts occurred only during a 19-day period. That is less than a full month's cycle on which the bank presumably normally operates.

The FEC staff report refers to the Committee's Assistant Treasurer and to the fact that he was assistant cashier at the same bank. The report also states that auditors speculate that this individual, and therefore the Bank, must have known that the Committee's depository belonged to the Committee and not to Webb Franklin. This speculation is not warranted. The Assistant Treasurer, Fisher Southworth, had no financial responsibilities at the Committee. He was not authorized to sign checks. Crump Affidavit ¶ 6. The Committee did not provide him access to any of its financial records. Id.

IV. Alleged Failure to Report Loans and use of Undesignated Depository

The FEC has found reason to believe that the Committee has failed to report loans from the candidate and that an undesignated account was used for campaign receipts and disbursements. The Committee did not receive any loans from the candidate. Crump Affidavit ¶ 4. To the contrary the Committee paid a salary to the candidate because he was required to resign from his paying job as Circuit Judge in order to run for office. Id. ¶ 5. The salary payments were reported as income to the Internal Revenue Service. Id.

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Congressman Franklin also disclosed such income in his May 1983 Personal Financial Disclosure report as filed with the Clerk of the U.S. House of Representatives (copy attached).

The FEC has requested Webb Franklin's personal banking records. Counsel has been advised that Congressman Franklin is willing to make such records available to the Committee for review by the FEC. Such records are in the process of being assembled. Congressman Franklin requests that the records be produced and maintained under mutually agreeable conditions whereby the privacy of personal records unrelated to this proceeding will be preserved.

CONCLUSION

The respondents are prepared to cooperate with the FEC in this matter. If further information is desired, the respondents intend to provide such information and answer any questions to the best of their ability. We look forward to resolving this matter expeditiously.

Sincerely,

Jan W. Baran

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AFFIDAVIT

OF

W.B. CRUMP III

W.B. Crump III for his affidavit deposes and says:

1. I have personal knowledge of the facts contained herein and am competent to testify thereto.

2. On or about August 27, 1982 I assumed the job of campaign manager of the Webb Franklin For Congress Committee ("Committee"). The former campaign manager was Jim Owens.

3. As campaign manager I was one of two persons authorized to sign checks on the sole campaign depository of the Committee, a checking account at the Bank of Greenwood. The other person was the candidate, Webb Franklin.

4. To the best of my knowledge and belief, the Committee never received any loans from Webb Franklin.

5. The Committee made payments to Webb Franklin to reimburse him for expenses or to pay him a salary. Upon his resignation as a Circuit Judge in April 1982, Webb Franklin had no source of income other than salary from the Committee. All salary payments were subject to withholding of income tax and reported to the Internal Revenue Service on IRS Form W-2, copy attached.

6. Fisher Southworth was the Assistant Treasurer of the Committee. He was not authorized to sign checks on the Committee's account and to the best of my knowledge the Committee never provided him access to any of its financial records.

7. Overdrafts on the Committee's account at the Bank of Greenwood were subject to customary overdraft fees which were paid by the Committee.

8. The Committee entered into a loan with the Bank of Greenwood for $30,000 on November 22, 1982 in order to consolidate all Committee debts. I and two other Committee officials, John W. (Don) Barrett and David E. Hicks, Sr., endorsed this loan. We were not aware that such acts may constitute a "contribution" under the federal election laws.

9. I first became aware that the endorsements of the loan referred to in paragraph 8 above may not be proper under the election laws when it was brought to the Committee's attention by Federal Election Commission auditors. On October 17, 1983 the loan was reissued by the Bank of Greenwood with only one endorser, Webb Franklin.

W.B. CRUMP III

Subscribed and sworn to before
me this 15 day of June, 1984

Notary Public

My commission expires: _____

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AFFIDAVIT

OF

JOHN W. (DON) BARRETT

John W. (Don) Barrett for his affidavit deposes and says:

1. I have personal knowledge of the facts contained herein and am competent to testify thereto.

2. I was a member of the law firm, Barrett, Barrett & Barrett, of Lexington, Mississippi, in 1982.

3. On July 16, 1982 I caused to be issued a check in the amount of $3,000 to the Webb Franklin For Congress Committee drawn on the Barrett, Barrett & Barrett Trust Account ("Trust Account"). The Trust Account is an account which contains client funds and funds held in escrow on behalf of clients. (Copy of check attached.)

4. The Trust Account check referred to in paragraph 3 above was issued at the request of Mrs. Pat M. Barrett, Sr., Mildred Barrett McGill and Don McGill, each of whom had personal funds on deposit in the Trust Account and each of whom desired to contribute $1,000 each to the Webb Franklin For Congress Committee.

5. The Trust Account check referred to in paragraph 3 above represented the personal funds of the above named individuals and did not represent any funds of the firm, Barrett, Barrett & Barrett.

John W. (Don) Barrett

John W. (Don) Barrett

Subscribed and sworn to before me
this 13 day of June, 1984

Notary Public

My commission expires: 7-27-84

9 5 0 4 0 5 5 4 4 7 0

The Bank of Greenwood
Branch of First National Bank of Jackson, Mississippi
Greenwood, Mississippi 38930

CECIL R. BURNHAM
PRESIDENT

October 28, 1983

Mr. Robert Knight
P.O. Box 865
Greenwood, Miss. 38930

RE: Webb Franklin, Special
Account # 55-1597-8

Dear Mr. Knight:

At the time overdrafts were permitted on the above referenced account, I was not aware that this was an account owned by the Webb Franklin Committee. We did not allow overdraft protection because of the political nature of the account, only the protection we would have extended any long standing customer and the same we have extended to Mr. Franklin for many years prior to his campaign for Congress. This account was charged for all overdrawn checks according to our rate schedule just as any other account which we allow overdraft privileges.

Sincerely,

Cecil R. Burnham
President

CRB:ls

8 5 0 4 0 5 5 4 4 7 1

P.O. Box 945 / Telephone 601 / 455-1531

9307009304 3

UNITED STATES HOUSE OF REPRESENTATIVES

HAND DELIVERED

Committee on Standards of Official Conduct

ETHICS IN GOVERNMENT ACT—FINANCIAL DISCLOSURE STATEMENT FOR 1993

FORM A—For use by Members, officers, and employees

William Webster Franklin
Full Name

508 Cannon HOB
Mailing Address

Washington, D.C. 20515

MC
✓
(Office Use Only)

Check the appropriate box and fill in the blanks. ☐ Check if amended Statement.

☒ Member of the U.S. House of Representatives—District 2nd State Mississippi

☐ Officer or Employee—Employing Office _____

Note: Please read instructions carefully. Sign this form on the reverse side. Attach additional sheets if needed; identify each sheet by showing your name and the section being continued. Complete all parts. (If None, so indicate.) Please type or print clearly.

I. INCOME

A. The source, type, and amount of income (including honoraria and date received) aggregating $200 or more in value received from any source during calendar year 1993. Exclude income from current U.S. Government employment. Do not include here income reported in part I–B below.

SOURCE	TYPE	AMOUNT
Peoples Bank and Trust Co. N.Carrollton, MS	Board Fee	$ 150.00
State of Mississippi - Circuit Judge Salary (Jan-May)	Salary	17,083.30
Congressional Campaign	Salary/Exp.	25,000.00

B. The source, type, and category of value of income from dividends, interest, rent, and capital gains received from any source during calendar year 1993 which exceeds $100 in value. Note: For this part only, indicate Category of Value, as follows: Category A—not more than $1,000; B—$1,001–$2,500; C—$2,501–$5,000; D—$5,001–$15,000; E—$15,001–$50,000; F—$50,001–$100,000; G—over $100,000.

SOURCE	TYPE	CATEGORY
Direct Connection Travel Agency Greenwood, MS 38930	Rent	C
Jon Barnwell, Greenwood, MS 38930	Rent	C
James Jackson, Greenwood, MS 38930	Rent	A
Greenwood Housing Authority Greenwood, MS 38930	Rent	B
Ervin Thomas, Greenwood, MS 38930	Capital Gain	D

II. GIFTS AND REIMBURSEMENTS

A. The source and a brief description of gifts of transportation, lodging, food, or entertainment aggregating $250 or more in value received from any source during calendar year 1993.

SOURCE	BRIEF DESCRIPTION
N/A	

B. The source, a brief description, and value of all other gifts aggregating $100 or more in value received from any source during calendar year 1993.

SOURCE	BRIEF DESCRIPTION	VALUE
N/A		

C. The source and a brief description of reimbursements aggregating $250 or more in value received from any source during calendar year 1993.

SOURCE	BRIEF DESCRIPTION
N/A	

(OVER)

8304054470

0 3 0 7 0 0 9 3 0 4 4

NOTE: For Parts III, IV, and V below, indicate Category of Value as follows: Category A—not more than $1,000; B—$1,001-$15,000; C—$15,001-$50,000; D—$50,001-$100,000; E—$100,001-$250,000; F—over $250,000.

III. HOLDINGS

The identity and category of value of any interest in property held during calendar year 1982 in a trade or business, or for investment or the production of income, which had a fair market value exceeding $1,000 as of the end of the year.

IDENTITY	CATEGORY
Webb Franklin doing business as Frankwell Real Estate Company (Sole Proprietorship)	
1. Office Building, Howard St., Greenwood, MS	D
2. Rental House, Rising Sun Subdivision, Greenwood, MS	C
3. 143 Acres, Carroll County (Kay Place)	D
4. 18.8 Acres, Carroll County (Jim Lott Place)	B
5. 2,100 Shares, Lasco Inc.	A
6. Note from Tom Kirschton, Carrollton, MS	A
7. Note from Edward Bailey, Carrollton, MS	B

IV. LIABILITIES

The identity and category of value of the total liabilities owed to any creditor which exceeded $10,000 at any time during calendar year 1982.

CREDITOR	CATEGORY
Federal Land Bank of New Orleans (LAND)	B
Peoples Bank and Trust Co., Carrollton, MS (Land)	C
Bank of Greenwood, Greenwood, MS (Land, Lot, Note)	B
Deposit Guaranty Bank, Greenwood, MS (Car & Stock)	C
First Federal Savings & Loan, Grenada, MS (Office Bldg)	C

V. TRANSACTIONS

A brief description, the date, and category of value of any purchase, sale, or exchange during calendar year 1982 which exceeded $1,000 in real property, or in stocks, bonds, commodities futures, or other forms of securities.

BRIEF DESCRIPTION	DATE	CATEGORY

VI. POSITIONS

The identity of all positions held on or before the date of filing during the current calendar year as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution.

POSITION	NAME OF ORGANIZATION
Director	Peoples Bank and Turst Co., North Carrollton (Resigned Effective Jan. 1, 1983)

VII. AGREEMENTS

A description of the date, parties to, and terms of any agreement or arrangement with respect to: future employment; leave of absence during period of government service; continuation of payments by a former employer other than the U.S. Government; and continuing participation in an employee welfare or benefit plan maintained by a former employer.

DATE	PARTIES TO	TERMS OF AGREEMENT
1979	Agreement with former law partner (Tom Kirschten)	He signed note for my interest

VIII. ADDITIONAL INFORMATION

A. Are you aware of any interests in property or liabilities of a spouse or dependent child or property transactions by a spouse or dependent child which you have not reported because they meet the three standards for exemption? (See Instructions) YES ____ NO X

B. Do you, your spouse or dependent child receive income from or have a beneficial interest in a trust or other financial arrangement whose holdings were not reported because the trust is a "qualified blind trust" or other exempted trust? (See Instructions) YES ____ NO X

NOTE: Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file this report may be subject to civil and criminal sanctions. (3 U.S.C. § 700 and 18 U.S.C. § 1001).

Signature	Date
Webb Franklin	May 15, 1983

8 5 0 4 0 5 5 4 4 7 3

Gen # 3363

the Mississippi Republican Party

State Headquarters

RECEIVED
COMMISSION SECRETARY
84 MAY 29 P3:46

MUR 1621
Hagan

May 25, 1984

Ms. Lee Ann Elliott
Chairman
Federal Election Commission
Washington, D. C. 20463

RE: MUR 1621
The Capital Foundation
Mississippi Republican Party
Campaign Committee

Dear Ms. Elliott:

This letter is in further response to the Commission's notification of a reason to believe finding of a violation dated April 26, 1984. I appreciate the extension granted me by the Commission in recognition of my having only recently moved into the position of treasurer of the committee under review.

I have enclosed for your review a copy of a letter addressed to the Honorable Webb Franklin from Julius M. Ridgway who on August 18, 1982, the date of the letter, was Chairman of the Capital Foundation and responsible for disbursements of that committee. As reflected in the second paragraph of that letter, the $5,000 contribution to Congressman Franklin's primary campaign account was given with the intention that it be applied to retiring outstanding primary debts. It was the understanding of the committee at the time of the contribution in question that there remained more than $5,000 in primary campaign debts outstanding. In light of the good faith nature of this contribution and the inability of the Capital Foundation to acquire documentation of debts actually outstanding against Congressman Franklin's campaign, it is submitted that no violation of the FEC was committed by the Capital Foundation.

As for my personal liability as Treasurer of the Capital Foundation your documents will reflect the fact that I was not in that position during the time in question. My tenure as Treasurer of the committee began in January of 1984, and prior to that time I had no part in the decisions or contributions of the Capital Foundation. Further, with the exception of the documentation which I am including for your perusal, I have no personal knowledge of the matter presently under review. In the event that the Commission determines that it should continue with this investigation, I respectfully request that I be addressed as present Treasurer of the Capital Foundation and not as a party who is potentially liable in this case.

I trust that this information is of value to you. Please contact me if I may be of further assistance to you in any way.

Sincerely,

R. Andrew Taggart

R. Andrew Taggart
Treasurer
Capital Foundation:
Mississippi Republican Party
Campaign Committee

P.O. Box 1178/Jackson, MS 39205/(601)948-5191

85040554474

August 18, 1982

The Honorable Webb Franklin
P. O. Box 1599
Greenwood, MS 38930

Dear Webb:

Congratulations on your primary victory. On behalf of the Capital Foundation of the Mississippi Republican Party I am pleased to send you the enclosed checks for $10,000 made out to your campaign.

The $5,000 check is to be applied to retiring your debts from the primary and the other is for the general election. This contribution is made in light of recommendations from the leadership of the party and our State Headquarters staff.

The party is proud of you and your campaign and we are looking forward to your victory in November.

Sincerely,

Julius M. Ridgway

JMR/bs
Enclosure

8 5 0 4 0 5 5 4 4 7 5

6CC3441
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84 JUN 4 A9:10

BAKER & HOSTETLER
ATTORNEYS AT LAW
816 CONNECTICUT AVE., N.W.
WASHINGTON, D.C. 20006
(202) 861-1500
TELECOPIER (202) 857-0010

IN CLEVELAND, OHIO
3200 NATIONAL CITY CENTER
CLEVELAND, OHIO 44114
(216) 621-0200
TWX 810 421 8375

IN COLUMBUS, OHIO
100 EAST BROAD STREET
COLUMBUS, OHIO 43215
(614) 228-1541

IN DENVER, COLORADO
SUITE 1100, 303 EAST 17TH AVENUE
DENVER, COLORADO 80203
(303) 861-0600

IN ORLANDO, FLORIDA
13TH FLOOR BARNETT PLAZA
ORLANDO, FLORIDA 32801
(305) 841-1111

WRITER'S DIRECT DIAL NO.:
(202) 861- 1572

JUN 4 P10:58

May 31, 1984

MUR 1621
Hagan

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

Re: MUR 1621, Webb Franklin For Congress Committee, et al.

Dear Ms. Hagan:

This letter is pursuant to my meeting yesterday with you and Mr. Thomas Whitehead regarding the above-captioned matter. I hereby seek an extension of time within which to respond to the various notices sent to my clients. I request an extension up to and including June 15, 1984.

The additional time is necessary to enable me to become acquainted with the facts in this matter, which involves numerous transactions and alleged violations, and to obtain data requested by the Commission and by you. I similarly requested certain information from your office in our meeting, particularly data apparently available to you from the Commission auditors regarding the audit of the Webb Franklin For Congress Committee.

I appreciate your consideration and approval of this request.

Sincerely,

Jan W. Baran

JWB:ca

8504044176

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 5, 1984

Mr. Jan W. Baran
Baker And Hostetler
818 Connecticut Avenue, N.W.
Washington, D.C. 20006

RE: MUR 1621
Webb Franklin for Congress
Committee, et al.

Dear Mr. Baran:

This is in reference to your letter dated May 31, 1984, requesting an extension until June 15, 1984, to respond to the Commission's reason to believe notification. After considering the circumstances presented in your letter, the Commission has determined to grant you your requested extension. Accordingly, your response will be due on June 15, 1984.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202)523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

3 5 0 4 0 5 5 4 4 7 7

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GCC# 3309
84 MAY 25 A8:42

BAKER & HOSTETLER
ATTORNEYS AT LAW
816 CONNECTICUT AVE., N.W.
WASHINGTON, D.C. 20006
(202) 861-1500
TELECOPIER (202) 857-0010

IN CLEVELAND, OHIO
3200 NATIONAL CITY CENTER
CLEVELAND, OHIO 44114
(216) 621-0200
TWX 810 421 8375

IN COLUMBUS, OHIO
100 EAST BROAD STREET
COLUMBUS, OHIO 43215
(614) 228-1541

IN DENVER, COLORADO
SUITE 1100, 303 EAST 17TH AVENUE
DENVER, COLORADO 80203
(303) 861-0600

IN ORLANDO, FLORIDA
13TH FLOOR BARNETT PLAZA
ORLANDO, FLORIDA 32801
(305) 841-1111

WRITER'S DIRECT DIAL NO.:
(202) 861- 1572

May 23, 1984

Hagan

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

Re: MUR 1621, Webb Franklin For Congress Committee, et al.

Dear Ms. Hagan:

This letter confirms our telephone discussion today at which time we agreed to meet on Wednesday, May 30, 1984 at 10:00 a.m. at your offices in order to discuss the above-captioned matter.

I appreciate the opportunity to meet with you and Assistant General Counsel, Thomas Whitehead, in hopes of resolving this matter on behalf of our clients.

Sincerely,

Jan W. Baran

JWB:ca

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84 MAY 21 A10:27

6 cat

3221

BAKER & HOSTETLER
ATTORNEYS AT LAW
618 CONNECTICUT AVE., N.W.
WASHINGTON, D.C. 20006
(202) 861-1500
TELECOPIER (202) 857-0010

IN CLEVELAND, OHIO
3200 NATIONAL CITY CENTER
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SUITE 1100, 303 EAST 17TH AVENUE
DENVER, COLORADO 80203
(303) 861-0600

IN ORLANDO, FLORIDA
13TH FLOOR BARNETT PLAZA
ORLANDO, FLORIDA 32801
(305) 841-1111

WRITER'S DIRECT DIAL NO.:
(202) 861- 1572

May 18, 1984

MUR 1621
Hagan

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

Re: MUR 1621

Dear Ms. Hagan:

This letter confirms our telephone conversation at which time I apprised you that I would be representing the following individuals and organizations with respect to the above-captioned Matter Under Review: Robert R. Knight and the Webb Franklin For Congress Committee; Barrett, Barrett & Barrett; John W. (Don) Barrett; Bill Crump; and David Hicks, Sr. Enclosed please find an executed Designation of Counsel form for each person just named.

I also wish to confirm that a personal illness has indisposed me all week. I expect to return to my office on Monday, May 21, at which time I intend to call you to arrange for a mutually convenient time to meet and discuss this matter. My clients are anxious to cooperate and provide to the Commission all relevant information.

Sincerely,

Jan W. Baran

JWB:ca
Enclosures

3 5 0 4 0 5 5 4 4 7 9

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: Jan W. Baran

ADDRESS: Baker & Hostetler
818 Connecticut Avenue, N.W.
Washington, D.C. 20006

TELEPHONE: (202) 861-1500

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.

Date

Robert R Knight
Signature

NAME:

ADDRESS:

HOME PHONE:

BUSINESS PHONE:

8504054480

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: JAN W. BARAN

ADDRESS: Baker & Hostetler
1818 Connecticut Ave, N.W.
Washington, D.C. 20006

TELEPHONE: (202) 861-1500

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.

Barrett, Barrett and Barrett
By Don Barrett

Date

Signature

NAME:

ADDRESS:

HOME PHONE:

BUSINESS PHONE:

85040554431

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: JAN W. Baran

ADDRESS: 1818 Connecticut Ave NW
Washington, DC 20006

TELEPHONE: (202) 861-1500

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.

Date

Signature

NAME:

ADDRESS:

HOME PHONE:

BUSINESS PHONE:

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: Jan W. Baran

ADDRESS: Baker & Hostetler
818 Connecticut Avenue, N.W.
Washington, D.C. 20006

TELEPHONE: (202) 861-1500

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.

Date

Signature

NAME:

ADDRESS:

HOME PHONE:

BUSINESS PHONE:

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: Jan W. Baran

ADDRESS: Baker & Hostetler
818 Connecticut Avenue, N.W.
Washington, D.C. 20006

TELEPHONE: (202) 861-1500

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.

5/9/84
Date

Signature

NAME:

ADDRESS:

HOME PHONE:

BUSINESS PHONE:

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 16, 1984

Mr. R. Andrew Taggart, Treasurer
Capital Foundation: Mississippi
Republican Party Campaign Committee
P.O. Box 1178
Jackson, Mississippi 39205

RE: MUR 1621
The Capital Foundation:
Mississippi Republican Party
Campaign Committee

Dear Mr. Taggart:

This is in reference to your letter dated May 9, 1984, requesting an extension to respond to the Commission's notification of a reason to believe finding. After considering the circumstances presented in your letter, the Commission has determined to grant you an extension of 15 days. Accordingly, your response will be due on May 29, 1984.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8504054463

GCC # 3121

Hagan

the Mississippi Republican Party

State Headquarters

RECEIVED BY THE COMMISSION SECRETARY

84 MAY 11 A11:18

May 9, 1984

Ms. Lee Ann Elliot
Chairman Federal Election Commission
Washington, D. C. 20463

Re: MUR 1621

Dear Ms. Elliot,

I am in receipt of your letter of April 26, 1984 referencing the above captioned matter. It is my understanding that your procedure allows for an opportunity to respond to the Commission's determination that a violation of 2 U.S.C. §441 a (a) (2) (A) might have occurred during the 1982 primary election.

As your records will reveal, I was not treasurer of the Capital Foundation: Mississippi Republican Party Campaign Committee during the period of time in question. I am in the process of determining from the past treasurer of the committee and from members of Congressman Webb Franklin's campaign staff the details of the contribution under review. In this regard, I request that the Commission grant me an extension of time within which to adequately respond. My position at this time is that, based on reasonable knowledge and belief, no violation has occurred. An extension of time will allow me to more properly address the issue you raise.

Thank you for your consideration of this request. Please let me know if any further information is required at this time.

Sincerely,

R. Andrew Taggart

R. Andrew Taggart
Treasurer, Capital Foundation:
MRP Campaign Committee

P. O. Box 1178/Jackson, MS 39205/(601) 948-5191

Gen # 3192

The Bank of Greenwood
Branch of First National Bank of Jackson, Mississippi
Greenwood, Mississippi 38930

S. CRAIG ROBINSON
SENIOR VICE PRESIDENT

RECEIVED
BEFORE THE
COMMISSION SECRETARY

84 MAY 17 P4: 41

May 11, 1984

MUR 1621
F. Hagan

Federal Election Commission
Washington, D.C. 20463

Attention: Lee Ann Elliott

Gentlemen:

This letter is in reply to your letter of April 26, 1984, addressed to Mr. Cecil R. Burnham, President of our bank.

We are pleased to enclose our "Response to Questions", which you requested.

If we may be of further assistance, please let us know.

Yours very truly,

S. Craig Robinson
Senior Vice President

SCR/kkj
Enclosures

P.O. Box 945 / Telephone 601 / 455-1531

QUESTIONS

1. Define an overdraft according to the Bank's policy.

2. What are your procedures for handling overdrafts?

3. If these procedures have changed, what were the former procedures, what are the latest procedures and when did they change?

4. Are these procedures written? If so, where? Please provide a copy.

5. If overdrafts are approved by any officers, which officers, and how is approval secured?

6. For the year in question (1982), how many accounts at your bank were in overdraft status?

7. For each overdrawn account during 1982, show the amount overdrawn and how long the account was overdrawn (no names on accounts, please).

8. Please describe the authorities and duties of the assistant cashier position at your bank.

9. How many bank employees were aware that the Webb Franklin for Congress Committee maintained its political campaign depository at the bank? What position did these employees hold?

10. Was assistant cashier Fisher M. Southworth III aware that the Webb Franklin Special Account #55-1597-8 was the campaign depository?

8504055440

"Response to Questions"

1). Any account on which a debit is drawn causing the balance "when paid" to reach zero or a negative balance is deemed to be an overdraft.

2). Under the provisions of the UCC Section 3 the bank may deem to pay checks or drafts that cause an account to become overdrawn. There are also some accounts that are pre-approved with limits for the right of overdraft.

3). No change.

4). No written policy.

5). Final approval for authorization of all overdrafts is made by the President of the bank daily, and in the absence of the President of the bank, the Senior Vice President and one other officer of the bank have the authority to approve overdrafts.

6). Find attached herein Appendix "A" showing the total number of accounts to have an overdraft status of $100.00 or more on a month's average, being 492 accounts, for the period beginning December 1981 thru November 1982.

7). See Appendix "A" listing accounts having a monthly overdraft average of $100.00 or more by account number, and by month from December 1981 thru November 1982.

8). The office of Assistant Cashier with First Capitol Corporation, the parent company of The Bank of Greenwood, is the lowest office level. The duties of this position vary from lending, operations, trust, investments, audit, etc. (to include all areas of the bank).

9). No employees of The Bank of Greenwood were aware that the questioned, Webb Franklin, Special account #55-1597-8, was a political campaign depository. Mr. Franklin has maintained a depository relationship with our bank since 1975, and has been a customer in good standing with our bank. Prior to any political involvement by Mr. Franklin, he has been extended the privilege of overdraft from time to time, as have many other good customers of The Bank of Greenwood. Further note that the questioned account as evidenced by Appendix "B" will show that this account came out of an overdraft status on November 22, 1982, with a $30,000.00 deposit. Further note that Appendix "A" evidences that this account is being maintained with a positive average balance rather than one reflecting a constant overdraft as may also be evidenced by Appendix "B's" bank statements covering February 11, 1982 thru December 1982.

10). Mr. Southworth was not aware that the Webb Franklin, Special account #55-1597-8 was the campaign depository.

SCR/kkj

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APPENDIX "A"

77

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BANK OF GREENWOOD
BOX 945
GREENWOOD, MISS. 38930

12-31-82
PAGE NO. 1

****
* MONTHLY INFORMATION REPORT *
****

OVERDRAFT ACCOUNT $100 OR MORE

ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
04-8522-7	BU	417,7-	326,2-	225,7-	165,5-	168,8-	260,0-	157,9-	59,5-	69,8-	175,1-	153,0-	216,1-	199,608-
04-8526-8	BU	3,7	1,1-	1,1-	8-	1,5	6,1-	6,4-	8,7-	9-	48,9	172,9-	23,6	10,025-
04-8535-9	BU	16,8	132,5	95,2	57,7	3,2	1,7-	32,6	8	12,1	8,6-	333,6-	145,2	12,683
05-0020-7	BU	3,5-	1,2	7	1,4	1,0	3,3	2,6	2,6	3,9	2,0	1,9	4-	1,391
05-0023-1	BU	1-	3-	1	3	3		1-	2-	1	2-	5-	6-	109-
05-0031-4	BU	3-	2-	1-						4-	4-	5-		316-
05-0153-6	BU	1,7	5,6	1	4,5	6,7-	5,1	4,0	1,8-	1,8-	2,3	4,7	1,6	1,608
05-0163-5	BU	2,0	1,4	1,4	6	1,5	1,9		6	7	1		1-	1,010
05-0176-7	BU			1	1-		4-	2,5-	1,2-	6-	6-	2,0-	1,2-	944-
05-0216-1	BU	4	1		4	3	5	7	1,6	1,0	6	1-	8-	427
05-0223-7	BU	5	3	9	3	3	3		1	1,0	7,0	3-	2	963
05-0249-2	BU	2	2	4	4	2-					5	6	5	325
05-0263-3	BU	1		1-	7	1,3	1,5	8,6	1,3	5	8	2	2	1,372
05-0337-5	BU	5,0-	5,0-	3,4-	1,5-	3,6-	3,4-	3,2-	3,9-	1,8-	6-	1	1,1	2,516-
05-0449-8	BU	4,2	1,3	1,2	5		5	1-			2	1	1,3	1,022
05-0506-5	BU	34,3	11,8	42,6	35,0	1,1-	33,9-	1,6	1,5	19,9-	2,0	14,6-	31,1-	2,350
05-0531-3	BU	1,2-	3	5,4	12,4	33,9	1,5	5,9	3,0-	29,4	3,4	3,4	4,5	7,991
05-0601-4	BU	2	2	8	9	2,4	8	7	1	1-	5	6	5	633
05-0620-4	BU	1						2	4-		1,0	2,1	6	528
05-0625-3	BU	23,0	100,5	49,7	33,8	81,1	20,3	6,2-	21,9	7,5	14,9	17,8-	39,2	30,658

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ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
05-0680-8	BU	2,2	8	8	8	1,0	1,0	6		8	1	1	1,1-	645
05-0741-8	BU	2,8	11,3	8,3	2,2	2,2	3,5	7	7	8	1-	1,0	1,5	2,908
05-0840-8	BU	2-		3	2	2	8	1,3	1,4	1,2	1,1	3	2	618
05-0867-1	BU	6,8-	4,5-	2,4-	1,5-	3,7-	5	1,5-	8-	1,8-	5-	5-	7-	2,016-
05-0889-5	BU	5	7	9	3	2,0	2,5	3,3	4,6	5,7	2,9	3,0	6,7-	1,641
05-1031-3	BU	4,6	4		1-	3-	3-	3-		1	3	4	4,0	880
05-1075-0	BU	29,5-	64,5-	6,5-	5,6-	4,6-	45,7	8	4-	13,0-	24,1-		9,2	8,409-
05-1104-8	BU	1,9-	2,7-	9,2-			1-	5	6	3-	2,2-	4-	2-	1,590-
05-1146-9	BU	1	10,2-	6,6-	6-	1	10,4-		5,4-	10,4-	1,6-	1,6-	3	4,209-
05-1148-5	BU		4,4	8,7	2	9	3	3,6	1,3-	6,3-	3,9	2,3	3,5	1,836
05-1154-3	BU	3,1	2,5	2,2	1,9	1,9	86,3-	2,4	2,2	1,9	2,6	6,9	4,3	4,533-
05-1242-6	BU	7,9-	3	1,1-	7,9	1,0	5		1,0	1,0	1,7	8	2-	454
05-1424-0	BU	8	2,4	1,3	5	7	5-	9	1,4	1,6	[illegible]	1,5	1,9	1,191
05-1436-4	BU	2-	1-	1-										133-
05-1459-6	BU	1-	7	2,4		1,0-	5,6-	7,2-		6	2,8	[illegible]	7,2	260
05-1506-4	BU	1	[illegible]	5	4	6	3-	9-	4-	1,3-		1,6-		250-
05-1520-5	BU											1-		100-
05-1523-9	BU	2,6	6-	1,2	2,1	2,1	7	2	9	1,0	1	5	2,6	1,116
05-1714-4	BU	6-	1,0-	4-	1,1-	3-	3	8	7	3	7	4	1	8-
05-1726-8	BU	6-	6-	9-	5-		2	2	2					285-

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05-1742-5	BU			5-	1,5	1,6-		2,6-		5-	1,1-	4-		742-
05-1788-8	BU	1,1					3	3	7-	4,2	5,7	4,4		2,185
05-1921-5	BU	2,6	3	6-	2-	1-	4,1-	5	2,9-	1,1-	2,8-	9,8-	1,5-	1,641-
05-1963-7	BU	2,1		4-	3-	2	4	1				3	1	312
05-1999-1	BU	10,0	9,5	9	38,7-	38,7-	4,2	1,9	3,9	6	6	3,0	2	3,550-
05-2008-0	BU	1,4	1,4		3,7-	1,5	4	2,6	1,6	1-	2,7	3-	1,9	854
05-2015-5	BU	2-	1-	3-	3-	1-	1-	2-	2-	1-				177-
05-2066-8	BU	1,4-	3,1-	4,1-	1-	2,9-	4,3-	6-	8,1-	4,0-	8,2-	3,8-	6,2-	3,900-
05-2105-4	BU	1,2-	8	4,0-	2,5	3	1,4	1,3-	1,3-	1,9-	7,7	7,9	1-	900
05-2116-1	BU	1		3		2-	6	1,2	9,8-		3,2	4,6	6,9	766
05-2151-8	BU				1-	1-	2-		3-	2-		2-		183-
05-2171-6	BU	1,3	1,7	9	3,6	3,3	3,8	9	9	8	2-	2-		1,527
05-2203-7	BU		2-	3,5			1-	4	1	2	2	4,7	1	988
05-2207-8	BU	1-		5-	7-	1,0-	6-	4-	7-	1,0-	2,4-	2,2-		960-
05-2215-1	BU	5	2		2-	2	2	2	2	2	3	3	3	218
05-2229-2	BU	7,2	6,0	1,6	4	4,8	15,8	17,0	30,9	21,9	3,0-	7,6	54,9	13,758
05-2231-8	BU				7	4-	4-							33-
05-2232-6	BU	7	7	3,1	1,0	4	1				1	1-		750
05-2242-5	BU	1,1	1,2	1,4	4,1-	1	2,0	1,7	1,6	8	1,7	1,7	1,1	858
05-2298-7	BU	1	1,2-	1,7	1,6	4	4-	8	3	1-	3,6-	2,6-	4-	283-

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05-2323-3	BU	1			2		1-	1-						25
05-2337-3	BU		1		1-	1-	1-					3	1	33
05-2343-1	BU	1	1	6	7	1,4	2	9	7			5	1,3-	390
05-2355 5	BU	2	2	2	1-			4	4	4	4	4		277
05-2366-2	BU	8	1,1	2,2	1,2-	1,2-	2,0-	6-	7,0-	3,7-	1,7-	1,1-	9-	1,275-
05-2379-5	BU	1,8-	2,0-	3,5-	6	5	7	5	1	1-	6-	1,5-	2,4-	791-
05-2462-9	BU	2-	1,1	5	1,4	1,4	1,1	1,9			1,0	4	1	870
05-2472-8	BU		9-	8-		2	1-	2-	8-	6-	2-	3	4	270-
05-2533-7	BU	6	2	4-	8-	4-	6-	6-	6	1-	3-	2-	9-	241-
05-2540-2	BU	3,7	2,1	2,3	2,6	2,8	2,4	2,3	2,3	2,5	1,2	1,2-	5	1,958
05-2576-6	BU	4	1,1-	5	3	1,5		1,0-	2-	1-	3-	1,9	1,7	327
05-2671-5	BU	2,1	1	1,8-		2,2	4,1		1,0	1,6	2,7	2,6	1,5	1,610
05-2684-8	BU	9	3,0	2,5	1,9	1,3	1,5	1,0	1,1	1,0	1,8	2-	9	1,391
05-2686-3	BU		1		6			2,4	1,3	1,9	4	1,4-	2	687
05-2696-2	BU	1,0	1,0	7	7	4	3	2	2	1	2-		2-	381
05-2706-9	BU	1-	1-									1		33-
05-2736-6	BU	1	1	1	8-	8-	1	1	1	1	1	1	1	50-
05-2738-2	RG	1-	2-	8	1,8	4-	1,4-	1-	3-	4	1,4	2,7	1,5	508
05-2752-3	BU	12,9-	3-	1,1-	3,2-		8-	1,0	4,3	1,1	3,1	1,2-	1,3-	1,027-
05-27 5-4	BU	6	5	4	7		1	4	1-					371

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05-2798-6	BU	4	6-	4	1-	5-	1-			1-	2	2	1,1	90
05-2812-5	RG	3,0-	3,2-	5,5-	5,0-	11,5-	1	1,4-	4,5-	4,9-	6-	1,6-	1,1-	3,516-
05-2827-3	BU			1	8	1-	1-	3	1		1	1	3	177
05-2830-7	RG	6	5-	6	1-		2		5	4	1	6-	8	200
05-2857-0	BU	1	1			5-	5-				5-			260-
05-2863-8	BU	1,3-	1,3-	1,3-	1,4-	1,8-	1,9-	2,3	3	3	6-	6-	6-	658-
05-2866-1	BU	1,0-	1,2-			3,7	1,7	2	2	6,3	3,9	5-	1-	1,320
05-2930-5	BU	8	2	2	4	7	3	1	1	3	1,8	1,1-	5	358
05-2931-3	BU	11,5-	10,5-		7-	1,7-	11,5-	21,2	3	10,8-	1,2-	5,2-	7,4-	3,545-
05-2956-0	BU	4,8	7,5	7,1	9,1	1,4-	3,2	3,9	3	4,3	5,4	11,4	11,3	5,575
05-2979-2	BU	8	2,3-	11,9-	4,9-	16,2-	1,3		7	2,4	5,0	2,5	6	2,000-
05-2985-9	BU	8-	8-	1,3-	1,0-	2-								820-
05-2987-5	BU	4-	1-					1	1-		2-	1-		133-
05-2989-1	RG	3-		1		1	2	2			1-	1-	9	125
05-2991-7	BU	1,6	2,1	1,1	1,4	1,7	5	6	2	1	6-	5	6	816
05-2993-3	BU	1	5-	1-	5	2-	2-		3-	1-	7-	9	1-	63-
05-2994-1	BU	3	3,1-	2,0-	9	1,6-	2,1-	6-	1,2-	1,0	2	3,0		472-
05-2998-2	BU	4	2,5	2,2	1,4	51,8-	1,4	2,4	54,3	5,9	5,2	7,4	11,4	3,558
05-3003-0	BU	1	2,4-	7-	7-	3,3-	2,2-		3,2	3,2	5-	1,7-	2,4-	672-
05-3004-8	BU	2,2	1	2	1,2	1-	5	1		1,6	6,7	15,3	3,4	2,836

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05-3005-5	BU		1,5-	1,5-	3-	1,5-	1,5-	6-		3-	2-	2-	2-	780-
05-3014-7	RG							2-			2-			200-
05-3025-3	BU		4	11,4-	5	4	4	1	4	1-	1-			1,044-
05-3028-7	RG		1,4-	1,7-	9-	3-	1	2	1,3	1,5	1,0			22-
[illegible]-3029-5	RG	1,2-	1-	4-	4-	4-	5	1.1	9	2	5	5	2	116
[illegible]-3050-1	BU	6,4	3	3	2,0	1	1-	3,2	3,8	4,5	9,0	2,1	2,7-	2,408
05-3066-7	BU	1						1-	1-	1-				50-
05-3076-6	BU	3	2	6	4	7-	4,9	1,6	2,0	2,2	1,2	3	1	1,091
05-3089-9	BU		1,2-								15,3	4	4	3,725
05-3118-6	BU	1,1-	1,1-	5,2	2,0	1,3	1,3	3,3	1,0	2-	1,3	7-	5-	983
05-3121-0	BU	4	1	4,3	1,0	4	3	3	9	5-	2,2	1,4	2,6	1,116
05-3123-6	BU	1,2	1	3,5-	2,1-	2,0-	1,6-		1	1	4	2	4	609-
05-3158-2	BU	3	2,7	1,2	1,0-	2,2	2,3-	1	8-	1,7	2,6-	3,7	10,7	1,325
05-3163-2	BU							2-	3-	1-	1-			175-
05-3173-1	BU								1,2		2-	5	1,2	675
[illegible]-3183-0	BU	7-	6,8	2,9	1.4-	1	16,0-	29,2	25,6	3,6	1,9	4,2-		4,345
[illegible]3195-4	BU	4	2-	4	7	1,5	1,4	10,5	6,0	7	7	25,4	23,3	5,900
05-3220-0	BU	5			2,2-		1	1						375
05-3231-7	BU	3-												300-
05-3233-3	BU								1,5-					1,500-

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05-3237-4	BU	6	6		1	1		1-	1-	2				200
05-3256-4	RG	1,9-	2,1-	1-	2,6-	2	2,6	3	5-	1,5-		3	3	454-
05-3271-3	BU	6	5	2	2	7		1,7-	1,2-	7	4-	2,0	2,0	327
05-3306-7	BU		2,5	6,2	9,2	6	6,9	3,3	4,0	26,0-	4,2		1,8	1,270
05-3308-3	BU		2,9	1-	1-	2							4-	500
05-3311-7	BU		2	6	2,6	1,1	1,3	2,0	2,4	2,4	8	7-	3,4	1,463
05-3318-2	BU		8	6	1	2-	2	2	7	1	1			288
05-3326-5	BU				3	6	1		4	4	6-			200
05-3330-7	BU			3	2	3	6	2	2	1,8	1,8	5-	2	510
05-3342-2	BU						8	1,7	2,9	2,0	2,0	2,0	2,0-	1,342
05-3344-8	RG					1	1,4	2	4	10,3-	10,3-	20,4	7	325
05-3351-3	BU					6-								600-
05-3367-9	BU								1-		5-	7,4		2,266
05-3373-7	RG											1-	1-	100-
05-3407-3	BU												1-	100-
05-3653-2	BU	2	1		3-		3,0-	3,0-	1	1	2,7-	1		933-
05-4496-5	BU	1-			2,8-	2,8-			1	2	7	1,1	15,7	1,512
11-6005-0	PF		1,4	7,7	5	3,4	11,7	1,0	1	1-	3	1,3		2,730
52-4348-0	RG	6	1,2	7	1,4	3	8-	1,0	6	5			2-	530
52-4369-6	RG			1		7	6	5	1		1-	1-		257

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52-4379-5	RG	12,2-	11,5-	7,5	13,1	11,0	2,7	1,5	1,8	1,6	2,2	5,6	9,9	2,766
52-4480-1	RG	1-		2-	3-	2-	1-	2-	2-		1-	3-	8-	250-
52-4502-2	RG			1-	1-			2-	4-	3-		1-		200-
52-4616-0	RG	2		1	1-	3			3	1,0			5	328
52-4672-3	RG							1-	1-			1	1,1	250
[illegible]-4745-7	RG	5	1-		3	1	3	1,3	1,0	6	6	6	1,6	618
52-4752-3	RG				1-	2-					1-			133-
52-4806-7	RG	1,4	1,7	1	2,0	1,0	1,2	1,2-	3,1	4	1,5	1,5	2,1	1,233
52-4910-7	RG	3	3	3	3	3	3	4	3	1			3-	230
52-5071-7	RG	1,1	1,1	6	3,3-	4,2-	2	9	1,0	1,4	11,4	7,.	7,4	2,108
52-5087-3	RG	3,6	1,6	4,8	1,3	1,3	3	4-	3-	1	1	1	3,5	1,333
52-5238-2	RG										5-			500-
52-5411-5	RG								1-				1-	100-
52-5430-5	RG			1-	2		3	1			1		1	116
52-5431-3	RG	1,5	1,4	3,1	4,6	1,7	4	1,2	1,8	1,3	1,5	3	2-	1,550
52-5478-4	RG		6		1-	1	3				6,0	6,0	6,0	2,700
[illegible]2-5525-2	RG	5	3-	3	2	1,2	5	9	2	1,6	1	1,7	1,4	691
52-5552-6	RG		4					1	2-			1	5	180
52-5555-9	RG		1	2-	2-	1-	4-	4	5	5	4	6	4-	109
52-5580-7	RG	1-	2-	4			1-	1-	3-	5-	4-		8-	233-

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-5593-7	RG	1,0	4	4	8	6	7	8	4	5	7	1-	1-	508
-5675-5	RG				1-		1-	1			1			
-5699-5	RG	9	8	1,8	16,4	3,8	44,0	25,2	9	1,4-	5,5	13,6	6,5	9,833
-5759-7	RG	1-	2-	3-	3-	1-		1-	1-	3,2	2,5		6-	390
[illegible]771-2	RG	9	1-	2-	3	9	1,1	1,5	2,1		6	1		720
[illegible]772-0	RG		3	11,0	4,0	2,2	9	1-					1,3	2,800
-5813-2	RG					1-	1-	1-	2-	3-	3-	2-		185-
-5940-3	RG	1-												100-
-6101-1	RG			1-						1-	2-		4-	200-
-6123-5	RG		1	3	1-	1							8	240
-6187-0	RG	3-	3		2	1-	3-	2,9	2			7-	4-	200
-6195-3	RG	1-	7	3,3	3,5	3,1	2,8	2,4	1,5	5	3		3	1,663
-6212-6	RG	1,5	3		3-	2-	1-	1	2-	1-	1-	3	1	118
-6222-5	RG	1-	1-											100-
-6228-2	RG	3-	9	4	1	5,4	5,7	3,7	3,3	1,2	2,1	2,4	4,1	2,416
[illegible]262-1	RG	1,0	7		2	3	2	3	6		4-		1,0	433
[illegible]75-1	RG	1,0	5	5	2-		2-	5	1,2	8	1,2	1,4	1,9	781
-6391-8	RG	3				3-			1		2	1		80
-6475-9	RG	2	1	1,6	1,2	1,1	3	1	7	7	3	1-		563
-6487-4	RG	2-		2-		1	4	1-	7	1-	3-	3-	5	50

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NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
5516-0	RG	1,3-	2,5-	3,0-	1-	1-	7-	3-	5-	1,0-	6-			1,010-
5519-4	RG	1	1-				1-	1-						50-
5523-6	RG	1-				2-		1,8	2,1	1,5	1			866
5591-3	RG	1		1-	1-	3	2	1		1	1	2	1,3	220
5632-5	RG	4,2-	4,2-	3,9-	7-	2,1-	2,1-	8-	4,1-	6,1-	7,5-	7,8-	9-	3,700-
[illegible]4-1	RG	1-		2				2		3		1	1	133
5738-0	RG		1-					1-	2-	2-			2-	160-
5796-8	RG	1,3	1,0		1-							1	8	620
5893-3	RG	3-				1-	3-			1-	3-	4-	2-	242-
7026-9	RG	2-		4	2				1-	1-				40
7058-2	RG	1									1-			
7076-4	RG				1-									100-
7164-8	RG	9	1-				2	1		1-	1-	1-	1-	87
7310-7	RG	7-	3,1	3,7	3,4	2,4	2,1	1,3	1,1	1,3	4,2	2,3	1,6	2,150
7364-4	RG	8-	1-	1-		1	2-	1	2		3-		9	22-
7570-6	RG	9-	4,5	1,5-	2,5-		4,1	1,0	3	3,6	2,5-		1,5-	460
[illegible]-7	RG	3,3-	2,9	3,5	5,5	3,2	3,0	3,2	2,2	4,1	4,1	1,8	1,8	2,666
7659-7	RG	2-	1		6-	6-	1,0	3	4			1,0	8	244
7660-5	RG		2	1	6-	1		1-	2	1,0	1-			100
836-1	RG	2,7	1,3	3,1	1,0	7	3	5	6		2-	2	1	936

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ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
52-7858-5	RG	7	2	1	3	2	2	8		5-	3	2	3	254
52-7888-2	RG	3-	6-	9-	1,0-	8-	1,0-	1-	5-	7-	4-	3-	3-	575-
52-7941-9	RG	2-	1-	2-	6-			2-	4-		3-	2-	7-	322-
52-8064-9	RG		1	1		3-								33-
52-8140-7	RG	2-	5-	8-	6-	1-	5-	1,3-	3,1-	3,1-				1,133-
52-8151-4	RG	1,3	8	1,5	7	4	6-	4	3-	3-		1,2	2,2	663
52-8214-0	RG		2	2	1	1-				1	2	1		114
52-8215-7	RG	3	1,5	3	9	1,2	3-	3		2	2	9	1	509
52-8268-6	RG	1-	1	1	2				1-	1-	1-	1-	1	
52-8269-4	RG	2	2	2-			7							225
52-8374-2	RG	9	1,1	4-	8	4	2-	1,7-		1-	4	2,2	9,5	1,172
52-8406-2	RG						2		1		1-	4	8	280
52-8461-7	RG		1-		1-	1-						1		50-
52-8474-0	RG	1	5			1,2	1-	1	1	3	3	2		300
52-8498-9	RG	2-				1		3-		1-				125-
52-8525-9	RG	2	2	2		6	2	1-	2	1	3	1	2	200
52-8543-2	RG	2,5	6	2	2		1,3	4	3	1-	1	3		580
52-8555-6	RG	6	4	2-	2-	1	2		3		1-	2	2	150
52-8694-3	RG				1-	1-							1	33-
52-8706-5	RG			1-		2			1-	1-	1			

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ACCT NUMBE!	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
52-8773-5	RG						1-							100-
52-8846-9	RG	2-	1-	1	1	2,0		1-	3	5	1		2-	250
52-9167-9	RG	1-	2-	1-		1,5-	4-			6-	9-	1,6-	2,2-	844-
52-9263-6	RG			1-										100-
52-9332-9	RG					1-	1-							100-
52-9380-8	RG			2-	1	1				1,7-	9	1-	1-	142-
52-9511-5	RG	4	2,2-	1,0	2,7	35,3	7,1	4,6	21,2	15,8	11,4	5,6	3,2	8,891
52-9550-6	RG	1-	2-			1-	4	7	1					133
52-9588-6	RG							2-						200-
52-9593-6	RG	3						4-	2		2	2		100
52-9697-5	RG	2	2-	1	1							6	4	200
52-9810-4	RG	2				1	1	4	1-			1	1	128
52-9866-6	RG	2-	8	3	1,3	1,4	4	4	5	5	8	7	3	600
52-9961-5	RG	2-	5			1,0	1,2	1,5			2			700
53-0035-5	RG	1,6	1,6	1,4	1,4	1,1		4	7	3	5	5	8-	790
53-0037-1	RG	3,3	1,0	6	1,1	6-	9	1,1	1,1	1,4	1,9	1,7	1,0	1,208
53-0046-2	RG	1	2-	2-		2,1-	2,4-			1		5-	2	625-
53-0058-7	RG	2		1-	1-			2-	2-	3-	1-	3-	3-	155-
53-0074-4	RG	1,1-	4-	2-	1			3	1-	2-			1	187-
53-0202-1	RG		1				2-	1	1	1	3-	2		14

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ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
53-0208-8	RG	3	3-	3-	5-	5-	1,7-	2,3-	1,8-	1,7-			1	870-
53-0270-8	RG								1-			1-	1-	100-
53-0278-1	RG				1,8		1-	2-	2-	7	5	8		471
53-0313-6	RG		1		3		2	2	1	1	1-			128
53-0338-3	RG	2,8-	2,8-	9	[illegible]		1	4		7	8	6	5	120-
53-0370-6	RG	2			1	3		2-		1	1	8	2	200
53-0376-3	RG		5-	5-	5-		1	1		3	7		3-	75-
53-0458-9	RG	7-	8-	8-	6-	1,1-	1,5-	9-	8-	8-	5-	7-	1,2	666-
53-0608-9	RG	6-	2-	3-	4-	4-	9-	1,0-	1,0-	2-	2		2-	454-
53-0693-1	RG	4	2-	2	1		2			2	2	2	6	211
53-0794-7	RG		1,9-	5-	2	4	4		8-	2-		2	2	222-
53-0796-2	RG	1	3	2-	2,7-	2-		1-	1	1-	2		1-	270-
53-0805-1	RG		2	3	3	5	6	5	2	1	3	1	1-	272
53-1041-2	RG	1	1,6	1	1,9	1,0	4	1-	8-		1	2	8-	336
53-1194-9	RG	1-	1	1			1-	1-	3-			8		57
53-1196-4	RG	6-	1			1-	3-		1-	1-		1-		171-
53-1203-8	RG	1			1				2				3-	25
53-1436-4	RG	4		3	3		1-	2	1	2	2	3		211
53-1457-0	RG	5	2	2		2-	1-						2-	66
53-1508-0	RG	2	3-		1			4	4	1	1	1	2	144

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ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
53-1529-6	RG	3	2			2	1	1		4-	2		2	112
53-1647-6	RG										1-			100-
53-1651-8	RG	1,6	1,1	8	1,2	9	8	6	1	1-	1	9	3	691
53-1727-6	RG	1-	3-	2-	3-	4-	6-	6-	1,0-	1,0-				500-
53-1779-7	RG	3,3	2-	1	1-	9-	1,8-	2	2-	2-	2	1		45
53-1875-3	RG	1-	1-											100-
53-1878-7	RG	4	7	5		1			1-		1-	1		228
53-1963-7	RG	1-	3		1	1			1		1	1	2	112
53-1997-5	RG	1,7	1,1	1		2-	9	2,3	1,8	1,5	9	2,4	2,5	1,363
53-2148-4	RG	1,0	6		1-	1-	1	8	1,3	1,4	2	7	2	554
53-2153-4	RG		1-	3-		1-	3-	3-				1-	2-	200-
53-2472-8	RG	1	1	1	1	1	2-		1			1		62
53-2630-1	RG	2-	2-	4-	4-	2-		1-					1	200-
53-2636-8	RG	1-	1-	3-			1-		1-				1-	133-
53-2676-4	RG			1	1				1-					33
53-2833-1	RG				1	1-	1-		2-	4-	3		4	
53-3134-3	RG	1-	1	6,8	2		2-		1,8	4	2-		1,0-	777
53-3581-5	RG					1-							1	
53-3660-7	RG	4-				2			3					33
53-3718-3	RG	1,1-	4,2-	4,4-	5,7-	5,7-	5-	1-	2,9-	3,2-	4-	9-	1,3-	2,533-

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ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
53-4168-0	RG							1-						100-
53-4378-5	RG	3	3		1-				1	2	2	7	7	300
53-4450-2	RG	1-	5-	5-	5-	5-	3-	3-		3-	4-	4-	3-	372-
53-4483-3	RG	2			1-									50
53-4535-0	RG	3-	3-						1-					233-
53-4581-4	RG	2	1						2-					33
53-4662-2	RG	1-	7	1,0			6	2,9	1,0	1	2-	1,8		866
53-4685-3	RG	1	1-		1-	1	2-	3		3-	4	1-		11
53-4771-1	RG			1-					6-	6-	5-	5-	5-	466-
53-4848-7	RG				1-									100-
53-5014-5	RG			1-	1	3		1					2	120
53-5123-4	RG								1-					100-
53 5235-6	RG	2		6	9	6-			1,0	10,1	2	2	2,1	1,633
53-5589-6	RG												1-	100-
53-5753-8	RG							1-	1-	4-	3-	4-		260-
53-5760-3	RG	4-	4-	1-				4						125-
53-5814-8	RG	7-	4-	2,1-		1,6-	4-	1,3-	1,3-	7,8-	1,7-	1,7-	6-	1,781-
53-5834-6	RG	4-	1-			1-	1-		2-	2-	1-	3-	4-	211-
53-5948-4	RG				1-	1			1	1	1			60
53-6179-5	RG	1-						2-	2-				1	100-

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ACCT NUMBE	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
53-6506-9	RG	4-	3-			1-	1-	1-					2-	200-
53-6512-7	RG		6,1-											6,100-
53-6525-9	RG	9-	9-		1-	3-	1			1,1-			7-	557-
53-6687-7	RG	4	7	3	3		2-	2	2	1	1	7	2	272
53-6928-5	RG		2,6-					5-	5-	5-	7-	7-		916-
53-6979-8	RG					7	3-							200
53-7222-2	RG	2	1	1-	1-	1		3	4	3	3	2	1	163
53-7308-9	RG	1-												100-
53-7353-5	RG			1-	1-									100-
53-7362-6	RG											1-	1-	100-
53-7394-9	RG								2	1-				50
53-7839-3	RG	3-	5-		1-		1-		2-	4-	3-	4		187-
53-8023-3	RG	1	1-											
53-8028-2	RG			1-		4	5	4	1,0			1-		350
53-8111-6	RG				6						9-	9-		400-
53-8469-8	RG	1-	2-			1-	1-	1-	3-	1-	1-	2-	1-	140-
53-8513-3	RG		1-											100-
53-9170-1	RG		1-	7-	7-	4-	1-	8-				1		385-
53-9179-2	RG		5-	2-			5-	2-	5-	10,9			3,1-	842
53-9242-8	RG	5	1	1							1-	1-		100

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ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
53-9276-6	RG									1-				100-
53-9344-2	RG					1								
53-9580-1	RG	3	5	2	3	1	3	1	1-			2	1	200
53-9612-2	RG	1,6-	9-	3,7	8,2	18,5	18,5	18,7	15,9	61,1	27,9	1,9-	3,2-	13,741
53-9670-0	RG	2	1	1	2		2	2	4,6-		4	3	7	220-
53-9683-3	RG	1-	1-	1	3	8	2				3	3	4	244
53-9713-8	RG	2,1	1,4	6	5	5	5	6	1	1,5	9	8	1-	783
54-0028-8	RG	1-												100-
54-0045-2	RG	2		1	2	2	1-				1-		1-	57
54-0397-7	RG	3,1	1,5-	5,2-	27,8-	6,4	9,6	6-	2,9-	1,5	6	6	4,0	1,016-
54-0737-4	RG							2-		1-		1	4-	150-
54-1269-7	RG		1-									1-	1	33-
54-1291-1	RG		1-	2-	2-									166-
54-1301-8	RG		9-	6-	4-	1-	1-	6-	3-		7-	7-	1,4-	580-
54-1322-4	RG									1-				100-
54-1340-6	RG	4	6	3	3	3	1-			1	1			250
54-1361-2	RG	4-	1-											250-
54-1411-5	RG	1-	1-				1-	1-				1		60-
54-1415-6	RG							1-						100-
54-1445-3	RG	5	4	1	3	3	4	3,8-	1,5	1		8	1	63

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54-1517-9	RG	1,2-	1,2-	2-	1-	1,1-		6-		5-	3-	3-	2-	570-
54-1572-4	RG	3	1,1	6	4	2-	3,6	1,1	1	5	3	1,1	2,8	975
54-1691-2	RG	2	4	4	1	5	1	1-	3	1	1	2	6	241
54-1942-9	RG									1-		1		
54-1953-6	RG			2-	1		2-	2						25-
54-2037-7	RG	1-	1-	1-	1-				1-	1-	1,0	1,4	8	288
54-2492-4	RG	3,5	5	4	1,9	1-	5	1,1	9-	2,1-	2,2	2,3	3	800
54-2513-7	RG			1	2-	1			1	3	1		2	100
54-2672-1	RG			1-										100-
54-2673-9	RG	1-		1-	3-	1-	1-						1-	133-
54-2752-1	RG	4	3	2	2	3	2,0	1,5	4	2	1-	6-	1-	391
54-2839-6	RG	1-	1-	2-	1-	1-								120-
54-2896-6	RG	31,4-	31,4-	17,8-		5,0-	3,2-		13,1-	1	3,9-	11,1-	45,0-	16,180-
54-2962-6	RG		1-							1,0	9	1		475
54-3052-5	RG	2	2	6	7	2			2-			3	3	287
54-3226-5	RG	2	1,7	1	3			1,2	2	2,8-	3	1-	2	130
54-3279-4	RG	1,3	2,7	8	7	1	1	7	5	5	1-	9	2	700
54-3286-9	RG	1	1-	1-		1-	1-	2-	1	1		1		22-
54-3346-1	RG					1	4				1-			133
54-3408-9	RG	1-	7-	3-	6-	6-								460-

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54-3457-6	RG		1				1-			1-				33-
54-3676-1	RG			1-					3	5				233
54-3691-0	RG		5-	5-	1,7-	1,7-		1	1	2-	2-	5-	5-	560-
54-3705-8	RG	1-	1-	1-	2-	2-	3-	1-	3-	5-	7-	3-	1-	250-
54-3719-9	RG	1,3	1,6	1,4	1,0-	1,8	4	1,5	11,3	9,6	8,5	8,5	8,4	4,441
54-3746-2	RG	4	1	1									1-	125
54-3943-5	RG	1,0	9,8	62,5	32,1	7,3	4,8	1,2	1,2	8-	5,8	1,4	1,0	10,608
54-4124-1	RG	8	2,0	2	1-	1,6	6	1,0	1,4	1		9	4	809
54-4133-2	RG				1	2	1		2	2		1-	1,0	242
54-4147-2	RG						1-						1-	100-
54-4177-9	RG		1-		1								5-	166-
54-4235-3	RG							2-					1-	150-
54-4301-5	RG		1		1		1	1,6-	1,0	5	3	4	3	133
54-4485-6	RG	3,6-	3,0-	1,1-	3-	3,1	1,1		9-	1,6	1,0-	1,1-	4-	509-
54-4522-6	RG			1		2	2		2	5	1-			183
54-4573-9	RG	1-	3	2	4		1	2	2	4		1		200
54-4810-5	RG	4		1-	4	2	4	5	6	3	5	2	4	345
54-5001-0	RG	1,0	9	1,3	7	2	1	4	1	1-	3	5	7	508
54-5128-1	RG	4-	9-	1,0-	2-	2-	1,3-	1,3-	2,1-			7-	8-	890-
54-51..2-3	RG		1		1-			1-		1	1	1	5	100

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54-5263-6	RG	1	1			4-								66-
54-5440-0	RG	2-	2-	4-	5-	1	1			2	2	1	4-	100-
54-5615-7	RG		3	2	1	1						1-		120
54-5652-0	RG	3			8-									250-
54-5657-9	RG	1,0-	3-	2-	2-	1		2-		1		1-	2-	222-
54-5802-1	RG	1-		2	2-	1	3	4	5-	1-	2-	1,2-	1-	127-
54-5920-1	RG	2							1-	1-	2-			50-
54-5981-3	RG	1,2	7	4	8	4		2	2		1-	3	8	490
54-6008-4	RG						1		1-			1-	1-	50-
54-6046-4	RG		1-		1	1-			1-	1-	1-			66-
54-6067-0	RG	2-	2,3	1	3	1				1	1	1	1,6	500
54-6078-7	RG	1	1		1-									33
54-6125-6	RG	2	1-				2	1	4	1	1-	2	3	144
54-6148-8	RG	1		1-									2	66
54-6267-6	RG	1-	1-	1-					1-	1-	1-	1-		100-
54-6307-0	RG	1,8-	4,2-	1-	11,8-	3-	1-	4-	1,2-	2-	12,2-	16,1-	10,4-	4,983-
54-6310-4	RG	3,3	3,3	8,4	8,4	8,9	6,0	1,7	13,4-	1,7-	2,5-	7-	2	1,825
54-6341-9	RG		1-	1-	1-	1-								100-
54-6597-6	RG	2	1-	1			1-	1,9	6		1-	1-	1-	233
54-6647-9	RG		1-											100-

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* MONTHLY INFORMATION REPORT *
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OVERDRAFT ACCOUNT $100 OR MORE

ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
54-7017-4	RG	2-												200-
54-7113-1	RG	1-	1-											100-
54-7155-2	RG	2	1-				4	4	1					200
54-7233-7	RG		1-	1										
54-7575-1	RG	6	6	6									1-	425
54-7605-6	RG	1-	1-	1-				1		5	3			100
54-7625-4	RG	3-		3	6-	6	1	2	1	5	5	6	1	190
54-7647-8	RG	2-	2-		1-	1-	1-			1-			2-	142-
54-7648-6	RG					1-	1-	1-			1-	1-		100-
54-7707-0	RG				4		1		6	1,5	1,2	3,1-	3	142
54-7773-2	RG	6-		1	1-	3-	3-							240-
54-7775-7	RG		2-	1-	2-	2-		1-					2-	166-
54-7839-1	RG	5-		1-	1-	1-	4-	2-	1-		5-	5-	5-	300-
54-7969-6	RG							4-						400-
54-8054-6	RG										1-	1-		100-
54-8080-1	RG	6-	1-	3-	1-	1-								240-
54-8171-8	RG		5-	6-	3-	1-	2-	3-	2-			1-	1-	270-
54-8684-0	RG	6	8	5	1-	7-	2-	1,7	2,0	1,5	1,4	1,9	1,1	875
54-8746-7	RG	1	3	4	4	5	4	3	2-	2-	2		2	218
54-8800-2	RG	1	3-	7-	4-	7	7-	7-	2-	5	3-	4-	8-	266-

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* MONTHLY INFORMATION REPORT *
****

OVERDRAFT ACCOUNT $100 OR MORE

ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
54-8884-6	RG			1	1			1-		1				50
54-9103-0	RG	2-		8	9	9	3	1-	1-			2-	6-	188
54-9111-3	RG			1	2-	2	4	3	3	7	7	7	5	370
54-9128-7	RG	4	4	4	4	4	5-	4	4	5	4	4	4	333
54-9266-5	RG	2-	2-	2-			2-	1-	1-		2	6	2	
54-9334-1	RG								1-	1-				100-
54-9386-1	RG						1-	1-	2-	1-				125-
54-9556-9	RG											1-	1-	100-
54-9600-5	RG	1-	7-	2-	2-				5-	7-	5-	1-	2-	355-
54-9819-1	RG	1,5	5	3	3	7			4	4	5-	2	2	400
54-9970-2	RG	1-		2				1-	1					25
55-0007-9	RG		1-			2-								150-
55-0044-2	RG							1-	2-	1-	1-	6-		220-
55-0086-3	RG	1-	3-		2-	2-	1		1-	1-	2-	4-	1-	160-
55-0198-6	RG										2-	2-	1-	166-
55-0370-1	RG							1-		1			9	250
55-0431-1	RG	2				2	2			1-				125
55-0437-8	RG		1	1-			6			1-		3-	1-	16
55-0466-7	RG						1-	1-	1-		1-	1-	1-	100-
55-0589-6	RG							1-					1	

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* MONTHLY INFORMATION REPORT *
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OVERDRAFT ACCOUNT $100 OR MORE

ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
55-0658-9	RG	2,9	2,5	2,5	2,5	1,4	6-		5	1,6	3,1	1-	3-	1,454
55-0673-8	RG	3	1,4	9	4	8	3	3	1,4	8	3	1-	7	625
55-0789-2	RG		1			2	1	2	4	2-	4	2		175
55-0813-0	RG	1-					6	3	6-	4-	1-	4-	3-	125-
55-0834-6	RG								1-	1-	1-	1-		100-
55-0844-5	RG	1-	2-	1-	1-	6-		5-	5-	1-	3-	6-		310-
55-1020-1	RG	1-	4-	7-	4,1		3		4	3	1,3	6	6-	520
55-1071-4	RG	5-		6-	2	5	3	3	3	2	5	4	1	154
55-1082-1	RG	3	4	6	1,1	7	5	4	2			2-		444
55-1086-2	RG				1								2-	50-
55-1216-5	RG	1-	1-	1	3	7	7	7	7	7	7	7	7	483
55-1237-1	RG	2-												200-
55-1359-3	RG		1	2	4		1-	1-	1-	1-	3	3		100
55-1418-7	RG		2,9	1,2		3		1-		2,4	5	3-	1	875
55-1560-6	RG	3,2	1,9	17,5	16,5	7,2	5,8	2,0	1,0		2-	1	5	5,045
55-1597-8	RG	4	4	2		2,9	2,3	7,6	6,7	4,5	3-	30,0-	6,2	81
55-1624-0	RG	2-	1	1,7	3-	3-	1	1	1	1	1	1	1	11
55-1627-3	RG		3-	4-			3-	3-	7-	1-	9-	5-	2-	411-
55-1704-0	RG	36,5-	1		3	7-			5	7	5		9-	4,500-
55-1724-8	RG	4	2	1	3	2			2-	2-	2-	1-	1,7	220

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* MONTHLY INFORMATION REPORT *
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OVERDRAFT ACCOUNT $100 OR MORE

ACCT NUMBER	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
55-1736-2	RG				1-				1-	2-	1-	1-	1-	116-
55-1759-4	RG												1-	100-
55-1788-3	RG	2				6	1		3-	1-				100
55-1828-7	RG												1-	100-
55-1861-8	RG			1		1	1-	2-		3	4			100
55-1923-6	RG						2,2	1,9	6	1	2-	7-	2,0-	271
55-2204-0	RG							3	4	3			2-	200
55-2286-7	RG											1-		100-
55-2362-6	RG											1-		100-
55-2372-5	RG								3		1-	1		100
55-2437-6	RG	4,7	42,2	17,4	34,2-	10,1	11,9	15,0	17,2	61,2	11,6	19,7	18,7	16,291
55-2465-7	RG		1-	1-	1	1,7	2	2	1					300
55-2476-4	RG			1				5,5-	3				1	1,250-
55-2494-7	RG	2-			1-	1-	1-		2-	2-	2-	2-	2-	166-
55-2530-8	RG			2-										200-
55-2595-1	RG	4	9-	1,7-	1,9-	1,8-	3-		3-	6-	1,0-	1,2-	1,2-	891-
55-2680-1	RG	9	2-	1,2	1,3	8	5		1,3	4		5	2,0	909
55-2737-9	RG											1-	1-	100-
55-2755-1	RG						8	3					1	333
55-2781-7	RG			1-			2					1-		

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* MONTHLY INFORMATION REPORT *
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OVERDRAFT ACCOUNT $100 OR MORE

ACCT NUMBE	DESG	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	AVG
55-2843-5	RG	2-						1-	1-	9	1-	1-	1	57
55-2880-7	RG	9	1,9	4	5	2,3	2,3	16,6-	5	1,2	17,8-		1,9	2,045-
55-2970-6	RG		7-	7-	6-	1,1-	1-			6	8-	4	5	277-
55-2977-1	RG				1-	1	1			3				100
55-3069-6	RG			1	2	1		1-	1	1	1		1-	62
55-3119-9	RG								4			2-	2-	
55-3148-8	RG									3	1	1-	1-	50
55-3154-6	RG											2-	4-	300-
55-3186-8	RG												1-	100-
55-3254-4	RG												1-	100-
55-3320-3	RG												2-	200-
55-3424-3	RG												1-	100-

NUMBER OF ACCOUNTS 492

APPENDIX "B"

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1
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WEBB FRANKLIN SPECIAL
P O BOX 1599
GREENWOOD MS 38930

STATEMENT PERIOD		PAGE
FROM	02/11/82	1
TO	03/11/82	CY

UNT BER	CHECKS & OTHER DEBITS		DEPOSITS & OTHER CREDITS		SERVICE FEE	ITEM INCL	ACCOUNT NUMBER
	NO	AMOUNT	NO	AMOUNT			
738-9	1	208.33		.00	2.00	1	55-1597-8

	TRANSACTION DESCRIPTION	AMOUNT	DATE	BALANCE
57.10	BEGINNING BALANCE		02/11	419.10
34.23	CHECK 115	208.33-	03/10	210.77
54.23	SERVICE CHARGE	2.00-	03/11	208.77
7.10	ENDING BALANCE		03/11	208.77
2.18				
5.88				
1.01				
8.24				
4.30				
7.42				
39.83				
19.83				
7.38				
36.84				
94.50				
01.63				
29.76				
34.43				
33.28				
38.28				
35.41				
25.58				
18.28				
28.28				
15.98				
13.22				
08.22				
06.12				
32.12				
37.16				
42.16				
42.16				

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ELECTRONIC TRANSFERS - DIRECT INQUIRIES TO 453-0422 OR WRITE
P.O. BOX 945 GREENWOOD, MS 38930

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WEBB FRANKLIN SPECIAL
P O BOX 1599
GREENWOOD MS 38930

STATEMENT PERIOD	PAGE
FROM 03/11/82	1
TO 04/08/82	CY

ACCOUNT NUMBER

CHECKS & OTHER DEBITS		DEPOSITS & OTHER CREDITS		SERVICE FEE	ITEM INCL	ACCOUNT NUMBER
NO.	AMOUNT	NO.	AMOUNT			
1	200.00		.00	4.00	1	55-1597-8

ANCE

TRANSACTION DESCRIPTION	AMOUNT	DATE	BALANCE
BEGINNING BALANCE		03/11	208.77
SERVICE CHARGE	4.00-	04/08	204.77
CHECK 117	200.00-	04/08	4.77
ENDING BALANCE		04/08	4.77

WRITE

ELECTRONIC TRANSFERS - DIRECT INQUIRIES TO 453-0422 OR WRITE
P.O. BOX 945 GREENWOOD, MS 38930

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0 5 0 4 0 5 6 4 5 1 3

PAGE
1
CY

WEBB FRANKLIN SPECIAL
P O BOX 1599
GREENWOOD MS 38930

STATEMENT PERIOD		PAGE
FROM	04/08/82	1
TO	05/13/82	CY

NT R	CHECKS & OTHER DEBITS NO	CHECKS & OTHER DEBITS AMOUNT	DEPOSITS & OTHER CREDITS NO	DEPOSITS & OTHER CREDITS AMOUNT	SERVICE FEE	ITEM INCL	ACCOUNT NUMBER
7-4	18	5,023.84	9	10,000.00	4.00	18	55-1597-8

TRANSACTION DESCRIPTION	AMOUNT	DATE	BALANCE
BEGINNING BALANCE		04/08	4.77
O.D. CHARGE	20.00-	04/13	15.23-
CHECK 120APPROVED FOR OD	30.00-	04/13	45.23-
CHECK 116APPROVED FOR OD	50.00-	04/13	95.23-
DEPOSIT	900.00	04/20	804.77
DEPOSIT	2,050.00	04/20	2,854.77
DEPOSIT	2,425.00	04/20	5,279.77
CHECK 118	25.00-	04/20	5,254.77
CHECK 119	150.00-	04/22	5,104.77
CHECK	260.93-	04/22	4,843.84
DEPOSIT	650.00	04/26	5,493.84
DEPOSIT	350.00	04/27	5,843.84
CHECK 124	100.00-	04/30	5,743.84
CHECK 123	300.00-	04/30	5,443.84
DEPOSIT	1,000.00	05/04	6,443.84
CHECK 125	200.00-	05/04	6,243.84
DEPOSIT	1,575.00	05/05	7,818.84
CHECK 122	374.41-	05/06	7,444.43
CHECK 121	23.50-	05/07	7,420.93
CHECK	50.00-	05/10	7,370.93
CHECK 1001	100.00-	05/10	7,270.93
DEPOSIT	550.00	05/11	7,820.93
CHECK 1007	100.00-	05/12	7,720.93
CHECK 1006	40.00-	05/12	7,680.93
CHECK	50.00-	05/12	7,630.93
CHECK 1004	1,500.00-	05/12	6,130.93
DEPOSIT	500.00	05/13	6,630.93
SERVICE CHARGE	4.00-	05/13	6,626.93
CHECK 1005	1,650.00-	05/13	4,976.93
ENDING BALANCE		05/13	4,976.93

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ELECTRONIC TRANSFERS - DIRECT INQUIRIES TO 453-0422 OR WRITE
P.O. BOX 945 GREENWOOD, MS 38930

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T PERIOD	PAGE
13/82	1
10/82	CY

WEBB FRANKLIN SPECIAL
P O BOX 1599
GREENWOOD MS 38930

STATEMENT PERIOD		PAGE
FROM	05/13/82	1
TO	06/10/82	CY

ACCOUNT NUMBER	CHECKS & OTHER DEBITS		DEPOSITS & OTHER CREDITS		SERVICE FEE	ITEM INCL	ACCOUNT NUMBER
	NO	AMOUNT	NO	AMOUNT			
54-2445-4	31	5,339.86	10	2,850.00	.00	31	55-1597-8

BALANCE	TRANSACTION DESCRIPTION	AMOUNT	DATE	BALANCE
5,612.42	BEGINNING BALANCE		05/13	4,976.93
5,581.79	CHECK 1008	100.00-	05/17	4,876.93
5,081.79	CHECK	400.00-	05/17	4,476.93
8,394.29	DEPOSIT	75.00	05/18	4,551.93
8,174.29	CHECK 1009	800.00-	05/18	3,751.93
7,974.29	DEPOSIT	100.00	05/19	3,851.93
7,959.13	CHECK 1012	15.00-	05/19	3,836.93
7,934.13	CHECK 1014	25.00-	05/20	3,811.93
7,889.13	CHECK 1013	50.00-	05/20	3,761.93
7,900.36	CHECK 1017	35.00-	05/21	3,726.93
8,206.96	CHECK 1016	44.80-	05/21	3,682.13
8,180.01	CHECK 1021	25.00-	05/24	3,657.13
8,169.91	CHECK	100.00-	05/24	3,557.13
8,159.91	CHECK 1011	134.00-	05/24	3,423.13
8,142.16	CHECK 1015	311.11-	05/25	3,112.02
8,089.25	CHECK 1020	35.00-	05/26	3,077.02
8,042.36	CHECK 1022	40.00-	05/26	3,037.02
8,509.86	CHECK 1019	124.02-	05/26	2,913.00
8,540.86	DEPOSIT	200.00	05/27	3,113.00
8,520.08	DEPOSIT	550.00	05/28	3,663.00
8,489.80	CHECK 1010	218.66-	05/28	3,444.34
8,489.80	CHECK	100.00-	06/01	3,344.34
	CHECK 1031	312.50-	06/01	3,031.84
	CHECK 1028	35.00-	06/02	2,996.84
	CHECK 1030	160.80-	06/02	2,836.04
	CHECK 1029	352.00-	06/02	2,484.04
	DEPOSIT	100.00	06/03	2,584.04
	CHECK 1032	94.80-	06/03	2,489.24
	CHECK 1026	176.43-	06/03	2,312.81
	DEPOSIT	525.00	06/04	2,837.81
	CHECK	300.00-	06/04	2,537.81
	DEPOSIT	250.00	06/07	2,787.81
	DEPOSIT	350.00	06/07	3,137.81
	CHECK 1033	167.50-	06/07	2,970.31
	DEPOSIT	575.00	06/08	3,545.31
	CHECK 1040	112.50-	06/08	3,432.81
	CHECK 1034	245.03-	06/08	3,187.78
	CHECK 1039	300.00-	06/08	2,887.78
	DEPOSIT	125.00	06/09	3,012.78
	CHECK 1027	18.02-	06/10	2,994.76
	CHECK 1023	43.63-	06/10	2,951.13
	CHECK	464.06-	06/10	2,487.07
	ENDING BALANCE		06/10	2,487.07

*NOW THERE'S MORE TIME - BEGINNING NOW AT 1:00

NEW BANKING HOURS MON - THURS 9:00 - 1:00 & 2:30 - 4:00

OD	PAGE

WEBB FRANKLIN SPECIAL
P O BOX 1599
GREENWOOD MS 38930

STATEMENT PERIOD		PAGE
FROM	06/10/82	2
TO	07/08/82	CY

ACCOUNT NUMBER

CHECKS & OTHER DEBITS		DEPOSITS & OTHER CREDITS		SERVICE FEE	ITEM INCL	ACCOUNT NUMBER
NO.	AMOUNT	NO	AMOUNT			
						55-1597-8

ANCE

TRANSACTION DESCRIPTION	AMOUNT	DATE	BALANCE
ENDING BALANCE		07/08	16,072.76

0 5 0 4 0 5 5 4 5 2 1

WRITE

ELECTRONIC TRANSFERS DIRECT INQUIRIES TO 453-0422 OR WRITE
P. O. BOX 945 GREENWOOD, MS 38930

WEBB FRANKLIN SPECIAL
P O BOX 1599
GREENWOOD MS 38930

STATEMENT PERIOD	PAGE
FROM 08/12/82	1
TO 08/31/82	RS

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GREE

CHECKS & OTHER DEBITS		DEPOSITS & OTHER CREDITS		SERVICE FEE	ITEM INCL	ACCOUNT NUMBER
NO	AMOUNT	NO	AMOUNT			
67	23,142.42	8	22,580.00	.00	67	55-1597-8

CHECKS & OTHER
NO	AMO

TRANSACTION DESCRIPTION		AMOUNT	DATE	BALANC
BEGINNING BALANCE			08/12	12,442.70
CHECK	1157	11.55-	08/13	12,431.15
CHECK	1160	18.36-	08/13	12,412.79
CHECK	1159	25.92-	08/13	12,386.87
CHECK	1165	50.00-	08/13	12,336.87
CHECK	1156	362.52-	08/13	11,974.35
CHECK	1161	636.41-	08/13	11,337.94
DEPOSIT		1,110.00	08/16	12,447.94
CHECK	1191	5.00-	08/16	12,442.94
CHECK		100.00-	08/16	12,342.94
CHECK	1166	50.00-	08/16	12,292.94
CHECK	1131	194.73-	08/16	12,098.21
CHECK	1163	2,163.25-	08/16	9,934.96
CHECK	1162	3,063.83-	08/16	6,871.13
DEPOSIT		2,665.00	08/17	9,536.13
CHECK	1167	16.00-	08/17	9,520.13
CHECK	1170	18.00-	08/17	9,502.13
CHECK	1181	21.50-	08/17	9,480.63
CHECK	1173	34.50-	08/17	9,446.13
CHECK	1164	59.34-	08/17	9,386.79
CHECK	1182	75.00-	08/17	9,311.79
CHECK	1187	75.00-	08/17	9,236.79
CHECK	1115	75.77-	08/17	9,161.02
DEPOSIT		100.00	08/18	9,261.02
CHECK	1171	14.10-	08/18	9,246.92
CHECK	1184	17.75-	08/18	9,229.17
CHECK	1180	20.00-	08/18	9,209.17
CHECK	1168	20.00-	08/18	9,189.17
CHECK	1169	22.00-	08/18	9,167.17
CHECK	1172	24.00-	08/18	9,143.17
CHECK	1179	25.00-	08/18	9,118.17
CHECK	1178	26.40-	08/18	9,091.77
CHECK	1189	26.80-	08/18	9,064.97
CHECK	1175	27.50-	08/18	9,037.47
DEPOSIT		1,720.00	08/19	10,757.47
CHECK	1194	44.10-	08/19	10,713.37
CHECK	1192	501.50-	08/19	10,211.87
CHECK	1195	24.80-	08/20	10,187.07
CHECK	1197	50.00-	08/20	10,137.07
CHECK	1196	100.00-	08/20	10,037.07
CHECK	1193	1,168.44-	08/20	8,868.63
CHECK	1210	5.00-	08/23	8,863.63
CHECK	1207	25.00-	08/23	8,838.63
CHECK	1209	200.00-	08/23	8,638.63
CHECK	1190	6.00-	08/23	8,632.63
CHECK	1199	16.85-	08/23	8,615.78
CHECK	1174	26.25-	08/23	8,589.53
CHECK	1203	45.60-	08/24	8,543.93
CHECK	1188	23.02-	08/24	8,520.91

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ELECTRONIC TRANSFERS - DIRECT INQUIRIES TO 453-0455 OR WRITE
P. O. BOX 945 GREENWOOD, MS 38930

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WEBB FRANKLIN SPECIAL
P O BOX 1599
GREENWOOD MS 38930

STATEMENT PERIOD	PAGE
FROM 08/12/82	2
TO 08/31/82	PS

CHECKS & OTHER DEBITS		DEPOSITS & OTHER CREDITS		SERVICE FEE	ITEM INCL	ACCOUNT NUMBER
NO	AMOUNT	NO	AMOUNT			
						55-159-8

TRANSACTION DESCRIPTION	AMOUNT	DATE	BALANCE
CHECK 1206	980.58-	08/24	7,540.33
CHECK 1225	25.00-	08/25	7,515.33
CHECK 1214	50.00-	08/25	7,465.33
CHECK 1185	55.50-	08/25	7,409.83
CHECK 1204	149.56-	08/25	7,260.27
CHECK 1212	514.00-	08/25	6,746.27
DEPOSIT	13,590.00	08/26	20,336.27
CHECK 1201	94.80-	08/26	20,241.47
CHECK 1211	147.63-	08/26	20,093.84
DEPOSIT	475.00	08/27	20,568.84
CHECK 1227	7.30-	08/27	20,561.54
CHECK 1186	20.00-	08/27	20,541.54
CHECK 1200	23.62-	08/27	20,517.92
CHECK 1224	40.00-	08/27	20,477.92
CHECK 1223	66.70-	08/27	20,411.22
CHECK 1226	88.24-	08/27	20,322.98
CHECK 1176	52.50-	08/30	20,270.48
CHECK 1177	134.40-	08/30	20,136.08
CHECK 1228	1,500.00-	08/30	18,636.08
DEPOSIT	825.00	08/31	19,461.08
DEPOSIT	2,095.00	08/31	21,556.08
CHECK 1233	21.80-	08/31	21,534.28
CHECK 1232	44.67-	08/31	21,489.61
CHECK 1202	66.00-	08/31	21,423.61
CHECK 1205	157.50-	08/31	21,266.11
CHECK 1231	288.00-	08/31	20,978.11
CHECK 1230	9,097.83-	08/31	11,880.28
ENDING BALANCE		08/31	11,880.28

ELECTRONIC TRANSFERS - DIRECT INQUIRIES TO 453-0422 OR WRITE
P. O. BOX 945 GREENWOOD, MS 38930

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WEBB FRANKLIN SPECIAL
P O BOX 1599
GREENWOOD MS 38930

STATEMENT PERIOD		PAGE
FROM	08/31/82	1
TO	09/09/82	CY

ACCOUNT NUMBER	CHECKS & OTHER DEBITS		DEPOSITS & OTHER CREDITS		SERVICE FEE	ITEM INCL	ACCOUNT NUMBER
	NO	AMOUNT	NO.	AMOUNT			
-8795-6	36	13,129.89	9	13,570.00	.00	36	55-1597-8

BALANCE	TRANSACTION DESCRIPTION		AMOUNT	DATE	BALANCE
,083.65	BEGINNING BALANCE			08/31	11,880.28
973.65	DEPOSIT		1,515.00	09/01	13,395.28
852.10	CHECK	1235	25.00-	09/01	13,370.28
825.85	CHECK	1238	205.00-	09/01	13,165.28
795.85	CHECK	1215	656.66-	09/01	12,508.62
,130.05	DEPOSIT		525.00	09/02	13,033.62
,020.05	CHECK	1249	72.91-	09/02	12,960.71
,000.28	CHECK	1237	9.78-	09/02	12,950.93
900.28	CHECK	1217	23.45-	09/02	12,927.48
895.53	CHECK	1229	148.31-	09/02	12,779.17
795.53	CHECK	1250	342.17-	09/02	12,437.00
,714.05	CHECK	1240	380.00-	09/02	12,057.00
,644.11	CHECK	1242	649.65-	09/02	11,407.35
,614.11	CHECK	1241	649.65-	09/02	10,757.70
,534.11	CHECK	1239	1,110.00-	09/02	9,647.70
,367.69	DEPOSIT		1,395.00	09/03	11,042.70
,343.72	CHECK	1218	40.95-	09/03	11,001.75
,269.98	CHECK	1219	47.95-	09/03	10,953.80
,122.49	CHECK	1245	74.07-	09/03	10,879.73
953.68	CHECK	1216	110.93-	09/03	10,768.80
,287.88	CHECK	1248	187.75-	09/03	10,581.05
,261.63	CHECK	1244	481.86-	09/03	10,099.19
,235.13	CHECK	1243	649.65-	09/03	9,449.54
,217.13	DEPOSIT		930.00	09/07	10,379.54
,195.45	DEPOSIT		1,170.00	09/07	11,549.54
,182.08	DEPOSIT		2,095.00	09/07	13,644.54
,082.08	CHECK	1257	17.52-	09/07	13,627.02
,082.08	CHECK	1221	79.00-	09/07	13,548.02
	CHECK	1234	121.79-	09/07	13,426.23
	CHECK	1213	250.00-	09/07	13,176.23
	CHECK	1253	300.00-	09/07	12,876.23
	CHECK	1247	522.48-	09/07	12,353.75
	CHECK	1251	763.38-	09/07	11,590.37
	DEPOSIT		705.00	09/08	12,295.37
	CHECK	1262	200.00-	09/08	12,095.37
	CHECK	1263	1,500.00-	09/08	10,595.37
	CHECK	1256	5.00-	09/08	10,590.37
	CHECK	1261	6.80-	09/08	10,583.57
	CHECK	1258	50.00-	09/08	10,533.57
	CHECK	1255	70.38-	09/08	10,463.19
	CHECK	1268	350.00-	09/08	10,113.19
	CHECK	1252	2,790.00-	09/08	7,323.19
	DEPOSIT		30.00	09/09	7,353.19
	DEPOSIT		5,205.00	09/09	12,558.19
	CHECK	1260	50.00-	09/09	12,508.19
	CHECK	1264	187.80-	09/09	12,320.39
	ENDING BALANCE			09/09	12,320.39

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ELECTRONIC TRANSFERS - DIRECT INQUIRIES TO 453-0422 OR WRITE
P. O. BOX 945 GREENWOOD, MS 38930

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WEBB FRANKLIN SPECIAL
P O BOX 1599
GREENWOOD MS 38930

STATEMENT PERIOD	PAGE
FROM 09/09/82	1
TO 10/14/82	CY

ACCOUNT NUMBER
133-0

CHECKS & OTHER DEBITS		DEPOSITS & OTHER CREDITS		SERVICE FEE	ITEM INCL	ACCOUNT NUMBER
NO.	AMOUNT	NO.	AMOUNT			
168	91,632.94	22	105,076.23	.00	168	55-1597-8

TRANSACTION DESCRIPTION		AMOUNT	DATE	BALANCE
BEGINNING BALANCE			09/09	12,320.39
CHECK	1246	422.90-	09/10	11,897.49
CHECK	1153	4.50-	09/10	11,892.99
CHECK	1259	13.65-	09/10	11,879.34
CHECK	1236	547.50-	09/10	11,331.84
DEPOSIT		585.00	09/13	11,916.84
DEPOSIT		960.00	09/13	12,876.84
CHECK	1139	53.38-	09/13	12,823.46
CHECK	1208	30.00-	09/13	12,793.46
CHECK	1254	189.00-	09/13	12,604.46
DEPOSIT		370.00	09/14	12,974.46
CHECK	1270	5.00-	09/14	12,969.46
CHECK	1269	75.00-	09/14	12,894.46
DEPOSIT		1,644.00	09/15	14,538.46
DEPOSIT		140.00	09/16	14,678.46
CHECK	1275	50.00-	09/16	14,628.46
CHECK	1281	2,306.17-	09/16	12,322.29
CHECK	1274	2,400.00-	09/16	9,922.29
CHECK	1278	18.91-	09/17	9,903.38
CHECK	1283	34.40-	09/17	9,868.98
CHECK	1286	43.46-	09/17	9,825.52
CHECK	1277	72.00-	09/17	9,753.52
CHECK	1273	98.26-	09/17	9,655.26
CHECK	1239	100.00-	09/17	9,555.26
CHECK	1272	230.98-	09/17	9,324.28
CHECK	1267	727.58-	09/17	8,596.70
CHECK	1282	1,679.40-	09/17	6,917.30
DEPOSIT		2,805.00	09/20	9,722.30
CHECK	1301	287.60-	09/20	9,434.70
CHECK	1297	814.26-	09/20	8,620.44
CHECK	1290	133.89-	09/20	8,486.55
CHECK	1284	830.03-	09/20	7,656.52
CHECK		3,080.00-	09/20	4,576.52
DEPOSIT		6,735.00	09/21	11,311.52
CHECK	1306	100.00-	09/21	11,211.52
CHECK	1293	201.45-	09/21	11,010.07
CHECK	1288	650.00-	09/21	10,360.07
CHECK	1271	4.50-	09/22	10,355.57
CHECK	1298	38.03-	09/22	10,317.54
CHECK	1291	196.94-	09/22	10,120.60
CHECK	1294	1,543.50-	09/22	8,577.10
DEPOSIT		420.00	09/23	8,997.10
DEPOSIT		6,835.00	09/23	15,832.10
CHECK	1299	36.96-	09/23	15,795.14
CHECK	1300	46.20-	09/23	15,748.94
CHECK	1311	100.00-	09/23	15,648.94
CHECK	1304	168.00-	09/23	15,480.94
CHECK	1285	439.64-	09/23	15,041.30
CHECK	1305	4,860.00-	09/23	10,181.30

ELECTRONIC TRANSFERS - DIRECT INQUIRIES TO 453-0422 OR WRITE
P O BOX 945 GREENWOOD, MS 38930

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PERIOD	PAGE
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9/82	CY

HEBB FRANKLIN SPECIAL
P O BOX 1599
GREENWOOD MS 38930

STATEMENT PERIOD	PAGE
FROM 09/09/82	2
TO 10/14/82	CY

ACCOUNT NUMBER
4-2338-9

CHECKS & OTHER DEBITS		DEPOSITS & OTHER CREDITS		SERVICE FEE	ITEM INCL	ACCOUNT NUMBER
NO.	AMOUNT	NO	AMOUNT			
						55-1597-8

BALANCE	TRANSACTION DESCRIPTION		AMOUNT	DATE	BALANCE
322.91	DEPOSIT		325.00	09/24	10,506.30
311.78	CHECK	1307	14.80	09/24	10,481.50
265.78	CHECK	1308	14.80	09/24	10,476.70
204.90	CHECK	1310	1,500.00	09/24	8,976.70
90.17	CHECK		225.00	09/27	8,751.70
84.81	CHECK	1314	105.50	09/27	8,646.20
78.61	CHECK	1279	165.00	09/27	8,481.20
60.61	CHECK	1318	167.21	09/27	8,313.99
53.99	CHECK	1323	200.00	09/27	8,113.99
450.04	CHECK	1303	225.00	09/27	7,888.99
447.73	CHECK	1312	566.48	09/27	7,322.51
444.79	DEPOSIT		56,807.36	09/28	64,129.87
434.79	CHECK	1326	5.00	09/28	64,124.87
418.11	CHECK	1313	50.00	09/28	64,074.87
367.29	CHECK	1295	100.00	09/28	63,974.87
351.79	CHECK	1324	100.00	09/28	63,874.87
335.52	DEPOSIT		3,115.00	09/29	66,989.87
317.52	CHECK	1325	191.93	09/29	66,797.94
292.52	CHECK	1328	5.60	09/29	66,792.34
262.56	CHECK	1327	75.00	09/29	66,717.34
188.05	CHECK	1321	102.20	09/29	66,615.14
170.95	CHECK	1315	150.00	09/29	66,465.14
135.95	CHECK	1329	158.65	09/29	66,306.49
132.64	CHECK	1810	20.73	09/30	66,285.76
127.84	CHECK	1317	100.00	09/30	66,185.76
107.84	CHECK	1330	675.90	09/30	65,509.86
67.17	CHECK	1334	127.75	10/01	65,382.11
47.17	CHECK	1316	95.00	10/01	65,287.11
469.46	CHECK	1333	102.20	10/01	65,184.91
466.36	CHECK	1342	463.15	10/01	64,721.76
461.36	CHECK	1345	793.05	10/04	63,928.71
456.13	CHECK	1362	6.30	10/04	63,922.41
407.41	CHECK	1348	85.14	10/04	63,837.27
270.38	CHECK	1349	100.00	10/04	63,737.27
235.38	CHECK	1361	172.60	10/04	63,564.67
225.38	CHECK	1336	273.02	10/04	63,291.65
208.22	CHECK	1340	649.65	10/04	62,642.00
181.76	CHECK	1353	662.09	10/04	61,979.91
123.67	CHECK	1343	679.90	10/04	61,300.01
101.61	CHECK	1344	762.33	10/04	60,537.68
76.36	CHECK	1352	1,679.40	10/04	58,858.28
176.36	CHECK	1366	5.00	10/05	58,853.28
167.45	CHECK	1280	5.95	10/05	58,847.33
163.31	CHECK	1292	7.50	10/05	58,839.83
159.31	CHECK	1360	75.00	10/05	58,764.83
154.31	CHECK	1350	100.00	10/05	58,664.83
38.71	CHECK	1356	119.44	10/05	58,545.39
38.71	CHECK	1355	518.75	10/05	58,026.64

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ELECTRONIC TRANSFERS DIRECT INQUIRIES TO [illegible] OR WRITE
P O BOX 945 GREENWOOD, MS 38930

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WEBB FRANKLIN SPECIAL
P O BOX 1599
GREENWOOD MS 38930

STATEMENT PERIOD	PAGE
FROM 09/09/82	3
TO 10/14/82	CY

OUNT MBER	CHECKS & OTHER DEBITS		DEPOSITS & OTHER CREDITS		SERVICE FEE	ITEM INCL	ACCOUNT NUMBER
	NO.	AMOUNT	NO.	AMOUNT			
349-6							55-1597-8

E	TRANSACTION DESCRIPTION	AMOUNT	DATE	BALANCE
36.14	CHECK 1339	649.65-	10/05	57,376.99
8.79	CHECK 1341	649.65-	10/05	56,727.34
3.79	CHECK 1346	746.40-	10/05	55,980.94
3.79	CHECK 1354	1,625.00-	10/05	54,355.94
3.79	DEPOSIT	160.00	10/06	54,515.94
3.79	DEPOSIT	6,061.87	10/06	60,577.81
1.42	DEBIT REVERSAL	649.65	10/06	61,227.46
8.02	CHECK 1385	51.10-	10/06	61,176.36
2.19	CHECK 1363	50.00-	10/06	61,126.36
5.35	CHECK 1364	201.40-	10/06	60,924.96
6.63	CHECK 1367	520.00-	10/06	60,404.96
5.52	CHECK 1379	650.00-	10/06	59,754.96
2.52	CHECK 1347	762.33-	10/06	58,992.63
1.52	CHECK 1382	895.68-	10/06	58,096.95
1.95	CHECK	1,300.00-	10/06	56,796.95
7.47	CHECK 1378	1,540.00-	10/06	55,256.95
7.47	DEPOSIT	56.00	10/07	55,312.95
3.47	DEPOSIT	300.00	10/07	55,612.95
3.47	CHECK 1381	34.55-	10/07	55,578.40
	CHECK	100.00-	10/07	55,478.40
	CHECK 1400	119.19-	10/07	55,359.21
	CHECK 1374	325.00-	10/07	55,034.21
	CHECK 1371	390.00-	10/07	54,644.21
	CHECK 1398	403.00-	10/07	54,241.21
	CHECK 1375	546.00-	10/07	53,695.21
	CHECK 1406	630.00-	10/07	53,065.21
	CHECK 1401	633.48-	10/07	52,431.73
	CHECK 1373	650.00-	10/07	51,781.73
	CHECK 1394	880.00-	10/07	50,901.73
	CHECK 1372	903.00-	10/07	49,998.73
	DEPOSIT	330.00	10/08	50,328.73
	DEBIT REVERSAL	880.00	10/08	51,208.73
	CHECK 1422	93.78-	10/08	51,114.95
	CHECK 1402	25.00-	10/08	51,089.95
	CHECK 1414	38.88-	10/08	51,051.07
	CHECK 1358	72.80-	10/08	50,978.27
	CHECK 1410	300.00-	10/08	50,678.27
	CHECK 1396	504.00-	10/08	50,174.27
	CHECK 1387	559.00-	10/08	49,[illegible]
	CHECK 1377	614.25-	10/08	49,[illegible]02
	CHECK 1369	715.00-	10/08	48,[illegible]
	CHECK 1393	756.00-	10/08	4[illegible]
	CHECK 1376	1,144.00-	10/08	46,[illegible]
	CHECK 1411	1,500.00-	10/08	44,[illegible]86.02
	CHECK 1407	5,564.03-	10/08	39,321.99
	DEPOSIT	750.00	10/11	40,071.99
	CHECK 1426	275.80-	10/11	39,796.19
	CHECK 1380	6.83-	10/11	39,789.36

ELECTRONIC TRANSFERS - DIRECT INQUIRIES TO [illegible]22 OR WRITE
P. O. BOX 945 GREENWOOD, MS [illegible]

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WEBB FRANKLIN SPECIAL
P O BOX 1599
GREENWOOD MS 38930

STATEMENT PERIOD	PAGE
FROM 09/09/82	4
TO 10/14/82	CY

CHECKS & OTHER DEBITS		DEPOSITS & OTHER CREDITS		SERVICE FEE	ITEM INCL	ACCOUNT NUMBER
NO	AMOUNT	NO	AMOUNT			
						55-1597-8

TRANSACTION DESCRIPTION	AMOUNT	DATE	BALANCE
CHECK 1332	30.00-	10/11	39,759.36
CHECK 1429	61.43-	10/11	39,697.93
CHECK 1337	850.00-	10/11	38,847.93
CHECK 1473	7,014.88-	10/11	31,833.05
DEPOSIT	42.00	10/12	31,875.05
DEPOSIT	3,820.00	10/12	35,695.05
CHECK	6.00-	10/12	35,689.05
CHECK 1383	15.00-	10/12	35,674.05
CHECK 1331	15.00-	10/12	35,659.05
CHECK 1409	25.10-	10/12	35,633.95
CHECK 1428	40.95-	10/12	35,593.00
CHECK 1359	75.00-	10/12	35,518.00
CHECK 1430	95.56-	10/12	35,422.44
CHECK 1435	101.11-	10/12	35,321.33
CHECK 1427	129.68-	10/12	35,191.65
CHECK	215.00-	10/12	34,976.65
CHECK 1431	228.40-	10/12	34,748.25
CHECK 1421	285.24-	10/12	34,463.01
CHECK 1370	416.00-	10/12	34,047.01
CHECK 1397	504.00-	10/12	33,543.01
CHECK 1425	518.75-	10/12	33,024.26
CHECK 1388	520.00-	10/12	32,504.26
CHECK 1386	630.00-	10/12	31,874.26
CHECK 1420	650.00-	10/12	31,224.26
CHECK 1419	650.00-	10/12	30,574.26
CHECK 1368	780.00-	10/12	29,794.26
CHECK 1391	952.00-	10/12	28,842.26
CHECK 1418	1,056.00-	10/12	27,786.26
CHECK 1417	1,364.00-	10/12	26,422.26
CHECK 1423	2,405.50-	10/12	24,016.76
CHECK 1302	5,286.74-	10/12	18,730.02
DEBIT REVERSAL	75.00	10/13	18,805.02
DEBIT REVERSAL	630.00	10/13	19,435.02
DEBIT REVERSAL	650.00	10/13	20,085.02
DEBIT REVERSAL	650.00	10/13	20,735.02
DEBIT REVERSAL	780.00	10/13	21,515.02
CHECK 1445	95.20-	10/13	21,419.82
CHECK 1357	111.69-	10/13	21,308.13
CHECK 1440	116.03-	10/13	21,192.10
CHECK 1415	141.75-	10/13	21,050.35
CHECK 1438	175.00-	10/13	20,875.35
CHECK 1412	190.00-	10/13	20,685.35
CHECK 1403	295.00-	10/13	20,390.35
CHECK 1436	374.00-	10/13	20,016.35
CHECK 1416	378.00-	10/13	19,638.35
CHECK 1448	456.38-	10/13	19,181.97
CHECK 1389	756.00-	10/13	18,425.97
DEPOSIT	4,025.00	10/14	22,450.97

ELECTRONIC TRANSFERS - DIRECT INQUIRIES TO 453-0422 OR WRITE
P. O. BOX 945 GREENWOOD, MS 38930

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WEBB FRANKLIN SPECIAL
P O BOX 1599
GREENWOOD MS 38930

STATEMENT PERIOD	PAGE
FROM 09/09/82	5
TO 10/14/82	CY

CHECKS & OTHER DEBITS		DEPOSITS & OTHER CREDITS		SERVICE FEE	ITEM INCL	ACCOUNT NUMBER
NO	AMOUNT	NO	AMOUNT			
						55-1597-8

TRANSACTION DESCRIPTION		AMOUNT	DATE	BALANCE
DEPOSIT		8,790.00	10/14	31,240.97
CHECK	1476	32.40-	10/14	31,208.57
CHECK	1475	66.50-	10/14	31,142.07
CHECK	1447	39.27-	10/14	31,102.80
CHECK	1404	52.58-	10/14	31,050.22
CHECK	1454	109.18-	10/14	30,941.04
CHECK	1453	149.71-	10/14	30,791.33
CHECK	1442	378.00-	10/14	30,413.33
CHECK	1390	612.00-	10/14	29,801.33
CHECK		649.65-	10/14	29,151.68
CHECK	1457	1,540.00-	10/14	27,611.68
CHECK	1441	1,848.00-	10/14	25,763.68
ENDING BALANCE			10/14	25,763.68

ELECTRONIC TRANSFERS - DIRECT INQUIRIES TO 453-0422 OR WRITE
P. O. BOX 945 GREENWOOD, MS 38930

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PERIOD	PAGE
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1/82	CY

WEBB FRANKLIN SPECIAL
P O BOX 1599
GREENWOOD MS 38930

STATEMENT PERIOD	PAGE
FROM 10/14/82	1
TO 11/11/82	CY

580

ACCOUNT NUMBER	CHECKS & OTHER DEBITS NO	CHECKS & OTHER DEBITS AMOUNT	DEPOSITS & OTHER CREDITS NO	DEPOSITS & OTHER CREDITS AMOUNT	SERVICE FEE	ITEM INCL	ACCOUNT NUMBER
4-2426-2	198	110,543.15	21	58,634.48	4.00	198	55-1597-8

BALANCE	TRANSACTION DESCRIPTION		AMOUNT	DATE	BALANCE
2,421.44	BEGINNING BALANCE			10/14	25,763.68
2,565.88	CHECK	1451	21.21	10/15	25,742.47
2,557.21	CHECK	1450	148.09	10/15	25,594.38
2,457.21	CHECK	1464	64.70	10/15	25,529.68
2,356.07	CHECK	1461	229.87	10/15	25,299.81
2,331.07	CHECK	1455	472.50	10/15	24,827.31
2,327.07	CHECK	1472	650.00	10/15	24,177.31
2,321.06	CHECK	1394	880.00	10/15	23,297.31
2,301.95	CHECK	1458	1,174.68	10/15	22,122.63
2,254.70	CHECK	1432	1,306.20	10/15	20,816.43
2,004.70	CHECK	1470	1,804.00	10/15	19,012.43
1,961.92	CHECK	1491	180.00	10/18	18,832.43
3,461.92	CHECK	1492	196.73	10/18	18,635.70
3,452.42	CHECK	1494	300.00	10/18	18,335.70
3,325.72	CHECK	1487	1,292.80	10/18	17,042.90
3,470.16	CHECK	1467	25.55	10/18	17,017.35
3,456.12	CHECK	1482	37.54	10/18	16,979.81
3,436.12	CHECK	1446	62.00	10/18	16,917.81
3,049.12	CHECK	1452	65.00	10/18	16,852.81
3,044.39	CHECK	1437	75.00	10/18	16,777.81
2,998.59	CHECK	1466	77.94	10/18	16,699.87
2,940.84	CHECK	1477	168.00	10/18	16,531.87
2,856.79	CHECK	1471	189.00	10/18	16,342.87
2,831.79	CHECK	1460	350.00	10/18	15,992.87
2,816.04	CHECK	1480	458.58	10/18	15,534.29
2,796.04	CHECK	1392	529.00	10/18	15,005.29
2,940.48	CHECK	1479	1,249.54	10/18	13,755.75
2,878.26	CHECK	1408	1,566.52	10/18	12,189.23
2,862.81	CHECK	1497	6.00	10/19	12,183.23
2,843.75	CHECK	1486	13.65	10/19	12,169.58
2,818.75	CHECK	1465	35.76	10/19	12,133.82
2,809.25	CHECK	1481	37.54	10/19	12,096.28
2,804.52	CHECK	1469	100.00	10/19	11,996.28
2,784.52	CHECK	1444	100.00	10/19	11,896.28
2,928.96	CHECK	1484	102.38	10/19	11,793.90
2,912.71	CHECK	1504	107.83	10/19	11,686.07
2,893.16	CHECK	1485	266.19	10/19	11,419.88
2,868.16	CHECK	1468	316.30	10/19	11,103.58
2,843.16	CHECK	1490	650.00	10/19	10,453.58
2,815.86	CHECK	1488	1,540.00	10/19	8,913.58
2,266.24	CHECK	1495	1,625.00	10/19	7,288.58
2,266.24	DEBIT REVERSAL		650.00	10/20	7,938.58
	CHECK	1433	100.00	10/20	7,838.58
	CHECK	1483	116.03	10/20	7,722.55
	CHECK	1386	630.00	10/20	7,092.55
	CHECK	1498	650.00	10/20	6,442.55
	CHECK	1430	650.00	10/20	5,792.55
	CHECK	1419	650.00	10/20	5,142.55
	CHECK	1368	780.00	10/20	4,362.55

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WEBB FRANKLIN SPECIAL
P O BOX 1599
GREENWOOD MS 38930

STATEMENT PERIOD		PAGE
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TO	11/11/82	CY

ACCOUNT NUMBER
4-2430-4

CHECKS & OTHER DEBITS		DEPOSITS & OTHER CREDITS		SERVICE FEE	ITEM INCL	ACCOUNT NUMBER
NO	AMOUNT	NO	AMOUNT			
						55-1597-8

ALANCE	TRANSACTION DESCRIPTION	AMOUNT	DATE	BALANCE
519.43	CHECK 1500	2,288.00	10/20	2,074.55
491.79	CHECK 1513	246.91	10/21	1,827.64
459.54	CHECK 1502	35.18	10/21	1,792.46
409.54	CHECK 1355	75.00	10/21	1,717.46
390.83	CHECK 1449	142.20	10/21	1,575.26
178.86	CHECK 1512	200.00	10/21	1,375.26
174.86	CHECK 1489	354.38	10/21	1,020.88
144.86	CHECK 1499	519.75	10/21	501.13
109.86	DEPOSIT	43.68	10/22	544.81
87.06	DEPOSIT	1,000.00	10/22	1,544.81
62.06	DEPOSIT	1,330.00	10/22	2,874.81
1,030.62	DEPOSIT	5,789.00	10/22	8,663.81
1,026.62	DEPOSIT	8,008.00	10/22	16,671.81
1,026.62	O.D. CHARGE	10.00	10/22	16,661.81
	CHECK 1505APPROVED FOR OD	650.00	10/22	16,011.81
	CHECK 1522	104.15	10/22	15,907.66
	CHECK 1516	244.00	10/22	15,663.66
	CHECK 1462	166.87	10/22	15,496.79
	CHECK 1463	336.46	10/22	15,160.33
	CHECK 1473	529.69	10/22	14,630.64
	CHECK 1507	567.00	10/22	14,063.64
	CHECK 1478	600.00	10/22	13,463.64
	CHECK 1493	711.65	10/22	12,751.99
	CHECK 1515	1,500.00	10/22	11,251.99
	CHECK	1,760.00	10/22	9,491.99
	DEPOSIT	825.00	10/25	10,316.99
	CHECK 1535	6.00	10/25	10,310.99
	CHECK 1534	182.00	10/25	10,128.99
	CHECK 1519	6.30	10/25	10,122.69
	CHECK 1501	94.60	10/25	10,028.09
	CHECK 1509	130.20	10/25	9,897.89
	CHECK 1527	151.78	10/25	9,746.11
	CHECK 1528	188.10	10/25	9,558.01
	CHECK 1526	247.90	10/25	9,310.11
	CHECK 1525	323.70	10/25	8,986.41
	CHECK 1510	440.10	10/25	8,546.31
	CHECK 1518	3,529.72	10/25	5,016.59
	DEPOSIT	149.00	10/26	5,165.59
	DEPOSIT	3,370.00	10/26	8,535.59
	DEPOSIT	8,865.00	10/26	17,400.59
	O.D. CHARGE	10.00	10/26	17,390.59
	CHECK 1508APPROVED FOR OD	5,390.28	10/26	12,000.31
	CHECK 1539	145.53	10/26	11,854.78
	CHECK 1434	300.00	10/26	11,554.78
	CHECK 1503	13.95	10/26	11,540.83
	CHECK	50.00	10/26	11,490.83
	CHECK 1511	64.00	10/26	11,426.83
	CHECK 1523	119.19	10/26	11,307.64

ELECTRONIC TRANSFERS DIRECT INQUIRIES TO 455 OVER OR WRITE
P O BOX 945 GREENWOOD MS 38930

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WEBB FRANKLIN SPECIAL
P O BOX 1599
GREENWOOD MS 38930

STATEMENT PERIOD		PAGE
FROM	10/14/82	3
TO	11/11/82	CY

ACCOUNT NUMBER
4-2434-6

CHECKS & OTHER DEBITS		DEPOSITS & OTHER CREDITS		SERVICE FEE	ITEM INCL	ACCOUNT NUMBER
NO	AMOUNT	NO	AMOUNT			
						55-1597-8

BALANCE
1.51
1.51

TRANSACTION DESCRIPTION	AMOUNT	DATE	BALANCE
CHECK 1531	650.00	10/26	10,657.64
CHECK 1517	1,390.00	10/26	9,267.64
CHECK 1532	1,400.00	10/26	7,867.64
CHECK 1530	2,464.00	10/26	5,403.64
DEPOSIT	1,000.00	10/27	6,403.64
DEPOSIT	1,475.00	10/27	7,878.64
DEPOSIT	6,415.00	10/27	14,293.64
O.D. CHARGE	10.00	10/27	14,283.64
CHECK 1524APPROVED FOR OD	9,836.47	10/27	4,447.17
CHECK 1544	300.00	10/27	4,147.17
CHECK 1543	306.60	10/27	3,840.57
CHECK 1545	468.64	10/27	3,371.93
CHECK 1365	4.50	10/27	3,367.43
CHECK 1496	112.50	10/27	3,254.93
CHECK 1529	604.80	10/27	2,650.13
CHECK 1490	650.00	10/27	2,000.13
CHECK 1537	650.00	10/27	1,350.13
O.D. CHARGE	10.00	10/28	1,340.13
CHECK 1536APPROVED FOR OD	1,694.00	10/28	353.87
DEPOSIT	300.00	10/29	53.87
DEPOSIT	500.00	10/29	446.13
DEPOSIT	4,733.95	10/29	5,180.08
O.D. CHARGE	20.00	10/29	5,160.08
CHECK 1571	222.70	10/29	4,937.38
CHECK 1538	107.49	10/29	4,829.89
CHECK 1521	180.00	10/29	4,649.89
CHECK 1548	650.00	10/29	3,999.89
DEPOSIT	2,410.00	11/01	6,409.89
DEPOSIT	5,832.25	11/01	12,242.14
CHECK 1576	47.69	11/01	12,194.45
CHECK 1577	71.51	11/01	12,122.94
CHECK 1580	159.50	11/01	11,963.44
CHECK 1575	54.49	11/01	11,908.95
CHECK 1520	87.00	11/01	11,821.95
CHECK 1542	126.00	11/01	11,695.95
CHECK 1549	153.25	11/01	11,542.70
CHECK 1550	164.31	11/01	11,378.39
CHECK 1572	265.60	11/01	11,112.79
CHECK 1568	522.85	11/01	10,589.94
CHECK 1395	650.75	11/01	9,939.19
CHECK 1547	1,540.00	11/01	8,399.19
CHECK 1574	5,277.46	11/01	3,121.73
CHECK 1555	54.49	11/02	3,067.24
CHECK 1570	61.46	11/02	3,005.78
CHECK 1565	74.92	11/02	2,930.86
CHECK 1564	74.92	11/02	2,855.94
CHECK 1556	94.67	11/02	2,761.27
CHECK 1554	105.57	11/02	2,655.70

~~ELECTRONIC TRANSFERS DIRECT INQUIRIES TO~~
P O BOX 945 GREENWOOD MS 38930

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WEBB FRANKLIN SPECIAL
P O BOX 1599
GREENWOOD MS 38930

STATEMENT PERIOD		PAGE
FROM	10/14/82	4
TO	11/11/82	CY

CCOUNT UMBER	CHECKS & OTHER DEBITS NO	CHECKS & OTHER DEBITS AMOUNT	DEPOSITS & OTHER CREDITS NO	DEPOSITS & OTHER CREDITS AMOUNT	SERVICE FEE	ITEM INCL	ACCOUNT NUMBER
2448-6							55-1597-8

NCE	TRANSACTION DESCRIPTION	AMOUNT	DATE	BALANCE
896.60	CHECK 1578	114.08-	11/02	2,541.62
880.60	CHECK 1566	117.49-	11/02	2,424.13
823.10	CHECK 1563	128.56-	11/02	2,295.57
735.27	CHECK 1560	164.00-	11/02	2,131.57
735.27	CHECK 1561	164.00-	11/02	1,967.57
	CHECK 1579	255.00-	11/02	1,712.57
	CHECK 1546	330.75-	11/02	1,381.82
	CHECK 1567	392.93-	11/02	988.89
	CHECK 1533	615.00-	11/02	373.89
	O.D. CHARGE	10.00-	11/03	363.89
	CHECK 1514APPROVED FOR OD	6,067.17-	11/03	5,703.28
	O.D. CHARGE	10.00-	11/04	5,713.28
	O.D. CHARGE	90.00-	11/04	5,803.28
	CHECK 1588APPROVED FOR OD	20.00-	11/04	5,823.28
	CHECK 1562APPROVED FOR OD	25.55-	11/04	5,848.83
	CHECK 1559APPROVED FOR OD	27.24-	11/04	5,876.07
	CHECK 1558APPROVED FOR OD	39.17-	11/04	5,915.24
	CHECK 1553APPROVED FOR OD	45.98-	11/04	5,961.22
	CHECK 1552APPROVED FOR OD	71.51-	11/04	6,032.73
	CHECK 1587APPROVED FOR OD	79.20-	11/04	6,111.93
	CHECK 1585APPROVED FOR OD	175.00-	11/04	6,286.93
	CHECK 1581APPROVED FOR OD	228.17-	11/04	6,515.10
	CHECK 1573APPROVED FOR OD	3,250.00-	11/04	9,765.10
	O.D. CHARGE	50.00-	11/05	9,815.10
	CHECK 1551APPROVED FOR OD	56.09-	11/05	9,871.19
	CHECK 1569APPROVED FOR OD	100.00-	11/05	9,971.19
	CHECK 1599APPROVED FOR OD	187.00-	11/05	10,158.19
	CHECK 1596APPROVED FOR OD	200.00-	11/05	10,358.19
	CHECK 1597APPROVED FOR OD	11,000.00-	11/05	21,358.19
	DEPOSIT	498.00	11/08	20,860.19
	DEPOSIT	870.00	11/08	19,990.19
	DEPOSIT	2,530.00	11/08	17,460.19
	DEPOSIT	2,690.60	11/08	14,769.59
	O.D. CHARGE	70.00-	11/08	14,839.59
	CHECK 1610APPROVED FOR OD	20.00-	11/08	14,859.59
	CHECK 1557APPROVED FOR OD	116.21-	11/08	14,975.80
	CHECK 1600APPROVED FOR OD	206.39-	11/08	15,182.19
	CHECK 1609APPROVED FOR OD	463.15-	11/08	15,645.34
	CHECK 1583APPROVED FOR OD	633.48-	11/08	16,278.82
	CHECK 1603APPROVED FOR OD	649.65-	11/08	16,928.47
	CHECK 1592APPROVED FOR OD	1,000.00-	11/08	17,928.47
	O.D. CHARGE	10.00-	11/09	17,938.47
	O.D. CHARGE	80.00-	11/09	18,018.47
	O.D. CHARGE	90.00-	11/09	18,108.47
	CHECK 1618APPROVED FOR OD	30.00-	11/09	18,138.47
	CHECK 1615APPROVED FOR OD	30.00-	11/09	18,168.47
	CHECK 1614APPROVED FOR OD	30.00-	11/09	18,198.47
	CHECK 1612APPROVED FOR OD	30.00-	11/09	18,228.47

E ELECTRONIC TRANSFERS DIRECT INQUIRIES TO 453-0422 OR WRITE
P. O. BOX 945 GREENWOOD, MS 38930

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WEBB FRANKLIN SPECIAL
P O BOX 1599
GREENWOOD MS 38930

STATEMENT PERIOD	PAGE
FROM 10/14/82	5
TO 11/11/82	CY

COUNT NUMBER	CHECKS & OTHER DEBITS NO	CHECKS & OTHER DEBITS AMOUNT	DEPOSITS & OTHER CREDITS NO	DEPOSITS & OTHER CREDITS AMOUNT	SERVICE FEE	ITEM INCL	ACCOUNT NUMBER
2449-4							55-1597-8

CE	TRANSACTION DESCRIPTION	AMOUNT	DATE	BALANCE
198.77	CHECK 1613APPROVED FOR OD	30.00	11/09	18,258.47
136.00	CHECK APPROVED FOR OD	50.00	11/09	18,308.47
100.10	CHECK 1593APPROVED FOR OD	50.00	11/09	18,358.47
73.85	CHECK 1594APPROVED FOR OD	50.00	11/09	18,408.47
23.85	CHECK 1595APPROVED FOR OD	50.00	11/09	18,458.47
71.95	CHECK 1593APPROVED FOR OD	50.00	11/09	18,508.47
96.95	CHECK 1590APPROVED FOR OD	50.00	11/09	18,558.47
53.95	CHECK 1591APPROVED FOR OD	50.00	11/09	18,608.47
33.95	CHECK 1582APPROVED FOR OD	64.70	11/09	18,673.17
93.95	CHECK 1586APPROVED FOR OD	290.70	11/09	18,963.87
83.95	CHECK APPROVED FOR OD	500.00	11/09	19,463.87
81.38	CHECK 1619APPROVED FOR OD	590.15	11/09	20,054.02
81.38	CHECK 1603APPROVED FOR OD	649.65	11/09	20,703.67
31.38	CHECK 1604APPROVED FOR OD	679.90	11/09	21,383.57
06.38	CHECK 1606APPROVED FOR OD	762.33	11/09	22,145.90
08.16	CHECK 1605APPROVED FOR OD	895.68	11/09	23,041.58
98.06	D.D. CHARGE	80.00	11/10	23,121.58
62.16	CHECK 1617APPROVED FOR OD	30.00	11/10	23,151.58
13.84	CHECK 1616APPROVED FOR OD	30.00	11/10	23,181.58
26.23	CHECK 1622APPROVED FOR OD	52.78	11/10	23,234.36
81.81	CHECK 1624APPROVED FOR OD	52.78	11/10	23,287.14
58.31	CHECK 1611APPROVED FOR OD	300.00	11/10	23,587.14
96.94	CHECK APPROVED FOR OD	500.00	11/10	24,087.14
96.94	CHECK APPROVED FOR OD	746.40	11/10	24,833.54
46.94	CHECK APPROVED FOR OD	762.33	11/10	25,595.87
58.64	D.D. CHARGE	30.00	11/11	25,625.87
10.38	CHECK 1627APPROVED FOR OD	52.78	11/11	25,678.65
70.38	CHECK 1626APPROVED FOR OD	119.74	11/11	25,798.39
	CHECK 1625APPROVED FOR OD	346.60	11/11	26,144.99
	SERVICE CHARGE	4.00	11/11	26,148.99
	ENDING BALANCE		11/11	26,148.99

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ELECTRONIC TRANSFERS - DIRECT INQUIRIES TO 453-0422 OR WRITE
P. O. BOX 945 GREENWOOD, MS 38930

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WEBB FRANKLIN SPECIAL
P O BOX 1599
GREENWOOD MS 38930

STATEMENT PERIOD	PAGE
FROM 11/11/82	1
TO 11/24/82	RS

CHECKS & OTHER DEBITS		DEPOSITS & OTHER CREDITS		SERVICE FEE	ITEM INCL	ACCOUNT NUMBER
NO.	AMOUNT	NO.	AMOUNT			
39	12,126.90	4	41,408.00	.00	39	55-1597-8

TRANSACTION DESCRIPTION	AMOUNT	DATE	BALANCE
BEGINNING BALANCE		11/11	26,148.99
O.D. CHARGE	30.00-	11/12	26,178.99-
CHECK 1632APPROVED FOR OD	183.12-	11/12	26,362.11-
CHECK 1621APPROVED FOR OD	405.07-	11/12	26,767.18-
CHECK 1629APPROVED FOR OD	2,374.16-	11/12	29,141.34-
O.D. CHARGE	20.00-	11/15	29,161.34-
CHECK 1630APPROVED FOR OD	52.78-	11/15	29,214.12-
CHECK 1636APPROVED FOR OD	793.05-	11/15	30,007.17-
O.D. CHARGE	20.00-	11/16	30,027.17-
CHECK 1641APPROVED FOR OD	10.05-	11/16	30,037.22-
CHECK 1635APPROVED FOR OD	39.16-	11/16	30,075.38-
DEPOSIT	300.00	11/18	29,776.38-
DEPOSIT	5,903.00	11/18	23,873.38-
O.D. CHARGE	40.00-	11/18	23,913.38-
CHECK 1644APPROVED FOR OD	6.00-	11/18	23,919.38-
CHECK 1643APPROVED FOR OD	15.46-	11/18	23,934.84-
CHECK 1642APPROVED FOR OD	202.26-	11/18	24,137.10-
CHECK 1649APPROVED FOR OD	1,679.40-	11/18	25,816.50-
DEPOSIT	5,205.00	11/19	20,611.50-
O.D. CHARGE	10.00-	11/19	20,621.50-
CHECK 1640APPROVED FOR OD	15.18-	11/19	20,636.68-
DEPOSIT	30,000.00	11/22	9,363.32
O.D. CHARGE	50.00-	11/22	9,313.32
CHECK 1628APPROVED OP OD	28.95-	11/22	9,284.37
CHECK 1652APPROVED FOR OD	50.00-	11/22	9,234.37
CHECK 1639APPROVED FOR OD	62.48-	11/22	9,171.89
CHECK 1602APPROVED FOR OD	649.65-	11/22	8,522.24
CHECK 1646APPROVED FOR OD	2,444.07-	11/22	6,078.17
CHECK 1649	24.15-	11/22	6,054.02
CHECK 1296	60.00-	11/22	5,994.02
CHECK 1647	128.66-	11/22	5,865.36
CHECK 1651	150.00-	11/22	5,715.36
CHECK 1691	6.00-	11/23	5,709.36
CHECK 1688	36.00-	11/23	5,673.36
CHECK 1684	145.16-	11/23	5,528.20
CHECK 1681	26.20-	11/24	5,502.00
CHECK 1677	42.26-	11/24	5,459.74
CHECK 1692	55.24-	11/24	5,404.50
CHECK 1680	69.30-	11/24	5,335.20
CHECK 1674	78.33-	11/24	5,256.87
CHECK 1690	205.00-	11/24	5,051.87
CHECK 1667	210.05-	11/24	4,841.82
CHECK 1661	522.21-	11/24	4,319.61
CHECK 1650	1,187.50-	11/24	3,132.11
ENDING BALANCE		11/24	3,132.11

ELECTRONIC TRANSFERS DIRECT INQUIRIES TO 453-0422 OR WRITE
P. O. BOX 945 GREENWOOD, MS 38930

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WEBB FRANKLIN SPECIAL
P O BOX 1599
GREENWOOD MS 38930

STATEMENT PERIOD	PAGE
FROM 11/24/82	1
TO 12/09/82	CY

...UNT ...BER	CHECKS & OTHER DEBITS NO.	CHECKS & OTHER DEBITS AMOUNT	DEPOSITS & OTHER CREDITS NO.	DEPOSITS & OTHER CREDITS AMOUNT	SERVICE FEE	ITEM INCL	ACCOUNT NUMBER
398-3	43	12,833.15	6	17,971.76	4.00	43	55-1597-8

TRANSACTION DESCRIPTION		AMOUNT	DATE	BALANCE
BEGINNING BALANCE			11/24	3,132.11
DEPOSIT		3,450.00	11/26	6,582.11
DEPOSIT		4,440.00	11/26	11,022.11
DEPOSIT		5,950.00	11/26	16,972.11
CHECK	1662	10.19-	11/26	16,961.92
CHECK	1664	45.50-	11/26	16,916.42
CHECK	1663	48.84-	11/26	16,867.58
CHECK	1686	59.61-	11/26	16,807.97
CHECK	1676	74.81-	11/26	16,733.16
CHECK	1672	81.49-	11/26	16,651.67
CHECK	1540	100.00-	11/26	16,551.67
CHECK	1694	100.00-	11/26	16,451.67
CHECK	1683	121.50-	11/26	16,330.17
CHECK	1656	130.45-	11/26	16,199.72
CHECK	1654	137.92-	11/26	16,061.80
CHECK	1659	195.53-	11/26	15,866.27
CHECK	1668	219.75-	11/26	15,646.52
CHECK	1653	236.68-	11/26	15,409.84
CHECK	1669	298.20-	11/26	15,111.64
CHECK	1695	521.92-	11/26	14,589.72
CHECK	1682	22.50-	11/29	14,567.22
CHECK	1665	35.10-	11/29	14,532.12
CHECK	1671	48.62-	11/29	14,483.50
CHECK	1685	81.25-	11/29	14,402.25
CHECK	1687	87.12-	11/29	14,315.13
CHECK	1675	96.39-	11/29	14,218.74
CHECK	1657	122.60-	11/29	14,096.14
CHECK	1673	368.40-	11/29	13,727.74
CHECK	1670	726.18-	11/29	13,001.56
CHECK	1700	839.70-	11/29	12,161.86
CHECK	1697	1,100.00-	11/29	11,061.86
CHECK	1696	52.79-	11/30	11,009.07
CHECK	1680	398.74-	11/30	10,610.33
CHECK	1701	500.00-	11/30	10,110.33
DEPOSIT		600.00	12/01	10,710.33
DEPOSIT		1,250.00	12/01	11,960.33
CHECK	1703	793.05-	12/01	11,167.28
CHECK	1658	76.62-	12/01	11,090.66
CHECK		160.41-	12/01	10,930.25
CHECK	1699	165.38-	12/01	10,764.87
CHECK	1655	183.04-	12/01	10,581.83
CHECK	1702	679.90-	12/01	9,901.93
CHECK	1679	1,168.48-	12/01	8,733.45
CHECK	1638	78.23-	12/02	8,655.22
CHECK	1634	827.61-	12/03	7,827.61
CHECK	1689	65.65-	12/03	7,761.96
CHECK	1704	833.00-	12/07	6,928.96
CHECK	1705	540.00-	12/08	6,388.96
DEPOSIT		2,081.75	12/09	8,470.71

ELECTRONIC TRANSFERS DIRECT INQUIRIES TO 453-0422 OR WRITE
P. O. BOX 945 GREENWOOD, MS 38930

GE
1
CY

WEBB FRANKLIN SPECIAL
P O BOX 1599
GREENWOOD MS 38930

STATEMENT PERIOD		PAGE
FROM	11/24/82	2
TO	12/09/82	CY

CHECKS & OTHER DEBITS		DEPOSITS & OTHER CREDITS		SERVICE FEE	ITEM INCL	ACCOUNT NUMBER
NO.	AMOUNT	NO.	AMOUNT			
						55-1597-8

TRANSACTION DESCRIPTION	AMOUNT	DATE	BALANCE
SERVICE CHARGE	4.00-	12/09	8,566.72
CHECK 1797	300.00-	12/09	8,266.72
ENDING BALANCE		12/09	8,266.72

ELECTRONIC TRANSFERS DIRECT INQUIRIES TO 453 0422 OR WRITE
P. O. BOX 945 GREENWOOD, MS 38930

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Webb Franklin for Congress Committee	)	
The Bank of Greenwood (Mississippi)	)	
Capital Foundation: Mississippi	)	
Republican Party Campaign Committee	)	MUR 1621
Barrett, Barrett and Barrett	)	
Don Barrett	)	
David Hicks, Sr.	)	
Bill Crump	)	
Fisher M. Southworth, III	)	
Cecil R. Burnham	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on April 24, 1984, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 1621:

1. Find reason to believe that the Webb Franklin for Congress Committee and Robert Knight, as treasurer, violated the Act as follows:

   (a) 2 U.S.C. § 441a(f)
   (b) 2 U.S.C. § 441b(a)
   (c) 2 U.S.C. § 432(h)(1)
   (d) 2 U.S.C. § 434(b)(8)

2. Find reason to believe that the Bank of Greenwood violated 2 U.S.C. § 441b(a).

3. Find reason to believe that the following individuals violated 2 U.S.C. § 441a(a)(1)(A):

   (a) Don Barrett
   (b) Davis Hicks, Sr.
   (c) Bill Crump

(Continued)

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4. Find reason to believe that the Capital Foundation: Mississippi Republican Party Campaign Committee violated 2 U.S.C. § 441a(a)(2)(A).

5. Find reason to believe that the partnership of Barrett, Barrett and Barrett violated 2 U.S.C. § 441a(a)(1)(A).

6. Find reason to believe and take no further action, thereby closing the file as it relates to the following individuals, for violations of 2 U.S.C. § 441a(a)(1)(A):

   (a) Howard Brent
   (b) Steve D. Golding
   (c) P. F. Wetzek
   (d) Fae E. Rhodes.

7. Approve the letters with questions attached to the General Counsel's report dated April 16, 1984, as appropriate to the actions taken by the Commission and as amended in the meeting of April 24, 1984.

Commissioners Aikens, Elliott, Harris, McDonald, and Reiche voted affirmatively for the decision; Commissioner McGarry was not present at the time of the vote.

Attest:

4-25-84
Date

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

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RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

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

84 APR 16 P12: 31

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MUR NO. 1621

STAFF Frances B. Hagan

Source of MUR: Internally Generated

Respondents' Names: Webb Franklin for Congress Committee
The Bank of Greenwood (Mississippi)
Capital Foundation: Mississippi Republican Party Campaign Committee
Barrett, Barrett and Barrett
Don Barrett
David Hicks, Sr.
Bill Crump
Fisher M. Southworth, III
Cecil R. Burnham

Relevant Statutes and Regulations:
2 U.S.C. § 441a(a)(1)(A) and (2)(A)
2 U.S.C. § 441a(f)
2 U.S.C. § 431(8)(A)(i) and (11)
2 U.S.C. § 431(8)(B)(vii)(I)
11 C.F.R. § 110.1(a)(2)(i)
11 C.F.R. § 110.1(e)(1), (2) and (3)
2 U.S.C. § 441b(a) and (b)(2)
11 C.F.R. § 100.7(b)(11)
2 U.S.C. § 432(h)(1)
2 U.S.C. § 434(b)(8)
Mississippi State Code § 81-5-77

Internal Reports Checked:
Audit documents
RAD RFAIs
MURs 218, 448, 1098

Federal Agencies Checked: None

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GENERATION OF MATTER

This matter was referred to the Office of General Counsel from the Audit Division. The Webb Franklin for Congress Committee was audited pursuant to 2 U.S.C. § 438(b).

SUMMARY OF ALLEGATIONS

1. The Webb Franklin for Congress Committee ("the Committee") violated 2 U.S.C. § 441a(f) for receipt of the following contributions made in excess of limitations at 2 U.S.C. § 441a(a)(1)(A) or (2)(A):

a) direct contributions and loan endorsements from three individuals: Don Barrett, David Hicks, Sr., and Bill Crump;

b) direct contribution made after the primary election in excess of net primary debt from a party-related multi-candidate committee, the Capital Foundation: Mississippi Republican Party Campaign Committee;

c) direct contribution from an unincorporated partnership, Barrett, Barrett and Barrett law firm;

d) direct contributions from four individuals.

2. The Committee violated 2 U.S.C. § 441b(a) through receipt of loans in the form of overdrafts from a national bank (the Bank of Greenwood ["the Bank"], a branch of the National Bank of Jackson, MS). The Bank and two of its officers, Cecil R. Burnham, President, and Fisher M. Southworth, III, assistant cashier, violated 2 U.S.C. § 441b(a) by consenting to such overdrafts to the Committee.

3. The Committee violated 2 U.S.C. § 432(h)(1) through its apparent failure to deposit all receipts into and make all disbursements from a designated Committee depository. In addition, the Committee violated 2 U.S.C. § 434(b)(8) by apparently failing to disclose loans made to the Committee by the candidate.

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FACTUAL AND LEGAL ANALYSIS

Allegations 1(a)-(d)

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee 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 contributions in violation of this section.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

Allegation 1(a)

2 U.S.C. § 431(8)(B)(vii)(I) states that loan/contributions shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

On November 22, 1982, the Committee obtained an uncollateralized bank loan of $30,000 just after the 1982 general election. The loan was endorsed by three individuals and apparently used for the purpose of liquidating debts and substantial overdrafts (see also Allegation 2). Each individual endorser would be liable for 1/3 the amount of the loan in addition to their direct contributions. 2 U.S.C. § 431(8)(A)(i) and (B)(vii)(I). As a result, the Committee violated § 441a(f) for receipt of excessive contributions and the three individuals

violated § 441a(a)(1)(A) for making excessive contributions in the form of loan endorsements. On October 17, 1983, after the auditors notified the Committee of the apparent violations, the Committee obtained a new note endorsed solely by the candidate.

Allegation 1(b)

2 U.S.C. § 441a(a)(2)(A) states that no multicandidate committee shall make contributions to any candidate and authorized political committees with respect to any federal election which, in the aggregate, exceed $5,000.

11 C.F.R. § 110.1(a)(2)(i) clarifies the contribution limitation of $5,000 per election: "With respect to any election" means in the case of a contribution designated in writing for a particular election, the election so designated, except that a contribution made after a primary election and designated for the primary shall be made only to the extent that the contribution does not exceed net debts outstanding from the primary election. The auditors found that on August 26, 1982, following the Mississippi primary of August 17, the Committee received two contributions of $5,000 each from the Capital Foundation: Mississippi Republican Party Campaign Committee ("the Party Committee"), an account of the Republican State party committee. One of the checks was designated to pay primary debts; the other was designated for the November 2, 1982 general election. However, the auditors could not identify any outstanding primary debts. The Committee provided additional invoices and accrued payroll showing debts of $8,017.43. After

applying cash on hand on the primary date, the auditors calculated the Committee's net debt to be $1,360.35.1/ 11 C.F.R. § 110.1(a)(2)(i). Therefore, the Committee apparently violated 2 U.S.C. § 441a(f) for receipt of $3,639.65 in excess of its net primary debt and the Party Committee violated 2 U.S.C. § 441a(a)(2)(A) by making the excessive contribution.

Allegation 1(c)

2 U.S.C. § 431(11) defines the term "person" (as applicable at 2 U.S.C. § 441a(a)(1)(A)) to include a partnership.

11 C.F.R. § 110.1(e) states that a contribution by a partnership be attributed to each partner in direct proportion to his or her share of the partnership profits, according to instructions which shall be provided by the partnership to the committee or candidate, or be attributed by agreement of the partners, as long as only the profits of the partners to whom the contribution is attributed are reduced (or losses increased), and these partners' profits are reduced (or losses increased) in proportion to the contribution attributed to each of them; and not exceed the contribution limits.

The auditors found that a partnership contributed $3,000 to the Committee on July 16, 1982. The partnership, Barrett, Barrett and Barrett law firm, violated 2 U.S.C. § 441a(a)(1)(A) for making the excessive contribution and the Committee violated

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1/ This figure differs from the amount reported in the final audit report due to a proofreading error in that report.

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§ 441a(f) for receipt of the excessive portion totaling $2,000. Don Barrett, an attorney with this law firm (and apparently a partner), also made excessive contributions through direct donations and a loan endorsement. (See Allegation 1(a). His share of the partnership contribution will be added to his total contributions to determine the amount of his excessive contribution. 11 C.F.R. § 110.1(e).

ALLEGATION 1(d)

The auditors noted that three individuals (Howard Brent, Steve D. Golding and P.F. Wetzek) made direct contributions to the Committee, each in excess of limitations by $200; a fourth individual (Fae E. Rhodes) contributed $500 in excess of limitations. In this case, we would recommend that the Commission find reason to believe against these four individuals (excessive portions $500 or less each) and take no further action. We would, however, add $1,100 to the amount of the Committee's apparent § 441a(f) violation.

ALLEGATION 2

2 U.S.C. § 441b(a) states in part that it is unlawful for any national bank to make a contribution or expenditure in connection with any election to any political office or in connection with any primary election to select candidates for any political office, or for any officer or any director of any national bank to consent to any contribution or expenditure by the national bank, prohibited by this section.

2 U.S.C. § 431(8)(A)(i) defines "contribution" as any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office.

11 C.F.R. § 100.7(b)(11) states, in pertinent part, that an overdraft made on a checking or savings account shall be considered a contribution by the bank or institution unless: the overdraft is made on an account which is subject to automatic overdraft protection; the overdraft is subject to a definite interest rate which is usual and customary; and there is a definite repayment schedule.

The auditors report that on the fifth day before the general election, and for 14 days after the election, the Committee incurred bank overdrafts with the Bank of Greenwood, MS (a branch of the First National Bank of Jackson, MS) ranging from $353.87 to $30,076.38.[2/] The account was charged $750.00 for the checks drawn on insufficient funds. Therefore, it appears that the Bank violated 2 U.S.C. § 441b(a) by making contributions without automatic overdraft protection. 11 C.F.R. § 100.7(b)(11). Concomitantly, it appears that the Commmittee violated 2 U.S.C. § 441b(a) through receipt of such contributions.

During the audit report process, the Committee provided a letter from the Bank president which states that he was unaware that the account labeled "Webb Franklin, Special" was the Commmittee depository and that the "overdraft protection" allowed

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2/ The overdrafts apparently were covered by a loan of $30,000 endorsed by three individuals (see Allegation 1(a)).

was the same as for any other long-time customer.3/ The auditors state that the Bank's assistant cashier was also the assistant treasurer of the Committee and certainly knew of the account's status as Committee depository. If the assistant cashier, as an officer or an agent of the Bank, had knowledge of the status of the account as a political committee depository, it is evident that the Bank and Bank president had such knowledge or access to such knowledge through that agency relationship.

In this case, it appears that the Bank president and assistant cashier violated 2 U.S.C. § 441b(a) by consenting to these contributions through overdrafts. We would recommend findings against these bank officers to determine their status as officers and their roles in authorizing the overdrafts.

ALLEGATION 3

2 U.S.C. § 432(h)(1) states in part that all receipts and disbursements of a political committee shall be deposited into or disbursed from (other than petty cash) a checking account at a depository designated by such committee.

2 U.S.C. § 434(b)(8) states in part that each report shall disclose the amount and nature of outstanding debts and obligations owed by or to a political committee.

3/ The account was not formally protected by an automatic line of credit as contemplated by 11 C.F.R. § 100.7(b)(11). By "overdraft protection" on the account, the Bank president indicates that the Bank paid the checks presented even though the account did not contain sufficient funds to cover the checks.

In the audit review of Comittee expenditures, the auditors noted a Bank counter check payable to the Bank in the amount of $3,200. The check notation stated the purpose as partial repayment to the candidate "on loans to campaign." No candidate loans to the campaign were noted on disclosure reports. The Committee's response to the auditors' inquiry concerning this discrepancy indicated that the disbursement was a salary payment to the candidate. The treasurer stated that the candidate had provided no evidence to indicate that the campaign payments were used for other than personal purposes. Based on the audit evidence and the Committee's unsatisfactory response, we question whether the candidate, on behalf of the Committee, made disbursements for campaign activity from an account other than a Committee depository in violation of 2 U.S.C. § 432(h)(1) and concomitantly, whether the Committee failed to report the candidate loans for campaign expenditures in violation of 2 U.S.C. § 434(b)(8).

RECOMMENDATIONS

1. Find reason to believe that the Webb Franklin for Congress Committee and Robert Knight, as treasurer, violated the Act as follows:

   (a) 2 U.S.C. § 441a(f)
   (b) 2 U.S.C. § 441b(a)
   (c) 2 U.S.C. § 432(h)(1)
   (d) 2 U.S.C. § 434(b)(8)

2. Find reason to believe that the Bank of Greenwood violated 2 U.S.C. § 441b(a).

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3. Find reason to believe that the following officers of the Bank of Greenwood violated 2 U.S.C. § 441b(a):

   (a) Cecil R. Burnham, President
   (b) Fisher M. Southworth III, Assistant Cashier

4. Find reason to believe that the following individuals violated 2 U.S.C. § 441a(a)(1)(A):

   (a) Don Barrett
   (b) David Hicks, Sr.
   (c) Bill Crump

5. Find reason to believe that the Capital Foundation: Mississippi Republican Party Campaign Committee violated 2 U.S.C. §441a(a)(2)(A).

6. Find reason to believe that the partnership of Barrett, Barrett and Barrett violated 2 U.S.C. § 441a(a)(1)(A).

7. Find reason to believe and take no further action, thereby closing the file as it relates the following individuals, for violations of 2 U.S.C. § 441a(a)(1)(A):

   (a) Howard Brent
   (b) Steve D. Golding
   (c) P.F. Wetzek
   (d) Fae E. Rhodes

8. Approve attached letters with questions.

Charles N. Steele
General Counsel

April 16, 1984
Date

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

Attachments
Letters to respondents
Proposed questions

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Robert Knight, Treasurer
Webb Franklin for Congress Committee
203 Howard Street
P.O. Box 1599
Greenwood, Mississippi 38930

RE: MUR 1621
Webb Franklin for Congress
Committee

Dear Mr. Knight:

On , 1984, the Federal Election Commission determined that there is reason to believe that the Webb Franklin for Congress Committee and you, as treasurer, made the following violations of the Federal Election Campaign Act of 1971, as amended ("the Act"):

1. 2 U.S.C. § 441a(f) for receipt of:

   (a) direct contributions and loan endorsements from three individuals: Don Barrett, David Hicks, Sr., and Bill Crump;

   (b) direct contributions made after the primary election in excess of net primary debt from a party-related multicandidate committee, the Capital Foundation: Mississippi Republican Party Campaign Committee;

   (c) a direct contribution from a partnership, Barrett, Barrett and Barrett law firm;

   (d) direct contributions from four individuals (Howard Brent, Steve D. Golding, P.F. Wetzek and Fae E. Rhodes).

2. 2 U.S.C. § 441b(a) through receipt of loans in the form of overdrafts from a national bank (the Bank of Greenwood, a branch of the National Bank of Jackson, MS).

3. 2 U.S.C. § 432(h)(1) through apparent failure to deposit all receipts into and make all disbursements from a designated Committee depository.

4. 2 U.S.C. § 434(b)(8) by apparently failing to disclose loans made to the Committee by the candidate in connection with disbursements in 3. above.

Attachment A (1)

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 and the committee. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Additionally, please submit answers to the enclosed questions within ten days of your receipt of this letter.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, 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 so desired. 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)523-5071.

Sincerely,

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

cc: The Honorable Webb Franklin

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QUESTIONS

1. What assurances from or understanding with the Bank of Greenwood allowed the Committee to continue to make disbursements from a depository account which did not contain sufficient funds to cover the checks drawn on the account?

2. Certain checks drawn on the Committee account and made payable to the Candidate contain notations indicating the purpose of the checks was to repay the Candidate for loans to the Committee. Such loans were not reported as debts owed by the Committee. Explain the nature of such loans (direct loans and amounts and/or loans-in-kind made by the Candidate to the Committee from another account).

3. Certain disbursements to the Candidate were reported on disclosure reports as salary payments. Explain the discrepancy between the check notations (repayment of Candidate loans to Committee) and reported purposes (salary payments) of disbursements to the Candidate.

4. Please provide bank records from the personal account of Webb Franklin for the period September 1, 1981 through December 31, 1982. Such bank records should include all bank statements, canceled checks, deposit tickets and debit and credit memoranda for the period.

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT	Webb Franklin for Congress Committee Robert Knight, Treasurer	MUR NO. 1621 STAFF MEMBER AND TEL. NO. Frances B. Hagan (202) 523-5071

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

1. The Webb Franklin for Congress Committee ("the Committee") violated 2 U.S.C. § 441a(f) for receipt of the following contributions made in excess of limitations at 2 U.S.C. § 441a(a)(1)(A):

a) direct contributions and loan endorsements from three individuals: Don Barrett, David Hicks, Sr., and Bill Crump;

b) direct contribution made after the primary election in excess of net primary debt from a party-related multi-candidate committee, the Capital Foundation: Mississippi Republican Party Campaign Committee;

c) direct contribution from a partnership, Barrett, Barrett and Barrett law firm;

d) direct contributions from four individuals.

2. The Committee violated 2 U.S.C. § 441b(a) through receipt of loans in the form of overdrafts from a national bank (the Bank of Greenwood ["the Bank"], a branch of the National Bank of Jackson, MS). The Bank and two of its officers, Cecil R. Burnham, President, and Fisher M. Southworth, III, assistant cashier, violated 2 U.S.C. § 441b(a) by consenting to such overdrafts to the Committee.

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3. The Committee violated 2 U.S.C. § 432(h)(1) through its apparent failure to deposit all receipts into and make all disbursements from a designated Committee depository. In addition, the Committee violated 2 U.S.C. § 434(b)(8) by apparently failing to disclose loans made to the Committee by the candidate.

FACTUAL BASIS AND LEGAL ANALYSIS

Allegations 1(a)-(d)

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee 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 contributions in violation of this section.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

Allegation 1(a)

2 U.S.C. § 431(8)(B)(vii)(I) states that loan/contributions shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

On November 22, 1982, the Committee obtained an uncollateralized bank loan of $30,000 just after the 1982 general election. The loan was endorsed by three individuals and

apparently used for the purpose of liquidating debts and substantial overdrafts (see also Allegation 2). Each individual endorser would be liable for 1/3 the amount of the loan in addition to their direct contributions. 2 U.S.C. § 431(8)(A)(i) and (B)(vii)(I). As a result, the Committee violated § 441a(f) for receipt of excessive contributions and the three individuals violated § 441a(a)(1)(A) for making excessive contributions in the form of loan endorsements. On October 17, 1983, after the auditors notified the Committee of the apparent violations, the Committee obtained a new note endorsed solely by the candidate.

Allegation 1(b)

11 C.F.R. § 110.1(a)(2)(i) clarifies the contribution limitation of $5,000 per election: "With respect to any election" means in the case of a contribution designated in writing for a particular election, the election so designated, except that a contribution made after a primary election and designated for the primary shall be made only to the extent that the contribution does not exceed net debts outstanding from the primary election. The auditors found that on August 26, 1982, following the Mississippi primary of August 17, the Committee received two contributions of $5,000 each from the Capital Foundation: Mississippi Republican Party Campaign Committee ("the Party Committee"), an account of the Republican State party committee. One of the checks was designated to pay primary debts; the other was designated for the November 2, 1982 general

A (6)

election. However, the auditors could not identify any outstanding primary debts. The Committee provided additional invoices and accrued payroll showing debts of $8,017.43. After applying cash on hand on the primary date, the auditors calculated the Committee's net debt to be $1,360.35. 11 C.F.R. § 110.1(a)(2)(i). Therefore, the Committee violated 2 U.S.C. § 441a(f) for receipt of $3,639.65 in excess of its net primary debt.

Allegation 1(c)

2 U.S.C. § 431(11) defines the term "person" (as applicable at 2 U.S.C. § 441a(a)(1)(A)) to include a partnership.

11 C.F.R. § 110.1(e) states that a contribution by a partnership be attributed to each partner in direct proportion to his or her share of the partnership profits, according to instructions which shall be provided by the partnership to the committee or candidate, or be attributed by agreement of the partners, as long as only the profits of the partners to whom the contribution is attributed are reduced (or losses increased), and these partners' profits are reduced (or losses increased) in proportion to the contribution attributed to each of them; and not exceed the contribution limits.

The auditors found that a partnership contributed $3,000 to the Committee on July 16, 1982. The partnership, Barrett, Barrett and Barrett law firm, violated 2 U.S.C. § 441a(a)(1)(A) for making the excessive contribution and the Committee violated § 441a(f) for receipt of the excessive portion totaling $2,000.

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Don Barrett, an attorney with this law firm (and apparently a partner), also made excessive contributions through direct donations and a loan endorsement. (See Allegation 1(a). His share of the partnership contribution will be added to his total contributions to determine the amount of his excessive contribution. 11 C.F.R. § 110.1(e).

ALLEGATION 1(d)

The auditors noted that three individuals (Howard Brent, Steve D. Golding and P.F. Wetzek) made direct contributions to the Committee, each in excess of limitations by $200; a fourth individual (Fae E. Rhodes) contributed $500 in excess of limitations. The Office of General Counsel recommended a finding of reason to believe and added $1,100 to the amount of the Committee's § 441a(f) violation.

ALLEGATION 2

2 U.S.C. § 441b(a) states in part that it is unlawful for any national bank to make a contribution or expenditure in connection with any election to any political office or in connection with any primary election to select candidates for any political office, or for any officer or any director of any national bank to consent to any contribution or expenditure by the national bank, prohibited by this section.

2 U.S.C. § 431(8)(A)(i) defines "contribution" as any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office.

A (8)

11 C.F.R. § 100.7(b)(11) states, in pertinent part, that an overdraft made on a checking or savings account shall be considered a contribution by the bank or institution unless: the overdraft is made on an account which is subject to automatic overdraft protection; the overdraft is subject to a definite interest rate which is usual and customary; and there is a definite repayment schedule.

The auditors report that on the fifth day before the general election, and for 14 days after the election, the Committee incurred bank overdrafts with the Bank of Greenwood, MS (a branch of the First National Bank of Jackson, MS) ranging from $353.87 to $30,076.38.*/ The account was charged $750.00 for the checks drawn on insufficient funds. Therefore, it appears that the Bank violated 2 U.S.C. § 441b(a) by making contributions without automatic overdraft protection. 11 C.F.R. § 100.7(b)(11). Concomitantly, the Commmittee violated 2 U.S.C. § 441b(a) through receipt of such contributions.

During the audit report process, the Committee provided a letter from the Bank president which states that he was unaware that the account labeled "Webb Franklin, Special" was the Commmittee depository and that the overdraft protection allowed was the same as for any other long-time customer. The auditors state that the Bank's assistant cashier was also the assistant treasurer of the Committee and certainly knew of the account's

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*/ The overdrafts apparently were covered by a loan of $30,000 endorsed by three individuals (see Allegation 1(a)).

status as Committee depository. If the assistant cashier, as an officer or an agent of the Bank, had knowledge of the status of the account as a political committee depository, it is evident that the Bank and Bank president had such knowledge or access to such knowledge through that agency relationship.

ALLEGATION 3

2 U.S.C. § 432(h)(1) states in part that all receipts and disbursements of a political committee shall be deposited into or disbursed from (other than petty cash) a checking account at a depository designated by such committee.

2 U.S.C. § 434(b)(8) states in part that each report shall disclose the amount and nature of outstanding debts and obligations owed by or to a political committee.

In the audit review of Comittee expenditures, the auditors noted a Bank counter check payable to the Bank in the amount of $3,200. The check notation stated the purpose as partial repayment to the candidate "on loans to campaign." No candidate loans to the campaign were noted on disclosure reports. The Committee's response to the auditors' inquiry concerning this discrepancy indicated that the disbursement was a salary payment to the candidate. The treasurer stated that the candidate had provided no evidence to indicate that the campaign payments were used for other than personal purposes. Based on the audit evidence and the Committee's less than satisfactory response, we question whether the candidate, on behalf of the Committee, made

disbursements for campaign activity from an account other than a Committee depository in violation of 2 U.S.C. § 432(h)(1) and concomitantly, whether the Committee failed to report the candidate loans for campaign expenditures in violation of 2 U.S.C. § 434(b)(8).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Cecil R. Burnham, President
Bank of Greenwood
P.O. Box 945
Greenwood, Mississippi 38930

RE: MUR 1621

Dear Mr. Burnham:

On , 1984, the Federal Election Commission determined that there is reason to believe that the Bank of Greenwood and you and Fisher M. Southworth III, as bank officers, violated 2 U.S.C. § 441b(a), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by making and consenting to contributions in the form of overdrafts to the Webb Franklin for Congress Committee. 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, Mr. Southworth and the Bank of Greenwood. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Additionally, please submit answers to the enclosed questions within ten days of your receipt of this letter.

In the absence of any additional information which demonstrates that no further action should be taken against you, Mr. Southworth and the Bank, 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 so desired. 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.

Attachment B (1)

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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)523-5071.

Sincerely,

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

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B (2)

QUESTIONS

1. Define an overdraft according to the Bank's interpretation.

2. What are your procedures for handling overdrafts?

3. If these procedures have changed, what were the former procedures, what are the latest procedures and when did they change?

4. Are these procedures written? If so, where? Please provide a copy.

5. If overdrafts are approved by any officers, which officers, and how is approval reached?

6. For the year in question (1982), how many accounts at your bank were in overdraft status?

7. For each overdrawn account during 1982, show the amount overdrawn and how long the account was overdrawn (no names on accounts, please).

8. Please describe the authorities and duties of the assistant cashier position at your bank.

9. How many bank employees were aware that the Webb Franklin for Congress Committee maintained its political campaign depository at the bank? What position did these employees hold?

10. Was assistant cashier Fisher M. Southworth III aware that the Webb Franklin Special Account #55-1597-8 was the campaign depository?

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT The Bank of Greenwood (Mississippi)
Cecil R. Burnham
Fisher M. Southworth, III

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-5071

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

The Bank of Greenwood, a branch of the National Bank of Jackson, Mississippi, and two of its officers, Cecil R. Burnham, President, and Fisher M. Southworth, III, assistant cashier, violated 2 U.S.C. § 441b(a) by making and consenting to loans in the form of overdrafts to the the Webb Franklin for Congress Committee ("the Committee").

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441b(a) states in part that it is unlawful for any national bank to make a contribution or expenditure in connection with any election to any political office or in connection with any primary election to select candidates for any political office, or for any officer or any director of any national bank to consent to any contribution or expenditure by the national bank, prohibited by this section.

2 U.S.C. § 431(8)(A)(i) defines "contribution" as any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office.

B (4)

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11 C.F.R. § 100.7(b)(11) states, in pertinent part, that an overdraft made on a checking or savings account shall be considered a contribution by the bank or institution unless: the overdraft is made on an account which is subject to automatic overdraft protection; the overdraft is subject to a definite interest rate which is usual and customary; and there is a definite repayment schedule.

The auditors report that on the fifth day before the general election, and for 14 days after the election, the Committee incurred bank overdrafts with the Bank of Greenwood, MS (a branch of the First National Bank of Jackson, MS) ranging from $353.87 to $30,076.38. The account was charged $750.00 for the checks drawn on insufficient funds. Therefore, it appears that the Bank violated 2 U.S.C. § 441b(a) by making contributions without automatic overdraft protection. 11 C.F.R. § 100.7(b)(11). The Office of General Counsel recommended a finding of reason to believe in this matter.

During the audit report process, the Committee provided a letter from the Bank president which states that he was unaware that the account labeled "Webb Franklin, Special" was the Commmittee depository and that the overdraft protection allowed was the same as for any other long-time customer. The auditors state that the Bank's assistant cashier was also the assistant treasurer of the Committee and certainly knew of the account's status as Committee depository. If the assistant cashier, as an

officer or an agent of the Bank, had knowledge of the status of the account as a political committee depository, it is evident that the Bank and Bank president had such knowledge or access to such knowledge through that agency relationship.

In this case, it appears that the Bank president and assistant cashier violated 2 U.S.C. § 441b(a) by consenting to these contributions through overdrafts. The Office of General Counsel recommended findings against these bank officers to determine their status as officers and their roles in authorizing the overdrafts.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Barrett, Barrett and Barrett
Court Square North
Lexington, Mississippi 39095

RE: MUR 1621

Dear Sirs:

On , 1984, the Federal Election Commission determined that there is reason to believe that your partnership violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by making a contribution in excess of contribution limitations to the Webb Franklin for Congress Committee. 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 your partnership. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Additionally, please submit answers to the enclosed questions within ten days of your receipt of this letter.

In the absence of any additional information which demonstrates that no further action should be taken against your firm, 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 so desired. 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.

Attachment C(1)

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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)523-5071.

Sincerely,

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

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C (2)

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QUESTIONS

1. Was the July 16, 1982, contribution of $3,000 drawn on the Barrett, Barrett and Barrett partnership account? If not, what is the source of this contribution?

2. If the check was written on a partnership account, please provide the number of partners in your law firm and the proportion of the $3,000 contribution attributable to each. Such attribution shall be made to each partner in direct proportion to the share of partnership profits, or by agreement of the partners if certain criteria are met. See 11 C.F.R. § 110.1(e)(1), (2) and (3).

3. Is there a connection between the law firm's apparent contribution of $3,000 and the appearance on Committee disclosure reports for the period of $1,000 each contributed by Mrs. Pat M. Barrett, Sr., Mildred Barrett McGill and Dan McGill? Please explain.

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C (3)

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Barrett, Barrett and Barrett

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-5071

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

Barrett, Barrett and Barrett, an unincorporated law firm, violated 2 U.S.C. § 441a(a)(1)(A) by making a contribution in excess of limitations to the Webb Franklin for Congress Committee ("the Committee").

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

2 U.S.C. § 431(11) defines the term "person" (as applicable at 2 U.S.C. § 441a(a)(1)(A)) to include a partnership.

11 C.F.R. § 110.1(e) states that a contribution by a partnership be attributed to each partner in direct proportion to his or her share of the partnership profits, according to

instructions which shall be provided by the partnership to the committee or candidate, or be attributed by agreement of the partners, as long as only the profits of the partners to whom the contribution is attributed are reduced (or losses increased), and these partners' profits are reduced (or losses increased) in proportion to the contribution attributed to each of them; and not exceed the contribution limits.

FEC auditors found that a partnership contributed $3,000 to the committee on July 16, 1982. The partnership, Barrett, Barrett and Barrett law firm, violated 2 U.S.C. § 441a(a)(1)(A) for making the excessive contribution (excessive portion totals $2,000).

C(5)

(23)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. R. Andrew Taggart, Treasurer
Capital Foundation: Mississippi Republican
Party Campaign Committee
P.O. Box 1178
516 East Capitol Street
Jackson, Mississippi 39205

RE: MUR 1621

Dear Mr. Taggart:

On , 1984, the Federal Election Commission determined that there is reason to believe that the Capital Foundation: Mississippi Republican Party Campaign Committee and you, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by making contributions to the Webb Franklin for Congress Committee after the 1982 primary election in excess of contribution limitations. (See also 11 C.F.R. § 110.1(a)(2)(i)). 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 and the committee. Please submit 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 your committee and you, as treasurer, 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 so desired. 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),

Attachment D(1)

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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)523-5071.

Sincerely,

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

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D(2)

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Capital Foundation: Mississippi Republican Party Campaign Committee

MUR NO. 1621
STAFF MEMBER & TEL. NO.
Frances B. Hagan
(202) 523-5071

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

A party-related multi-candidate committee, the Capital Foundation: Mississippi Republican Party Campaign Committee, violated 2 U.S.C. § 441a(a)(2)(A) by making a contribution to the Webb Franklin for Congress Committee ("the Committee") after the primary election in excess of the Committee's net primary debt.

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(2)(A) states that no multicandidate committee shall make contributions to any candidate and authorized political committees with respect to any federal election which, in the aggregate, exceed $5,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

11 C.F.R. § 110.1(a)(2)(i) clarifies the contribution limitation of $5,000 per election: "With respect to any election" means in the case of a contribution designated in writing for a particular election, the election so designated, except that a contribution made after a primary election and

D (3)

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designated for the primary shall be made only to the extent that the contribution does not exceed net debts outstanding from the primary election.

The auditors found that on August 26, 1982, following the Mississippi primary of August 17, the Committee received two contributions of $5,000 each from the Capital Foundation: Mississippi Republican Party Campaign Committee ("the Party Committee"), an account of the Republican State party committee. One of the checks was designated to pay primary debts; the other was designated for the November 2, 1982 general election. However, the auditors could not identify any outstanding primary debts. The Committee provided additional invoices and accrued payroll showing debts of $8,017.43. After applying cash on hand on the primary date, the auditors calculated the Committee's net debt to be $1,360.35. 11 C.F.R. § 110.1(a)(2)(i). Therefore, the Party Committee violated 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution of $3,639.65 in excess of the Committee's net primary debt.

D (4)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Don Barrett
P.O. Box 631
Lexington, Mississippi 39095

RE: MUR 1621

Dear Mr. Barrett:

On , 1984, 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 making a contribution in loan form in excess of contribution limitations to the Webb Franklin for Congress Committee. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

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 so desired. 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.

Attachment E (1)

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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)523-5071.

Sincerely,

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

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E (2)

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Don Barrett

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-5071

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

Don Barrett violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in the form of direct donations and a loan endorsement in excess of contribution limitations to the Webb Franklin for Congress Committee during the 1982 election.

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

2 U.S.C. § 431(8)(B)(vii)(I) states that loan/contributions shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

On November 22, 1982, the Committee obtained an uncollateralized bank loan of $30,000 just after the 1982 general

election. The loan was endorsed by three individuals and apparently used for the purpose of liquidating debts and substantial overdrafts. Each individual endorser would be liable for 1/3 the amount of the loan in addition to their direct contributions. 2 U.S.C. § 431(8)(A)(i) and (B)(vii)(I). As a result, Don Barrett violated § 441a(a)(1)(A) for making an excessive contribution in the form of a loan endorsement. On October 17, 1983, after the auditors notified the Committee of the apparent violations, the Committee obtained a new note endorsed solely by the candidate.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Bill Crump
Schlater, Mississippi 38952

RE: MUR 1621

Dear Mr. Crump:

On , 1984, 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 making a contribution in loan form in excess of contribution limitations to the Webb Franklin for Congress Committee. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

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 so desired. 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.

Attachment F (1)

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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)523-5071.

Sincerely,

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

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F (2)

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Bill Crump

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-5071

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

Bill Crump violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in the form of direct donations and a loan endorsement in excess of contribution limitations to the Webb Franklin for Congress Committee during the 1982 election.

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

2 U.S.C. § 431(8)(B)(vii)(I) states that loan/contributions shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

On November 22, 1982, the Committee obtained an uncollateralized bank loan of $30,000 just after the 1982 general

F (3)

election. The loan was endorsed by three individuals and apparently used for the purpose of liquidating debts and substantial overdrafts. Each individual endorser would be liable for 1/3 the amount of the loan in addition to their direct contributions. 2 U.S.C. § 431(8)(A)(i) and (B)(vii)(I). As a result, Bill Crump violated § 441a(a)(1)(A) for making an excessive contribution in the form of a loan endorsement. On October 17, 1983, after the auditors notified the Committee of the apparent violations, the Committee obtained a new note endorsed solely by the candidate.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

David Hicks, Sr.
Box 1137
Greenwood, Mississippi 38930

RE: MUR 1621

Dear Mr. Hicks:

On , 1984, 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 making a contribution in loan form in excess of contribution limitations to the Webb Franklin for Congress Committee. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

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 so desired. 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.

Attachment G (1)

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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)523-5071.

Sincerely,

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

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT David Hicks, Sr.

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-5071

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

David Hicks, Sr. violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in the form of direct donations and a loan endorsement in excess of contribution limitations to the Webb Franklin for Congress Committee during the 1982 election.

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

2 U.S.C. § 431(8)(B)(vii)(I) states that loan/contributions shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

On November 22, 1982, the Committee obtained an uncollateralized bank loan of $30,000 just after the 1982 general

G (3)

election. The loan was endorsed by three individuals and apparently used for the purpose of liquidating debts and substantial overdrafts. Each individual endorser would be liable for 1/3 the amount of the loan in addition to their direct contributions. 2 U.S.C. § 431(8)(A)(i) and (B)(vii)(I). As a result, David Hicks, Sr. violated § 441a(a)(1)(A) for making an excessive contribution in the form of a loan endorsement. On October 17, 1983, after the auditors notified the Committee of the apparent violations, the Committee obtained a new note endorsed solely by the candidate.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mrs. Fae E. Rhodes
Equeen Plantation
Minter City, Mississippi 38944

RE: MUR 1621

Dear Mrs. Rhodes:

On , 1984, the Commission found 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") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file as it pertains to you. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

The Commission reminds you that your contributions in excess of $1,000 to the Webb Franklin for Congress Committee nevertheless appear to be a violation of 2 U.S.C. § 441a(a)(1)(A) and you should take immediate steps to ensure that this activity does not occur in the future.

The General Counsel's Factual and Legal analysis which formed a basis for the Commission's finding is attached for your information.

If you have any questions, please direct them to Frances B. Hagan, the staff member assigned to this matter, at (202)523-5071.

Sincerely,

Attachment H(1)

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Fae E. Rhodes

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-5071

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

Fae E. Rhodes violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in excess of contribution limitations to the Webb Franklin for Congress Committee in 1982.

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

FEC auditors noted that an individual, Mrs. Fae E. Rhodes, made direct contributions to the Webb Franklin for Congress Committee in excess of the limitations by $500. In this case, the Office of General Counsel recommended that the Commission find reason to believe and take no further action.

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(41)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Howard Brent
P.O. Drawer B
Greenville, Mississippi 38702

RE: MUR 1621

Dear Mr. Brent:

On , 1984, the Commission found 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") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file as it pertains to you. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

The Commission reminds you that your contributions in excess of $1,000 to the Webb Franklin for Congress Committee nevertheless appear to be a violation of 2 U.S.C. § 441a(a)(1)(A) and you should take immediate steps to ensure that this activity does not occur in the future.

The General Counsel's Factual and Legal analysis which formed a basis for the Commission's finding is attached for your information.

If you have any questions, please direct them to Frances B. Hagan, the staff member assigned to this matter, at (202)523-5071.

Sincerely,

Attachment I(1)

(42)

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Howard Brent

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-5071

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

Howard Brent violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in excess of contribution limitations to the Webb Franklin for Congress Committee ("the Committee").

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

FEC auditors noted that an individual, Howard Brent, made direct contributions to the Committee in excess of the limitations by $200. In this case, the Office of General Counsel recommended that the Commission find reason to believe against this individual and take no further action.

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(43)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. P. F. Wetzek
P.O. Box 480
Greenville, Mississippi 38702

RE: MUR 1621

Dear Mr. Wetzek:

On , 1984, the Commission found 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") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file as it pertains to you. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

The Commission reminds you that your contributions in excess of $1,000 to the Webb Franklin for Congress Committee nevertheless appear to be a violation of 2 U.S.C. § 441a(a)(1)(A) and you should take immediate steps to ensure that this activity does not occur in the future.

The General Counsel's Factual and Legal analysis which formed a basis for the Commission's finding is attached for your information.

If you have any questions, please direct them to Frances B. Hagan, the staff member assigned to this matter, at (202)523-5071.

Sincerely,

Attachment J (1)

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT P.F. Wetzek

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-5071

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

P.F. Wetzek violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in excess of contribution limitations to the Webb Franklin for Congress Committee ("the Committee").

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

FEC auditors noted that an individual, P.F. Wetzek, made direct contributions to the Committee in excess of the limitations by $200. In this case, the Office of General Counsel recommended that the Commission find reason to believe against this individual and take no further action.

J (2)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Steve D. Golding
P.O. Box 186
Vicksburg, Mississippi 39180

RE: MUR 1621

Dear Mr. Golding:

On , 1984, the Commission found 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") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file as it pertains to you. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

The Commission reminds you that your contributions in excess of $1,000 to the Webb Franklin for Congress Committee nevertheless appear to be a violation of 2 U.S.C. § 441a(a)(1)(A) and you should take immediate steps to ensure that this activity does not occur in the future.

The General Counsel's Factual and Legal analysis which formed a basis for the Commission's finding is attached for your information.

If you have any questions, please direct them to Frances B. Hagan, the staff member assigned to this matter, at (202)523-5071.

Sincerely,

Attachment K(1)

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Steve D. Golding

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-5071

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

Steve D. Golding violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in excess of contribution limitations to the Webb Franklin for Congress Committee ("the Committee").

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

FEC auditors noted that an individual, Steve D. Golding, made direct contributions to the Committee in excess of the limitations by $200. In this case, the Office of General Counsel recommended that the Commission find reason to believe against this individual and take no further action.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 26, 1984

Howard Brent
P.O. Drawer B
Greenville, Mississippi 38702

RE: MUR 1621

Dear Mr. Brent:

On April 24, 1984, the Commission found 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") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file as it pertains to you. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

The Commission reminds you that your contributions in excess of $1,000 to the Webb Franklin for Congress Committee nevertheless appear to be a violation of 2 U.S.C. § 441a(a)(1)(A) and you should take immediate steps to ensure that this activity does not occur in the future.

The General Counsel's Factual and Legal analysis which formed a basis for the Commission's finding is attached for your information.

If you have any questions, please direct them to Frances B. Hagan, the staff member assigned to this matter, at (202)523-4000.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Howard Brent

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-4000

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

Howard Brent violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in excess of contribution limitations to the Webb Franklin for Congress Committee ("the Committee").

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

FEC auditors noted that an individual, Howard Brent, made direct contributions to the Committee in excess of the limitations by $200. In this case, the Office of General Counsel recommended that the Commission find reason to believe against this individual and take no further action.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C 20463

April 26, 1984

Mr. P. F. Wetzek
P.O. Box 480
Greenville, Mississippi 38702

RE: MUR 1621

Dear Mr. Wetzek:

On April 24, 1984, the Commission found 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") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file as it pertains to you. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

The Commission reminds you that your contributions in excess of $1,000 to the Webb Franklin for Congress Committee nevertheless appear to be a violation of 2 U.S.C. § 441a(a)(1)(A) and you should take immediate steps to ensure that this activity does not occur in the future.

The General Counsel's Factual and Legal analysis which formed a basis for the Commission's finding is attached for your information.

If you have any questions, please direct them to Frances B. Hagan, the staff member assigned to this matter, at (202)523-4000.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT P.F. Wetzek

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-4000

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

P.F. Wetzek violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in excess of contribution limitations to the Webb Franklin for Congress Committee ("the Committee").

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

FEC auditors noted that an individual, P.F. Wetzek, made direct contributions to the Committee in excess of the limitations by $200. In this case, the Office of General Counsel recommended that the Commission find reason to believe against this individual and take no further action.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 26, 1984

Steve D. Golding
P.O. Box 186
Vicksburg, Mississippi 39180

RE: MUR 1621

Dear Mr. Golding:

On April 24, 1984, the Commission found 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") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file as it pertains to you. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

The Commission reminds you that your contributions in excess of $1,000 to the Webb Franklin for Congress Committee nevertheless appear to be a violation of 2 U.S.C. § 441a(a)(1)(A) and you should take immediate steps to ensure that this activity does not occur in the future.

The General Counsel's Factual and Legal analysis which formed a basis for the Commission's finding is attached for your information.

If you have any questions, please direct them to Frances B. Hagan, the staff member assigned to this matter, at (202)523-4000.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Steve D. Golding

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-4000

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

Steve D. Golding violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in excess of contribution limitations to the Webb Franklin for Congress Committee ("the Committee").

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

FEC auditors noted that an individual, Steve D. Golding, made direct contributions to the Committee in excess of the limitations by $200. In this case, the Office of General Counsel recommended that the Commission find reason to believe against this individual and take no further action.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

April 26, 1984

Mrs. Fae E. Rhodes
Equeen Plantation
Minter City, Mississippi 38944

RE: MUR 1621

Dear Mrs. Rhodes:

On April 24, 1984, the Commission found 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") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file as it pertains to you. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

The Commission reminds you that your contributions in excess of $1,000 to the Webb Franklin for Congress Committee nevertheless appear to be a violation of 2 U.S.C. § 441a(a)(1)(A) and you should take immediate steps to ensure that this activity does not occur in the future.

The General Counsel's Factual and Legal analysis which formed a basis for the Commission's finding is attached for your information.

If you have any questions, please direct them to Frances B. Hagan, the staff member assigned to this matter, at (202)523-4000.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Fae E. Rhodes

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-4000

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

Fae E. Rhodes violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in excess of contribution limitations to the Webb Franklin for Congress Committee in 1982.

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

FEC auditors noted that an individual, Mrs. Fae E. Rhodes, made direct contributions to the Webb Franklin for Congress Committee in excess of the limitations by $500. In this case, the Office of General Counsel recommended that the Commission find reason to believe and take no further action.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 26, 1984

David Hicks, Sr.
Box 1137
Greenwood, Mississippi 38930

RE: MUR 1621

Dear Mr. Hicks:

On April 24, 1984, 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 making a contribution in loan form in excess of contribution limitations to the Webb Franklin for Congress Committee. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

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 so desired. 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.

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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)523-4000.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

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

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT David Hicks, Sr.

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-4000

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

David Hicks, Sr. violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in the form of direct donations and a loan endorsement in excess of contribution limitations to the Webb Franklin for Congress Committee during the 1982 election.

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

2 U.S.C. § 431(8)(B)(vii)(I) states that loan/contributions shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

On November 22, 1982, the Committee obtained an uncollateralized bank loan of $30,000 just after the 1982 general

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election. The loan was endorsed by three individuals and apparently used for the purpose of liquidating debts and substantial overdrafts. Each individual endorser would be liable for 1/3 the amount of the loan in addition to their direct contributions. 2 U.S.C. § 431(8)(A)(i) and (B)(vii)(I). As a result, David Hicks, Sr. violated § 441a(a)(1)(A) for making an excessive contribution in the form of a loan endorsement. On October 17, 1983, after the auditors notified the Committee of the apparent violations, the Committee obtained a new note endorsed solely by the candidate.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 26, 1984

Bill Crump
Schlater, Mississippi 38952

RE: MUR 1621

Dear Mr. Crump:

On April 24, 1984, 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 making a contribution in loan form in excess of contribution limitations to the Webb Franklin for Congress Committee. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

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 so desired. 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.

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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)523-4000.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

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

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Bill Crump

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-4000

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

Bill Crump violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in the form of direct donations and a loan endorsement in excess of contribution limitations to the Webb Franklin for Congress Committee during the 1982 election.

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

2 U.S.C. § 431(8)(B)(vii)(I) states that loan/contributions shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

On November 22, 1982, the Committee obtained an uncollateralized bank loan of $30,000 just after the 1982 general

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election. The loan was endorsed by three individuals and apparently used for the purpose of liquidating debts and substantial overdrafts. Each individual endorser would be liable for 1/3 the amount of the loan in addition to their direct contributions. 2 U.S.C. § 431(8)(A)(i) and (B)(vii)(I). As a result, Bill Crump violated § 441a(a)(1)(A) for making an excessive contribution in the form of a loan endorsement. On October 17, 1983, after the auditors notified the Committee of the apparent violations, the Committee obtained a new note endorsed solely by the candidate.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 26, 1984

Don Barrett
P.O. Box 631
Lexington, Mississippi 39095

RE: MUR 1621

Dear Mr. Barrett:

On April 24, 1984, 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 making a contribution in loan form in excess of contribution limitations to the Webb Franklin for Congress Committee. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

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 so desired. 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.

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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)523-4000.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

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

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Don Barrett

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-4000

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

Don Barrett violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in the form of direct donations and a loan endorsement in excess of contribution limitations to the Webb Franklin for Congress Committee during the 1982 election.

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

2 U.S.C. § 431(8)(B)(vii)(I) states that loan/contributions shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

On November 22, 1982, the Committee obtained an uncollateralized bank loan of $30,000 just after the 1982 general

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election. The loan was endorsed by three individuals and apparently used for the purpose of liquidating debts and substantial overdrafts. Each individual endorser would be liable for 1/3 the amount of the loan in addition to their direct contributions. 2 U.S.C. § 431(8)(A)(i) and (B)(vii)(I). As a result, Don Barrett violated § 441a(a)(1)(A) for making an excessive contribution in the form of a loan endorsement. On October 17, 1983, after the auditors notified the Committee of the apparent violations, the Committee obtained a new note endorsed solely by the candidate.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 26, 1984

Mr. R. Andrew Taggart, Treasurer
Capital Foundation: Mississippi Republican
Party Campaign Committee
P.O. Box 1178
516 East Capitol Street
Jackson, Mississippi 39205

RE: MUR 1621

Dear Mr. Taggart:

On April 24, 1984, the Federal Election Commission determined that there is reason to believe that the Capital Foundation: Mississippi Republican Party Campaign Committee and you, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by making contributions to the Webb Franklin for Congress Committee after the 1982 primary election in excess of contribution limitations. (See also 11 C.F.R. § 110.1(a)(2)(i)). 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 and the committee. Please submit 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 your committee and you, as treasurer, 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 so desired. 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)523-4000.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Capital Foundation: Mississippi Republican Party Campaign Committee

MUR NO. 1621
STAFF MEMBER & TEL. NO.
Frances B. Hagan
(202) 523-4000

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

A party-related multi-candidate committee, the Capital Foundation: Mississippi Republican Party Campaign Committee, violated 2 U.S.C. § 441a(a)(2)(A) by making a contribution to the Webb Franklin for Congress Committee ("the Committee") after the primary election in excess of the Committee's net primary debt.

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(2)(A) states that no multicandidate committee shall make contributions to any candidate and authorized political committees with respect to any federal election which, in the aggregate, exceed $5,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

11 C.F.R. § 110.1(a)(2)(i) clarifies the contribution limitation of $5,000 per election: "With respect to any election" means in the case of a contribution designated in writing for a particular election, the election so designated, except that a contribution made after a primary election and

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designated for the primary shall be made only to the extent that the contribution does not exceed net debts outstanding from the primary election.

The auditors found that on August 26, 1982, following the Mississippi primary of August 17, the Committee received two contributions of $5,000 each from the Capital Foundation: Mississippi Republican Party Campaign Committee ("the Party Committee"), an account of the Republican State party committee. One of the checks was designated to pay primary debts; the other was designated for the November 2, 1982 general election. However, the auditors could not identify any outstanding primary debts. The Committee provided additional invoices and accrued payroll showing debts of $8,017.43. After applying cash on hand on the primary date, the auditors calculated the Committee's net debt to be $1,360.35. 11 C.F.R. § 110.1(a)(2)(i). Therefore, the Party Committee violated 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution of $3,639.65 in excess of the Committee's net primary debt.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 26, 1984

Robert Knight, Treasurer
Webb Franklin for Congress Committee
203 Howard Street
P.O. Box 1599
Greenwood, Mississippi 38930

RE: MUR 1621
Webb Franklin for Congress
Committee

Dear Mr. Knight:

On April 24, 1984, the Federal Election Commission determined that there is reason to believe that the Webb Franklin for Congress Committee and you, as treasurer, made the following violations of the Federal Election Campaign Act of 1971, as amended ("the Act"):

1. 2 U.S.C. § 441a(f) for receipt of:

   (a) direct contributions and loan endorsements from three individuals: Don Barrett, David Hicks, Sr., and Bill Crump;

   (b) direct contributions made after the primary election in excess of net primary debt from a party-related multicandidate committee, the Capital Foundation: Mississippi Republican Party Campaign Committee;

   (c) a direct contribution from a partnership, Barrett, Barrett and Barrett law firm;

   (d) direct contributions from four individuals (Howard Brent, Steve D. Golding, P.F. Wetzek and Fae E. Rhodes).

2. 2 U.S.C. § 441b(a) through receipt of loans in the form of overdrafts from a national bank (the Bank of Greenwood, a branch of the National Bank of Jackson, MS).

3. 2 U.S.C. § 432(h)(1) through apparent failure to deposit all receipts into and make all disbursements from a designated Committee depository.

4. 2 U.S.C. § 434(b)(8) by apparently failing to disclose loans made to the Committee by the candidate in connection with disbursements in 3. above.

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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 and the committee. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Additionally, please submit answers to the enclosed questions within ten days of your receipt of this letter.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, 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 so desired. 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)523-4000.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
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cc: The Honorable Webb Franklin

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QUESTIONS

1. What assurances from or understanding with the Bank of Greenwood allowed the Committee to continue to make disbursements from a depository account which did not contain sufficient funds to cover the checks drawn on the account?

2. Certain checks drawn on the Committee account and made payable to the Candidate contain notations indicating the purpose of the checks was to repay the Candidate for loans to the Committee. Such loans were not reported as debts owed by the Committee. Explain the nature of such loans (direct loans and amounts and/or loans-in-kind made by the Candidate to the Committee from another account).

3. Certain disbursements to the Candidate were reported on disclosure reports as salary payments. Explain the discrepancy between the check notations (repayment of Candidate loans to Committee) and reported purposes (salary payments) of disbursements to the Candidate.

4. Please provide bank records from the personal account of Webb Franklin for the period September 1, 1981 through December 31, 1982. Such bank records should include all bank statements, canceled checks, deposit tickets and debit and credit memoranda for the period.

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Webb Franklin for Congress Committee
Robert Knight, Treasurer

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-4000

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

1. The Webb Franklin for Congress Committee ("the Committee") violated 2 U.S.C. § 441a(f) for receipt of the following contributions made in excess of limitations at 2 U.S.C. § 441a(a)(1)(A):

a) direct contributions and loan endorsements from three individuals: Don Barrett, David Hicks, Sr., and Bill Crump;

b) direct contribution made after the primary election in excess of net primary debt from a party-related multi-candidate committee, the Capital Foundation: Mississippi Republican Party Campaign Committee;

c) direct contribution from a partnership, Barrett, Barrett and Barrett law firm;

d) direct contributions from four individuals.

2. The Committee violated 2 U.S.C. § 441b(a) through receipt of loans in the form of overdrafts from a national bank (the Bank of Greenwood ["the Bank"], a branch of the National Bank of Jackson, MS).

3. The Committee violated 2 U.S.C. § 432(h)(1) through its apparent failure to deposit all receipts into and make all disbursements from a designated Committee depository. In addition, the Committee violated 2 U.S.C. § 434(b)(8) by

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apparently failing to disclose loans made to the Committee by the candidate.

FACTUAL BASIS AND LEGAL ANALYSIS

Allegations 1(a)-(d)

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee 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 contributions in violation of this section.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

Allegation 1(a)

2 U.S.C. § 431(8)(B)(vii)(I) states that loan/contributions shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

On November 22, 1982, the Committee obtained an uncollateralized bank loan of $30,000 just after the 1982 general election. The loan was endorsed by three individuals and apparently used for the purpose of liquidating debts and substantial overdrafts (see also Allegation 2). Each individual endorser would be liable for 1/3 the amount of the loan in addition to their direct contributions. 2 U.S.C. § 431(8)(A)(i) and (B)(vii)(I). As a result, the Committee violated § 441a(f)

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for receipt of excessive contributions and the three individuals violated § 441a(a)(1)(A) for making excessive contributions in the form of loan endorsements. On October 17, 1983, after the auditors notified the Committee of the apparent violations, the Committee obtained a new note endorsed solely by the candidate.

Allegation 1(b)

11 C.F.R. § 110.1(a)(2)(i) clarifies the contribution limitation of $5,000 per election: "With respect to any election" means in the case of a contribution designated in writing for a particular election, the election so designated, except that a contribution made after a primary election and designated for the primary shall be made only to the extent that the contribution does not exceed net debts outstanding from the primary election. The auditors found that on August 26, 1982, following the Mississippi primary of August 17, the Committee received two contributions of $5,000 each from the Capital Foundation: Mississippi Republican Party Campaign Committee ("the Party Committee"), an account of the Republican State party committee. One of the checks was designated to pay primary debts; the other was designated for the November 2, 1982 general election. However, the auditors could not identify any outstanding primary debts. The Committee provided additional invoices and accrued payroll showing debts of $8,017.43. After applying cash on hand on the primary date, the auditors calculated the Committee's net debt to be $1,360.35. 11 C.F.R. § 110.1(a)(2)(i). Therefore, the Committee violated 2 U.S.C.

§ 441a(f) for receipt of $3,639.65 in excess of its net primary debt.

Allegation 1(c)

2 U.S.C. § 431(11) defines the term "person" (as applicable at 2 U.S.C. § 441a(a)(1)(A)) to include a partnership.

11 C.F.R. § 110.1(e) states that a contribution by a partnership be attributed to each partner in direct proportion to his or her share of the partnership profits, according to instructions which shall be provided by the partnership to the committee or candidate, or be attributed by agreement of the partners, as long as only the profits of the partners to whom the contribution is attributed are reduced (or losses increased), and these partners' profits are reduced (or losses increased) in proportion to the contribution attributed to each of them; and not exceed the contribution limits.

The auditors found that a partnership contributed $3,000 to the Committee on July 16, 1982. The partnership, Barrett, Barrett and Barrett law firm, violated 2 U.S.C. § 441a(a)(1)(A) for making the excessive contribution and the Committee violated § 441a(f) for receipt of the excessive portion totaling $2,000. Don Barrett, an attorney with this law firm (and apparently a partner), also made excessive contributions through direct donations and a loan endorsement. (See Allegation 1(a). His share of the partnership contribution will be added to his total contributions to determine the amount of his excessive contribution. 11 C.F.R. § 110.1(e).

ALLEGATION 1(d)

The auditors noted that three individuals (Howard Brent, Steve D. Golding and P.F. Wetzek) made direct contributions to the Committee, each in excess of limitations by $200; a fourth individual (Fae E. Rhodes) contributed $500 in excess of limitations. The Office of General Counsel recommended a finding of reason to believe and added $1,100 to the amount of the Committee's § 441a(f) violation.

ALLEGATION 2

2 U.S.C. § 441b(a) states in part that it is unlawful for any national bank to make a contribution or expenditure in connection with any election to any political office or in connection with any primary election to select candidates for any political office.

2 U.S.C. § 431(8)(A)(i) defines "contribution" as any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office.

11 C.F.R. § 100.7(b)(11) states, in pertinent part, that an overdraft made on a checking or savings account shall be considered a contribution by the bank or institution unless: the overdraft is made on an account which is subject to automatic overdraft protection; the overdraft is subject to a definite interest rate which is usual and customary; and there is a definite repayment schedule.

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The auditors report that on the fifth day before the general election, and for 14 days after the election, the Committee incurred bank overdrafts with the Bank of Greenwood, MS (a branch of the First National Bank of Jackson, MS) ranging from $353.87 to $30,076.38.*/ The account was charged $750.00 for the checks drawn on insufficient funds. Therefore, it appears that the Bank violated 2 U.S.C. § 441b(a) by making contributions without automatic overdraft protection. 11 C.F.R. § 100.7(b)(11). Concomitantly, the Commmittee violated 2 U.S.C. § 441b(a) through receipt of such contributions.

During the audit report process, the Committee provided a letter from the Bank president which states that he was unaware that the account labeled "Webb Franklin, Special" was the Commmittee depository and that the overdraft protection allowed was the same as for any other long-time customer. The auditors state that the Bank's assistant cashier was also the assistant treasurer of the Committee and certainly knew of the account's status as Committee depository.

ALLEGATION 3

2 U.S.C. § 432(h)(1) states in part that all receipts and disbursements of a political committee shall be deposited into or disbursed from (other than petty cash) a checking account at a depository designated by such committee.

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*/ The overdrafts apparently were covered by a loan of $30,000 endorsed by three individuals (see Allegation 1(a)).

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2 U.S.C. § 434(b)(8) states in part that each report shall disclose the amount and nature of outstanding debts and obligations owed by or to a political committee.

In the audit review of Comittee expenditures, the auditors noted a Bank counter check payable to the Bank in the amount of $3,200. The check notation stated the purpose as partial repayment to the candidate "on loans to campaign." No candidate loans to the campaign were noted on disclosure reports. The Committee's response to the auditors' inquiry concerning this discrepancy indicated that the disbursement was a salary payment to the candidate. The treasurer stated that the candidate had provided no evidence to indicate that the campaign payments were used for other than personal purposes. Based on the audit evidence and the Committee's less than satisfactory response, we question whether the candidate, on behalf of the Committee, made disbursements for campaign activity from an account other than a Committee depository in violation of 2 U.S.C. § 432(h)(1) and concomitantly, whether the Committee failed to report the candidate loans for campaign expenditures in violation of 2 U.S.C. § 434(b)(8).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 26, 1984

Cecil R. Burnham, President
Bank of Greenwood
P.O. Box 945
Greenwood, Mississippi 38930

RE: MUR 1621

Dear Mr. Burnham:

On April 24, 1984, the Federal Election Commission determined that there is reason to believe that the Bank of Greenwood violated 2 U.S.C. § 441b(a), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by making contributions in the form of overdrafts to the Webb Franklin for Congress Committee. 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 the Bank of Greenwood. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Additionally, please submit answers to the enclosed questions within ten days of your receipt of this letter.

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

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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)523-4000.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

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QUESTIONS

1. Define an overdraft according to the Bank's policy.

2. What are your procedures for handling overdrafts?

3. If these procedures have changed, what were the former procedures, what are the latest procedures and when did they change?

4. Are these procedures written? If so, where? Please provide a copy.

5. If overdrafts are approved by any officers, which officers, and how is approval secured?

6. For the year in question (1982), how many accounts at your bank were in overdraft status?

7. For each overdrawn account during 1982, show the amount overdrawn and how long the account was overdrawn (no names on accounts, please).

8. Please describe the authorities and duties of the assistant cashier position at your bank.

9. How many bank employees were aware that the Webb Franklin for Congress Committee maintained its political campaign depository at the bank? What position did these employees hold?

10. Was assistant cashier Fisher M. Southworth III aware that the Webb Franklin Special Account #55-1597-8 was the campaign depository?

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT The Bank of Greenwood (Mississippi)

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-4000

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

The Bank of Greenwood, a branch of the National Bank of Jackson, Mississippi, violated 2 U.S.C. § 441b(a) by making loans in the form of overdrafts to the the Webb Franklin for Congress Committee ("the Committee").

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441b(a) states in part that it is unlawful for any national bank to make a contribution or expenditure in connection with any election to any political office or in connection with any primary election to select candidates for any political office.

2 U.S.C. § 431(8)(A)(i) defines "contribution" as any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office.

11 C.F.R. § 100.7(b)(11) states, in pertinent part, that an overdraft made on a checking or savings account shall be considered a contribution by the bank or institution unless: the overdraft is made on an account which is subject to automatic overdraft protection; the overdraft is subject to a definite

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interest rate which is usual and customary; and there is a definite repayment schedule.

The auditors report that on the fifth day before the general election, and for 14 days after the election, the Committee incurred bank overdrafts with the Bank of Greenwood, MS (a branch of the First National Bank of Jackson, MS) ranging from $353.87 to $30,076.38. The account was charged $750.00 for the checks drawn on insufficient funds. Therefore, it appears that the Bank violated 2 U.S.C. § 441b(a) by making contributions without automatic overdraft protection. 11 C.F.R. § 100.7(b)(11). The Office of General Counsel recommended a finding of reason to believe in this matter.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 26, 1984

Barrett, Barrett and Barrett
Court Square North
Lexington, Mississippi 39095

RE: MUR 1621

Dear Sirs:

On April 24, 1984, the Federal Election Commission determined that there is reason to believe that your partnership violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by making a contribution in excess of contribution limitations to the Webb Franklin for Congress Committee. 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 your partnership. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Additionally, please submit answers to the enclosed questions within ten days of your receipt of this letter.

In the absence of any additional information which demonstrates that no further action should be taken against your firm, 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 so desired. 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.

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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)523-4000.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

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QUESTIONS

1. Was the July 16, 1982, contribution of $3,000 drawn on the Barrett, Barrett and Barrett partnership account? If not, what is the source of this contribution?

2. If the check was written on a partnership account, please provide the number of partners in your law firm and the proportion of the $3,000 contribution attributable to each. Such attribution shall be made to each partner in direct proportion to the share of partnership profits, or by agreement of the partners if certain criteria are met. See 11 C.F.R. § 110.1(e)(1), (2) and (3).

   If a written agreement exists concerning such attribution, please submit a copy. If the agreement is not written, explain the substance of the agreement.

3. Is there a connection between the law firm's apparent contribution of $3,000 and the appearance on Committee disclosure reports for the period of $1,000 each contributed by Mrs. Pat M. Barrett, Sr., Mildred Barrett McGill and Dan McGill? Please explain.

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Barrett, Barrett and Barrett

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-4000

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

Barrett, Barrett and Barrett, an unincorporated law firm, violated 2 U.S.C. § 441a(a)(1)(A) by making a contribution in excess of limitations to the Webb Franklin for Congress Committee ("the Committee").

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

2 U.S.C. § 431(11) defines the term "person" (as applicable at 2 U.S.C. § 441a(a)(1)(A)) to include a partnership.

11 C.F.R. § 110.1(e) states that a contribution by a partnership be attributed to each partner in direct proportion to his or her share of the partnership profits, according to

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instructions which shall be provided by the partnership to the committee or candidate, or be attributed by agreement of the partners, as long as only the profits of the partners to whom the contribution is attributed are reduced (or losses increased), and these partners' profits are reduced (or losses increased) in proportion to the contribution attributed to each of them; and not exceed the contribution limits.

FEC auditors found that a partnership contributed $3,000 to the committee on July 16, 1982. The partnership, Barrett, Barrett and Barrett law firm, violated 2 U.S.C. § 441a(a)(1)(A) for making the excessive contribution (excessive portion totals $2,000).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Barrett, Barrett and Barrett
Court Square North
Lexington, Mississippi 39095

RE: MUR 1621

Dear Sirs:

On April 24, 1984, the Federal Election Commission determined that there is reason to believe that your partnership violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by making a contribution in excess of contribution limitations to the Webb Franklin for Congress Committee. 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 your partnership. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Additionally, please submit answers to the enclosed questions within ten days of your receipt of this letter.

In the absence of any additional information which demonstrates that no further action should be taken against your firm, 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 so desired. 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.

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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)523-4000.

Sincerely,

Lee Ann Elliott
Chairman

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QUESTIONS

1. Was the July 16, 1982, contribution of $3,000 drawn on the Barrett, Barrett and Barrett partnership account? If not, what is the source of this contribution?

2. If the check was written on a partnership account, please provide the number of partners in your law firm and the proportion of the $3,000 contribution attributable to each. Such attribution shall be made to each partner in direct proportion to the share of partnership profits, or by agreement of the partners if certain criteria are met. See 11 C.F.R. § 110.1(e)(1), (2) and (3).

   If a written agreement exists concerning such attribution, please submit a copy. If the agreement is not written, explain the substance of the agreement.

3. Is there a connection between the law firm's apparent contribution of $3,000 and the appearance on Committee disclosure reports for the period of $1,000 each contributed by Mrs. Pat M. Barrett, Sr., Mildred Barrett McGill and Dan McGill? Please explain.

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Barrett, Barrett and Barrett

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-4000

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

Barrett, Barrett and Barrett, an unincorporated law firm, violated 2 U.S.C. § 441a(a)(1)(A) by making a contribution in excess of limitations to the Webb Franklin for Congress Committee ("the Committee").

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

2 U.S.C. § 431(11) defines the term "person" (as applicable at 2 U.S.C. § 441a(a)(1)(A)) to include a partnership.

11 C.F.R. § 110.1(e) states that a contribution by a partnership be attributed to each partner in direct proportion to his or her share of the partnership profits, according to

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instructions which shall be provided by the partnership to the committee or candidate, or be attributed by agreement of the partners, as long as only the profits of the partners to whom the contribution is attributed are reduced (or losses increased), and these partners' profits are reduced (or losses increased) in proportion to the contribution attributed to each of them; and not exceed the contribution limits.

FEC auditors found that a partnership contributed $3,000 to the committee on July 16, 1982. The partnership, Barrett, Barrett and Barrett law firm, violated 2 U.S.C. § 441a(a)(1)(A) for making the excessive contribution (excessive portion totals $2,000).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Cecil R. Burnham, President
Bank of Greenwood
P.O. Box 945
Greenwood, Mississippi 38930

RE: MUR 1621

Dear Mr. Burnham:

On April 24, 1984, the Federal Election Commission determined that there is reason to believe that the Bank of Greenwood violated 2 U.S.C. § 441b(a), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by making contributions in the form of overdrafts to the Webb Franklin for Congress Committee. 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 the Bank of Greenwood. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Additionally, please submit answers to the enclosed questions within ten days of your receipt of this letter.

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

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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)523-4000.

Sincerely,

Lee Ann Elliott
Chairman

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QUESTIONS

1. Define an overdraft according to the Bank's policy.

2. What are your procedures for handling overdrafts?

3. If these procedures have changed, what were the former procedures, what are the latest procedures and when did they change?

4. Are these procedures written? If so, where? Please provide a copy.

5. If overdrafts are approved by any officers, which officers, and how is approval secured?

6. For the year in question (1982), how many accounts at your bank were in overdraft status?

7. For each overdrawn account during 1982, show the amount overdrawn and how long the account was overdrawn (no names on accounts, please).

8. Please describe the authorities and duties of the assistant cashier position at your bank.

9. How many bank employees were aware that the Webb Franklin for Congress Committee maintained its political campaign depository at the bank? What position did these employees hold?

10. Was assistant cashier Fisher M. Southworth III aware that the Webb Franklin Special Account #55-1597-8 was the campaign depository?

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT The Bank of Greenwood (Mississippi)

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-4000

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

The Bank of Greenwood, a branch of the National Bank of Jackson, Mississippi, violated 2 U.S.C. § 441b(a) by making loans in the form of overdrafts to the the Webb Franklin for Congress Committee ("the Committee").

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441b(a) states in part that it is unlawful for any national bank to make a contribution or expenditure in connection with any election to any political office or in connection with any primary election to select candidates for any political office.

2 U.S.C. § 431(8)(A)(i) defines "contribution" as any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office.

11 C.F.R. § 100.7(b)(11) states, in pertinent part, that an overdraft made on a checking or savings account shall be considered a contribution by the bank or institution unless: the overdraft is made on an account which is subject to automatic overdraft protection; the overdraft is subject to a definite

interest rate which is usual and customary; and there is a definite repayment schedule.

The auditors report that on the fifth day before the general election, and for 14 days after the election, the Committee incurred bank overdrafts with the Bank of Greenwood, MS (a branch of the First National Bank of Jackson, MS) ranging from $353.87 to $30,076.38. The account was charged $750.00 for the checks drawn on insufficient funds. Therefore, it appears that the Bank violated 2 U.S.C. § 441b(a) by making contributions without automatic overdraft protection. 11 C.F.R. § 100.7(b)(11). The Office of General Counsel recommended a finding of reason to believe in this matter.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Robert Knight, Treasurer
Webb Franklin for Congress Committee
203 Howard Street
P.O. Box 1599
Greenwood, Mississippi 38930

RE: MUR 1621
Webb Franklin for Congress
Committee

Dear Mr. Knight:

On April 24, 1984, the Federal Election Commission determined that there is reason to believe that the Webb Franklin for Congress Committee and you, as treasurer, made the following violations of the Federal Election Campaign Act of 1971, as amended ("the Act"):

1. 2 U.S.C. § 441a(f) for receipt of:

   (a) direct contributions and loan endorsements from three individuals: Don Barrett, David Hicks, Sr., and Bill Crump;

   (b) direct contributions made after the primary election in excess of net primary debt from a party-related multicandidate committee, the Capital Foundation: Mississippi Republican Party Campaign Committee;

   (c) a direct contribution from a partnership, Barrett, Barrett and Barrett law firm;

   (d) direct contributions from four individuals (Howard Brent, Steve D. Golding, P.F. Wetzek and Fae E. Rhodes).

2. 2 U.S.C. § 441b(a) through receipt of loans in the form of overdrafts from a national bank (the Bank of Greenwood, a branch of the National Bank of Jackson, MS).

3. 2 U.S.C. § 432(h)(1) through apparent failure to deposit all receipts into and make all disbursements from a designated Committee depository.

4. 2 U.S.C. § 434(b)(8) by apparently failing to disclose loans made to the Committee by the candidate in connection with disbursements in 3. above.

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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 and the committee. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Additionally, please submit answers to the enclosed questions within ten days of your receipt of this letter.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, 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 so desired. 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)523-4000.

Sincerely,

Lee Ann Elliott
Chairman

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cc: The Honorable Webb Franklin

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QUESTIONS

1. What assurances from or understanding with the Bank of Greenwood allowed the Committee to continue to make disbursements from a depository account which did not contain sufficient funds to cover the checks drawn on the account?

2. Certain checks drawn on the Committee account and made payable to the Candidate contain notations indicating the purpose of the checks was to repay the Candidate for loans to the Committee. Such loans were not reported as debts owed by the Committee. Explain the nature of such loans (direct loans and amounts and/or loans-in-kind made by the Candidate to the Committee from another account).

3. Certain disbursements to the Candidate were reported on disclosure reports as salary payments. Explain the discrepancy between the check notations (repayment of Candidate loans to Committee) and reported purposes (salary payments) of disbursements to the Candidate.

4. Please provide bank records from the personal account of Webb Franklin for the period September 1, 1981 through December 31, 1982. Such bank records should include all bank statements, canceled checks, deposit tickets and debit and credit memoranda for the period.

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT	Webb Franklin for Congress Committee Robert Knight, Treasurer	MUR NO. 1621 STAFF MEMBER AND TEL. NO. Frances B. Hagan (202) 523-4000

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

1. The Webb Franklin for Congress Committee ("the Committee") violated 2 U.S.C. § 441a(f) for receipt of the following contributions made in excess of limitations at 2 U.S.C. § 441a(a)(1)(A):

a) direct contributions and loan endorsements from three individuals: Don Barrett, David Hicks, Sr., and Bill Crump;

b) direct contribution made after the primary election in excess of net primary debt from a party-related multi-candidate committee, the Capital Foundation: Mississippi Republican Party Campaign Committee;

c) direct contribution from a partnership, Barrett, Barrett and Barrett law firm;

d) direct contributions from four individuals.

2. The Committee violated 2 U.S.C. § 441b(a) through receipt of loans in the form of overdrafts from a national bank (the Bank of Greenwood ["the Bank"], a branch of the National Bank of Jackson, MS).

3. The Committee violated 2 U.S.C. § 432(h)(1) through its apparent failure to deposit all receipts into and make all disbursements from a designated Committee depository. In addition, the Committee violated 2 U.S.C. § 434(b)(8) by

apparently failing to disclose loans made to the Committee by the candidate.

FACTUAL BASIS AND LEGAL ANALYSIS

Allegations 1(a)-(d)

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee 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 contributions in violation of this section.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

Allegation 1(a)

2 U.S.C. § 431(8)(B)(vii)(I) states that loan/contributions shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

On November 22, 1982, the Committee obtained an uncollateralized bank loan of $30,000 just after the 1982 general election. The loan was endorsed by three individuals and apparently used for the purpose of liquidating debts and substantial overdrafts (see also Allegation 2). Each individual endorser would be liable for 1/3 the amount of the loan in addition to their direct contributions. 2 U.S.C. § 431(8)(A)(i) and (B)(vii)(I). As a result, the Committee violated § 441a(f)

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for receipt of excessive contributions and the three individuals violated § 441a(a)(1)(A) for making excessive contributions in the form of loan endorsements. On October 17, 1983, after the auditors notified the Committee of the apparent violations, the Committee obtained a new note endorsed solely by the candidate.

Allegation 1(b)

11 C.F.R. § 110.1(a)(2)(i) clarifies the contribution limitation of $5,000 per election: "With respect to any election" means in the case of a contribution designated in writing for a particular election, the election so designated, except that a contribution made after a primary election and designated for the primary shall be made only to the extent that the contribution does not exceed net debts outstanding from the primary election. The auditors found that on August 26, 1982, following the Mississippi primary of August 17, the Committee received two contributions of $5,000 each from the Capital Foundation: Mississippi Republican Party Campaign Committee ("the Party Committee"), an account of the Republican State party committee. One of the checks was designated to pay primary debts; the other was designated for the November 2, 1982 general election. However, the auditors could not identify any outstanding primary debts. The Committee provided additional invoices and accrued payroll showing debts of $8,017.43. After applying cash on hand on the primary date, the auditors calculated the Committee's net debt to be $1,360.35. 11 C.F.R. § 110.1(a)(2)(i). Therefore, the Committee violated 2 U.S.C.

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§ 441a(f) for receipt of $3,639.65 in excess of its net primary debt.

Allegation 1(c)

2 U.S.C. § 431(11) defines the term "person" (as applicable at 2 U.S.C. § 441a(a)(1)(A)) to include a partnership.

11 C.F.R. § 110.1(e) states that a contribution by a partnership be attributed to each partner in direct proportion to his or her share of the partnership profits, according to instructions which shall be provided by the partnership to the committee or candidate, or be attributed by agreement of the partners, as long as only the profits of the partners to whom the contribution is attributed are reduced (or losses increased), and these partners' profits are reduced (or losses increased) in proportion to the contribution attributed to each of them; and not exceed the contribution limits.

The auditors found that a partnership contributed $3,000 to the Committee on July 16, 1982. The partnership, Barrett, Barrett and Barrett law firm, violated 2 U.S.C. § 441a(a)(1)(A) for making the excessive contribution and the Committee violated § 441a(f) for receipt of the excessive portion totaling $2,000. Don Barrett, an attorney with this law firm (and apparently a partner), also made excessive contributions through direct donations and a loan endorsement. (See Allegation 1(a). His share of the partnership contribution will be added to his total contributions to determine the amount of his excessive contribution. 11 C.F.R. § 110.1(e).

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ALLEGATION 1(d)

The auditors noted that three individuals (Howard Brent, Steve D. Golding and P.F. Wetzek) made direct contributions to the Committee, each in excess of limitations by $200; a fourth individual (Fae E. Rhodes) contributed $500 in excess of limitations. The Office of General Counsel recommended a finding of reason to believe and added $1,100 to the amount of the Committee's § 441a(f) violation.

ALLEGATION 2

2 U.S.C. § 441b(a) states in part that it is unlawful for any national bank to make a contribution or expenditure in connection with any election to any political office or in connection with any primary election to select candidates for any political office.

2 U.S.C. § 431(8)(A)(i) defines "contribution" as any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office.

11 C.F.R. § 100.7(b)(11) states, in pertinent part, that an overdraft made on a checking or savings account shall be considered a contribution by the bank or institution unless: the overdraft is made on an account which is subject to automatic overdraft protection; the overdraft is subject to a definite interest rate which is usual and customary; and there is a definite repayment schedule.

The auditors report that on the fifth day before the general election, and for 14 days after the election, the Committee incurred bank overdrafts with the Bank of Greenwood, MS (a branch of the First National Bank of Jackson, MS) ranging from $353.87 to $30,076.38.*/ The account was charged $750.00 for the checks drawn on insufficient funds. Therefore, it appears that the Bank violated 2 U.S.C. § 441b(a) by making contributions without automatic overdraft protection. 11 C.F.R. § 100.7(b)(11). Concomitantly, the Commmittee violated 2 U.S.C. § 441b(a) through receipt of such contributions.

During the audit report process, the Committee provided a letter from the Bank president which states that he was unaware that the account labeled "Webb Franklin, Special" was the Commmittee depository and that the overdraft protection allowed was the same as for any other long-time customer. The auditors state that the Bank's assistant cashier was also the assistant treasurer of the Committee and certainly knew of the account's status as Committee depository.

ALLEGATION 3

2 U.S.C. § 432(h)(1) states in part that all receipts and disbursements of a political committee shall be deposited into or disbursed from (other than petty cash) a checking account at a depository designated by such committee.

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*/ The overdrafts apparently were covered by a loan of $30,000 endorsed by three individuals (see Allegation 1(a)).

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2 U.S.C. § 434(b)(8) states in part that each report shall disclose the amount and nature of outstanding debts and obligations owed by or to a political committee.

In the audit review of Comittee expenditures, the auditors noted a Bank counter check payable to the Bank in the amount of $3,200. The check notation stated the purpose as partial repayment to the candidate "on loans to campaign." No candidate loans to the campaign were noted on disclosure reports. The Committee's response to the auditors' inquiry concerning this discrepancy indicated that the disbursement was a salary payment to the candidate. The treasurer stated that the candidate had provided no evidence to indicate that the campaign payments were used for other than personal purposes. Based on the audit evidence and the Committee's less than satisfactory response, we question whether the candidate, on behalf of the Committee, made disbursements for campaign activity from an account other than a Committee depository in violation of 2 U.S.C. § 432(h)(1) and concomitantly, whether the Committee failed to report the candidate loans for campaign expenditures in violation of 2 U.S.C. § 434(b)(8).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. R. Andrew Taggart, Treasurer
Capital Foundation: Mississippi Republican
Party Campaign Committee
P.O. Box 1178
516 East Capitol Street
Jackson, Mississippi 39205

RE: MUR 1621

Dear Mr. Taggart:

On , 1984, the Federal Election Commission determined that there is reason to believe that the Capital Foundation: Mississippi Republican Party Campaign Committee and you, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by making contributions to the Webb Franklin for Congress Committee after the 1982 primary election in excess of contribution limitations. (See also 11 C.F.R. § 110.1(a)(2)(i)). 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 and the committee. Please submit 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 your committee and you, as treasurer, 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 so desired. 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),

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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-~~5071.~~ 4000

Sincerely,

Enclosures
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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Capital Foundation: Mississippi Republican Party Campaign Committee

MUR NO. 1621
STAFF MEMBER & TEL. NO.
Frances B. Hagan
(202) 523-~~5071~~ 4000

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

A party-related multi-candidate committee, the Capital Foundation: Mississippi Republican Party Campaign Committee, violated 2 U.S.C. § 441a(a)(2)(A) by making a contribution to the Webb Franklin for Congress Committee ("the Committee") after the primary election in excess of the Committee's net primary debt.

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(2)(A) states that no multicandidate committee shall make contributions to any candidate and authorized political committees with respect to any federal election which, in the aggregate, exceed $5,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

11 C.F.R. § 110.1(a)(2)(i) clarifies the contribution limitation of $5,000 per election: "With respect to any election" means in the case of a contribution designated in writing for a particular election, the election so designated, except that a contribution made after a primary election and

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designated for the primary shall be made only to the extent that the contribution does not exceed net debts outstanding from the primary election.

The auditors found that on August 26, 1982, following the Mississippi primary of August 17, the Committee received two contributions of $5,000 each from the Capital Foundation: Mississippi Republican Party Campaign Committee ("the Party Committee"), an account of the Republican State party committee. One of the checks was designated to pay primary debts; the other was designated for the November 2, 1982 general election. However, the auditors could not identify any outstanding primary debts. The Committee provided additional invoices and accrued payroll showing debts of $8,017.43. After applying cash on hand on the primary date, the auditors calculated the Committee's net debt to be $1,360.35. 11 C.F.R. § 110.1(a)(2)(i). Therefore, the Party Committee violated 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution of $3,639.65 in excess of the Committee's net primary debt.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Don Barrett
P.O. Box 631
Lexington, Mississippi 39095

RE: MUR 1621

Dear Mr. Barrett:

On , 1984, 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 making a contribution in loan form in excess of contribution limitations to the Webb Franklin for Congress Committee. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

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 so desired. 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.

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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-~~5071~~. 4000

Sincerely,

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

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Don Barrett

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-~~5071~~ 4000

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

Don Barrett violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in the form of direct donations and a loan endorsement in excess of contribution limitations to the Webb Franklin for Congress Committee during the 1982 election.

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

2 U.S.C. § 431(8)(B)(vii)(I) states that loan/contributions shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

On November 22, 1982, the Committee obtained an uncollateralized bank loan of $30,000 just after the 1982 general

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election. The loan was endorsed by three individuals and apparently used for the purpose of liquidating debts and substantial overdrafts. Each individual endorser would be liable for 1/3 the amount of the loan in addition to their direct contributions. 2 U.S.C. § 431(8)(A)(i) and (B)(vii)(I). As a result, Don Barrett violated § 441a(a)(1)(A) for making an excessive contribution in the form of a loan endorsement. On October 17, 1983, after the auditors notified the Committee of the apparent violations, the Committee obtained a new note endorsed solely by the candidate.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Bill Crump
Schlater, Mississippi 38952

RE: MUR 1621

Dear Mr. Crump:

On , 1984, 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 making a contribution in loan form in excess of contribution limitations to the Webb Franklin for Congress Committee. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

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 so desired. 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.

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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-~~5071~~ 4000

Sincerely,

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

2504055467

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Bill Crump

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-~~5071~~ 4000

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

Bill Crump violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in the form of direct donations and a loan endorsement in excess of contribution limitations to the Webb Franklin for Congress Committee during the 1982 election.

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

2 U.S.C. § 431(8)(B)(vii)(I) states that loan/contributions shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

On November 22, 1982, the Committee obtained an uncollateralized bank loan of $30,000 just after the 1982 general

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election. The loan was endorsed by three individuals and apparently used for the purpose of liquidating debts and substantial overdrafts. Each individual endorser would be liable for 1/3 the amount of the loan in addition to their direct contributions. 2 U.S.C. § 431(8)(A)(i) and (B)(vii)(I). As a result, Bill Crump violated § 441a(a)(1)(A) for making an excessive contribution in the form of a loan endorsement. On October 17, 1983, after the auditors notified the Committee of the apparent violations, the Committee obtained a new note endorsed solely by the candidate.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

David Hicks, Sr.
Box 1137
Greenwood, Mississippi 38930

RE: MUR 1621

Dear Mr. Hicks:

On , 1984, 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 making a contribution in loan form in excess of contribution limitations to the Webb Franklin for Congress Committee. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

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 so desired. 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.

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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-~~5071~~.4020

Sincerely,

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

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT David Hicks, Sr.

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-~~5071~~ 4000

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

David Hicks, Sr. violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in the form of direct donations and a loan endorsement in excess of contribution limitations to the Webb Franklin for Congress Committee during the 1982 election.

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

2 U.S.C. § 431(8)(B)(vii)(I) states that loan/contributions shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

On November 22, 1982, the Committee obtained an uncollateralized bank loan of $30,000 just after the 1982 general

election. The loan was endorsed by three individuals and apparently used for the purpose of liquidating debts and substantial overdrafts. Each individual endorser would be liable for 1/3 the amount of the loan in addition to their direct contributions. 2 U.S.C. § 431(8)(A)(i) and (B)(vii)(I). As a result, David Hicks, Sr. violated § 441a(a)(1)(A) for making an excessive contribution in the form of a loan endorsement. On October 17, 1983, after the auditors notified the Committee of the apparent violations, the Committee obtained a new note endorsed solely by the candidate.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mrs. Fae E. Rhodes
Equeen Plantation
Minter City, Mississippi 38944

RE: MUR 1621

Dear Mrs. Rhodes:

On , 1984, the Commission found 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") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file as it pertains to you. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

The Commission reminds you that your contributions in excess of $1,000 to the Webb Franklin for Congress Committee nevertheless appear to be a violation of 2 U.S.C. § 441a(a)(1)(A) and you should take immediate steps to ensure that this activity does not occur in the future.

The General Counsel's Factual and Legal analysis which formed a basis for the Commission's finding is attached for your information.

If you have any questions, please direct them to Frances B. Hagan, the staff member assigned to this matter, at (202)523-~~5071~~. 4000

Sincerely,

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Fae E. Rhodes

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-~~5071~~ 4000

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

Fae E. Rhodes violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in excess of contribution limitations to the Webb Franklin for Congress Committee in 1982.

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

FEC auditors noted that an individual, Mrs. Fae E. Rhodes, made direct contributions to the Webb Franklin for Congress Committee in excess of the limitations by $500. In this case, the Office of General Counsel recommended that the Commission find reason to believe and take no further action.

2504054603

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Steve D. Golding
P.O. Box 186
Vicksburg, Mississippi 39180

RE: MUR 1621

Dear Mr. Golding:

On , 1984, the Commission found 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") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file as it pertains to you. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

The Commission reminds you that your contributions in excess of $1,000 to the Webb Franklin for Congress Committee nevertheless appear to be a violation of 2 U.S.C. § 441a(a)(1)(A) and you should take immediate steps to ensure that this activity does not occur in the future.

The General Counsel's Factual and Legal analysis which formed a basis for the Commission's finding is attached for your information.

If you have any questions, please direct them to Frances B. Hagan, the staff member assigned to this matter, at (202)523-~~5071.~~ 4000

Sincerely,

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Steve D. Golding

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-~~5071~~ 4000

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

Steve D. Golding violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in excess of contribution limitations to the Webb Franklin for Congress Committee ("the Committee").

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

FEC auditors noted that an individual, Steve D. Golding, made direct contributions to the Committee in excess of the limitations by $200. In this case, the Office of General Counsel recommended that the Commission find reason to believe against this individual and take no further action.

9504055465

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. P. F. Wetzek
P.O. Box 480
Greenville, Mississippi 38702

RE: MUR 1621

Dear Mr. Wetzek:

On , 1984, the Commission found 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") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file as it pertains to you. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

The Commission reminds you that your contributions in excess of $1,000 to the Webb Franklin for Congress Committee nevertheless appear to be a violation of 2 U.S.C. § 441a(a)(1)(A) and you should take immediate steps to ensure that this activity does not occur in the future.

The General Counsel's Factual and Legal analysis which formed a basis for the Commission's finding is attached for your information.

If you have any questions, please direct them to Frances B. Hagan, the staff member assigned to this matter, at (202)523-~~5071~~. 4000

Sincerely,

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT P.F. Wetzek

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-~~5071~~ 4000

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

P.F. Wetzek violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in excess of contribution limitations to the Webb Franklin for Congress Committee ("the Committee").

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

FEC auditors noted that an individual, P.F. Wetzek, made direct contributions to the Committee in excess of the limitations by $200. In this case, the Office of General Counsel recommended that the Commission find reason to believe against this individual and take no further action.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. P. F. Wetzek
P.O. Box 480
Greenville, Mississippi 38702

RE: MUR 1621

Dear Mr. Wetzek:

On , 1984, the Commission found 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") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file as it pertains to you. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

The Commission reminds you that your contributions in excess of $1,000 to the Webb Franklin for Congress Committee nevertheless appear to be a violation of 2 U.S.C. § 441a(a)(1)(A) and you should take immediate steps to ensure that this activity does not occur in the future.

The General Counsel's Factual and Legal analysis which formed a basis for the Commission's finding is attached for your information.

If you have any questions, please direct them to Frances B. Hagan, the staff member assigned to this matter, at (202)523-~~5071~~. 4000

Sincerely,

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT P.F. Wetzek

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-~~5071~~ 4000

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

P.F. Wetzek violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in excess of contribution limitations to the Webb Franklin for Congress Committee ("the Committee").

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

FEC auditors noted that an individual, P.F. Wetzek, made direct contributions to the Committee in excess of the limitations by $200. In this case, the Office of General Counsel recommended that the Commission find reason to believe against this individual and take no further action.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Howard Brent
P.O. Drawer B
Greenville, Mississippi 38702

RE: MUR 1621

Dear Mr. Brent:

On , 1984, the Commission found 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") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file as it pertains to you. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

The Commission reminds you that your contributions in excess of $1,000 to the Webb Franklin for Congress Committee nevertheless appear to be a violation of 2 U.S.C. § 441a(a)(1)(A) and you should take immediate steps to ensure that this activity does not occur in the future.

The General Counsel's Factual and Legal analysis which formed a basis for the Commission's finding is attached for your information.

If you have any questions, please direct them to Frances B. Hagan, the staff member assigned to this matter, at (202)523-~~5071~~.4000

Sincerely,

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Howard Brent

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-~~5071~~ 4000

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

Howard Brent violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in excess of contribution limitations to the Webb Franklin for Congress Committee ("the Committee").

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

FEC auditors noted that an individual, Howard Brent, made direct contributions to the Committee in excess of the limitations by $200. In this case, the Office of General Counsel recommended that the Commission find reason to believe against this individual and take no further action.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Howard Brent
P.O. Drawer B
Greenville, Mississippi 38702

RE: MUR 1621

Dear Mr. Brent:

On , 1984, the Commission found 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") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file as it pertains to you. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

The Commission reminds you that your contributions in excess of $1,000 to the Webb Franklin for Congress Committee nevertheless appear to be a violation of 2 U.S.C. § 441a(a)(1)(A) and you should take immediate steps to ensure that this activity does not occur in the future.

The General Counsel's Factual and Legal analysis which formed a basis for the Commission's finding is attached for your information.

If you have any questions, please direct them to Frances B. Hagan, the staff member assigned to this matter, at (202)523-~~5071~~.4000

Sincerely,

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Howard Brent

MUR NO. 1621
STAFF MEMBER AND TEL. NO.
Frances B. Hagan
(202) 523-~~5071~~ 4000

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

Howard Brent violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in excess of contribution limitations to the Webb Franklin for Congress Committee ("the Committee").

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and authorized political committee with respect to any election for federal office which, in the aggregate, exceed $1,000.

2 U.S.C. § 431(8)(A)(i) states that the term "contribution" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing federal elections.

FEC auditors noted that an individual, Howard Brent, made direct contributions to the Committee in excess of the limitations by $200. In this case, the Office of General Counsel recommended that the Commission find reason to believe against this individual and take no further action.

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AR84-6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

A83-2

January 25, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

FROM: BOB COSTA

SUBJECT: WEBB FRANKLIN FOR CONGRESS COMMITTEE

On January 24, 1984, the Commission approved the final audit report (see Attachment I) of the above named committee. This final audit report includes matters which are referred to your office as a result of the approval by the Commission (see Exhibit A).

Should you have any questions regarding this memorandum, please contact Ray Lisi at 523-4155.

Attachments as stated

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Attachment I

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

A83-27

REPORT OF THE AUDIT DIVISION ON THE WEBB FRANKLIN FOR CONGRESS COMMITTEE

I. Background

A. Overview

This report is based on an audit of the Webb Franklin For Congress Committee ("the Committee"), undertaken by the Audit Division of the Federal Election Commission in accordance with the Commission's audit policy to determine whether there has been compliance with the provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The audit was conducted pursuant to Section 438(b) of Title 2 of the United States Code which states, in part, that the Commission may conduct audits and field investigations of any political committee required to file a report under Section 434 of this title. Prior to conducting any audit under this section, the Commission shall perform an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act.

The Committee registered with the Clerk of the House of Representatives on May 17, 1982* as the principal campaign committee designated by the Honorable William Webster Franklin. The Committee maintains its headquarters in Greenwood, Mississippi.

The audit covered the period September 1, 1981, through December 31, 1982. The Committee reported a cash on hand balance September 1, 1981 of -0-; total receipts for the period of $329,823.24; total disbursements for the period of $322,837.80; and a cash on hand balance December 31, 1982 of $6,985.44.

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

* The Committee began reporting receipts and disbursements on September 1, 1981.

B. Key Personnel

The Treasurer of the Committee during the period of audit was Mr. Bob Knight.

C. Scope

The audit included such tests as verification of total reported receipts and disbursements and individual transactions; review of required supporting documentation; analysis of Committee debts and obligations; and such other audit procedures as deemed necessary under the circumstance.

II. Audit Findings and Recommendations

A. Disclosure of Debts and Obligations

Section 434(b)(8), Title 2, United States Code states, in part, that each report under this section shall disclose the amount and nature of outstanding debts and obligations owed by or to a political committee.

During the audit period, the Committee did not report any debts or obligations owed by the Committee. A review of expenditure documentation revealed that the Committee apparently owed $15,403.66 in undeposited federal income and FICA taxes on December 31, 1982 but this debt was not reported.

In addition, during the fourth quarter of 1982, according to the IRS Form 941 - Employer's Quarterly Federal Tax Return prepared by the Committee's treasurer, the Committee did not make deposits for federal income and F.I.C.A. taxes which totaled $15,403.66. In the previous quarter, all but $2.71 of a total liability of $2,686.47 had been deposited. At the end of the fourth quarter, the Committee's reported cash on hand balance was $6,985.44 1/ making full payment of the tax liability impossible without the receipt of additional funds.

In the interim audit report the audit staff recommended that, the Committee within 30 days of receipt of the report, amend its 1982 year end report to disclose the debt.

1/ The Audit staff determined the correct balance to be $7,906.66.

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On October 17, 1983, the Committee filed an amended report disclosing the debt.

Recommendation

The Audit staff recommends no further action in this matter.

B. Misstatement of Financial Activity

Sections 434(b)(2) and (4), Title 2, United States Code, state, in part, that each report shall disclose the total of all receipts and disbursements during the reporting period and the calendar year.

The Audit staff's reconciliation of the activity in the Committee's two bank accounts to the disclosure reports filed revealed net variances for September 1, 1981 through December 31, 1982 as follows:

-Receipts were understated by	$11,459.11
-Disbursements were understated by	10,537.89
-Ending cash was understated by	921.22

These variances resulted from the following misstatements of financial activity:

1. The Committee did not report receipts and disbursements from a fundraising event in the amount of $10,352.51.

2. The Committee did not report 21 in-kind contributions totaling $5,433.50 thereby understating receipts and disbursements by $5,433.50 (see discussion at Finding C.).

3. The Committee reported overdrafts in a checking account as a loan received and repaid thereby overstating receipts and disbursements by $4,246.76.

4. In addition, the Committee further misstated receipts and disbursements due to the following reasons:

a) Reporting contribution checks returned by the bank due to insufficient funds as receipts and disbursements ($600.00) and failing to report a contribution received ($500.00).

b) Reporting disbursements not made ($977.41) and failing to report disbursements totaling ($495.23).

In the interim audit report the Audit staff recommended that the Committee, within 30 days of receipt of this report, file a comprehensive amendment for September 1, 1981 through December 31, 1982 correcting the misstatements noted above.

On November 15, 1983, the Committee filed an amended report which materially corrected the misstatements.

Recommendation

The Audit staff recommends no further action in this matter.

C. Itemization of Contributions From Political Committees

Section 434(b)(3)(B), Title 2, United States Code, requires disclosure of the identification of each political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution.

The Audit staff's review of the Reports of Receipts and Disbursements filed by political committees making contributions to the Committee, and the Committee's contribution records, revealed that the Committee had failed to itemize 45 contributions totaling $23,252.45 (in-kind $5,433.50 as noted in Finding B. part 2. and monetary contributions of $17,818.95) received from political committees. The Committee filed amendments to its reports on June 2, 1983 (during the course of the audit fieldwork) itemizing 8 of the contributions totaling $9,708.95. The treasurer expressed willingness to itemize the remaining 37 contributions totaling $13,543.50.

In the interim audit report the Audit staff recommended that the Committee, within 30 days of receipt of the report, file a comprehensive amendment itemizing the contributions.

On October 17, 1983, the Committee filed an amended report itemizing the remaining contributions.

Recommendation

The Audit staff recommends no further action in this matter.

D. Itemization of Contributions From Individuals

Section 434(b)(3)(A), Title 2, United States Code, requires disclosure of the identification of each person (other than a political committee) who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of $200 within the calendar year, together with the date and amount of any such contribution.

The Audit staff reviewed contributions from individuals on a sample basis to determine whether the recordkeeping and disclosure provisions for contributions had been met.

This review revealed that the Committee had failed to itemize 43.59% (sample error rate) of the contributions required to be itemized, and 46.15% (sample error rate) of the aggregate year-to-date totals for other contributions requiring such itemization.

On June 2, 1983, the Committee filed an amendment to its reports which materially corrected its prior filings with respect to the itemization of individual contributions.

Recommendation

Since the Committee has materially corrected these discrepancies, the Audit staff recommends no further action on this matter.

E. Missing or Incomplete Vendor Addresses

Section 434(b)(5)(A), Title 2, United States Code, states, in part, that each report shall disclose the name and address of each person to whom an expenditure in an aggregate amount or value in excess of $200 within the calendar year is made by the reporting committee, together with the date, amount, and purpose of such operating expenditure.

The Audit staff's review of the vendor addresses disclosed on the reports revealed that 217 expenditures of the 721 items disclosed (an error rate of 30.09%) had missing or incomplete vendor addresses.

On June 2, 1983, the Committee filed amendments to its reports materially correcting all of the missing or incomplete address items noted above.

Recommendation

Since the Committee filed an amendment to its disclosure reports on June 2, 1983 materially correcting the discrepancies noted above, the Audit staff recommends no further action on this matter.

F. Matters Referred to the Office of General Counsel

Other matters noted during the audit have been referred to the Office of General Counsel.

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A. Limitation on Contributions

Section 441a(a)(1)(A) and (2)(A), 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; and no multicandidate political committee shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $5,000.

Sections 431(8)(A)(i) and (11), Title 2, United States Code define "contribution" to include any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office; and "person" to include an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

Section 110.1(a)(2)(i), Title 11, Code of Federal Regulations states, in part, that a contribution made after a primary election and designated for the primary election shall be made only to the extent that the contribution does not exceed net debts outstanding from the primary election.

The Audit staff reviewed Committee records in support of contributions and loans received. Based on this review, the Audit staff determined that the Committee received contributions in excess of the aforementioned limitations as follows (see Attachment 1):

1. Contributions and Loan Endorsements From Persons

The Committee obtained a $30,000 uncollateralized bank loan dated November 22, 1982, relating to the 1982 general election, apparently for the purpose of liquidating debts and overdrafts. This loan was due on March 22, 1983. The loan was endorsed by three individuals, thereby making each of them liable for at least $10,000 (one-third of the loan amount) should the Committee default on the loan. 1/

1/ Since no specific dollar amount was assigned to each endorser on the loan note, an endorser(s), if the bank deemed necessary, could be held liable for up to the amount of the loan plus interest upon default. It should be noted that 2 U.S.C. 431(8)(B)(vii)(I) states, in relevant part, that "...such loan shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors..."

On April 17, 1983, a renewal note for $30,000 was obtained from the Bank of Greenwood which was due on July 6, 1983. At the conclusion of the audit fieldwork on June 9, 1983, the $30,000 principal plus interest from April 17, 1983 remained outstanding. The amount that each endorser was liable for was aggregated with prior contributions made by each individual. Based on this review, the Audit staff determined that the Committee received excessive contributions from these three individuals. The excessive portions totaled $28,180 (see Attachment 1, and footnote 1/).

The Committee disclosed this loan on the 1982 year end report; however, only two of the three endorsers were listed and the occupation, name of employer and amount guaranteed were not shown for any of the endorsers.

In the interim audit report the Audit staff recommended that, the Committee reduce the liability of each endorser to within the contribution limitation through one of the following alternatives:

a. Repay sufficient principal plus interest so that the balance of the loan for which each endorser is liable will not exceed $1,000 when aggregated with other contributions made by the endorsers;

b. Obtain additional endorsers so that the endorsements when aggregated with contributions made by the endorsers will not exceed the limitation;

c. Collateralize the loan in an amount sufficient to reduce the endorsements and contributions to within the limitation; or

d. Replace the individual excessive endorsement amounts with the candidate's endorsement for the remaining amount of the loan.

On October 17, 1983 the Committee provided the Audit staff with a new note dated September 7, 1983, which was endorsed by the candidate.

2. Contributions From Multicandidate Committee

The Committee received two $5,000 contributions on August 26, 1982 from the Capital Foundation: Mississippi Republican Party Campaign Committee. The Capital Foundation: Mississippi Republican Party Campaign Committee disclosed one of these contributions as designated for primary debts with the other made with respect to the general election. However, the Audit staff was unable to identify any debts outstanding following the primary. The Committee indicated on its Reports of Receipts and Disbursements filed before and after the Primary Campaign that the Committee had no debts. The Treasurer stated that invoices were paid on a fairly regular basis, and if any invoices came in during July, 1982, they were paid during August, 1982. The primary election was held on August 17, 1982.

In the interim audit report the Audit staff recommended that the Committee provide evidence that the contribution was not in excess of the limitation, or refund the excessive portion of the contribution to the contributor.

On October 17, 1983, the Committee provided the Audit staff with copies of invoices and an accrued payroll calculation which indicated that the Committee had $8,017.43 in debts at August 17, 1982. At the request of the Audit staff, on November 15, 1983, the Committee provided a reconciliation of cash on hand on August 17, 1982, which showed a balance of $6,657.08. Therefore at August 17, 1982, the Committee's net debt was $1,960.35. Based on these calculations the Committee accepted a contribution of $3,039.65 in excess of its primary debt.

3. Contributions From Persons

Our review noted that the Committee, in five cases, accepted contributions in excess of the 2 U.S.C. 441a(a) limitation. Four of these were received from individuals (excessive portions totaled $1,100) while the fifth one was from an unincorporated partnership (excessive portion totaled $2,000).

In the interim audit report the Audit staff recommended that, within 30 days of receipt of the report, the Committee present evidence which demonstates that the contributions are not in excess of the limitations, or refund the excessive portions of the contributions to the appropriate contributors and provide photocopies (both front and back) of the negotiated refund checks along with copies of the relevant bank statements.

On October 17, 1983, and November 15, 1983, the Committee provided copies of the checks refunding the excessive contributions, however, the negotiated checks and copies of bank statements have not been received.

Recommendation

The Audit staff recommends that the Committee's receipt of excessive contributions noted above be referred to the Office of General Counsel.

B. Overdrafts

Section 441b(a) and (b)(2) of Title 2, United States Code states, in part, that it is unlawful for any national bank or any corporation to make a contribution or expenditure in connection with any election to any political office. For purposes of this section, the term "contribution and expenditure" shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any service, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business).

Section 100.7(b)(11) of Title II, Code of Federal Regulations states, in part, that an overdraft made on a checking or savings account shall be considered a contribution by the bank or institution unless: the overdraft is made on an account which is subject to automatic overdraft protection; the overdraft is subject to a definite interest rate which is usual and customary; and there is a definite repayment schedule.

During the 20 days prior to the date of the general election (10/13-11/2/82) and for another 20 days after the election (11/3-11/22/82), the Committee incurred bank overdrafts on 15 days which ranged from a low of $353.87 to a high of $30,076.38 (see Attachment 2). The bank assessed $750.00 in charges for checks which were paid when there were insufficient funds in the Committee account.

The Audit staff performed an analysis of this activity using the Committee's reported ending cash balance on 10/13/82 (negative $1,525.84) and accumulated the checks written and deposits made on a daily basis. The Committee wrote checks in excess of available bank funds on 30 days during this same 40 day period. The amounts in excess of available bank funds ranged

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from a low of $1,525.84 to a high of $36,601.30. The bank overdrafts ceased 20 days after the election when on November 22, 1982, the Committee received an uncollateralized $30,000 loan from the Bank of Greenwood. 2/ The loan was endorsed by three individuals (see Exhibit 2, Finding A. Part 1.).

Based on the above analysis, it appears that the Committee may have received loans not in the ordinary course of business in the form of checks paid by the bank when there were insufficient Committee funds to cover the checks.

In the interim audit report the Audit staff recommended that the Committee provide information which explains the circumstances surrounding the overdrafts and specifically whether they meet the criteria set forth in 11 C.F.R. 100.7(b)(11).

On November 15, 1983, the Committee provided a letter signed by the President of the bank in which the Committee's account was maintained. (See Attachment 3). The President states that he was not aware that the account was owned by the Committee 3/ and that the overdraft protection that was provided the account was the same that would have been provided to any other customer in the same circumstance.

Notwithstanding the statements made by the President, at a minimum the assistant cashier at the bank must have been aware of the account status since he also served as the Committee's assistant treasurer.

Recommendation

The Audit staff recommends that the violation of 2 U.S.C. 441b(a) and (b)(2) be referred to the Office of General Counsel for compliance action since the circumstances surrounding the overdraft do not appear to be exempt from the definition of contribution pursuant to 11 C.F.R. 100.7(b)(11).

C. Disclosure of Campaign Activity

Section 432(h)(1) of Title 2 of the United States Code states, in part, that all receipts and disbursements shall be deposited into or disbursed from a checking account(s) at a depository designated by such committee.

2/ The same depository where the overdrafts occurred.

3/ The account was titled "Webb Franklin, Special"

Section 434(b)(8) of Title 2 of the United States Code states, in part, that each report shall disclose the amount and nature of outstanding debts and obligations owed by or to a political committee.

During our review for checks outstanding on 12/31/82 which were paid in 1983, we noted a counter check 4/ in the January, 1983 bank statement in the amount of $3,200.00, written to the Bank of Greenwood. The purpose noted on the check was "To repay W F partially on loans to campaign."* Neither the disclosure reports nor our review of the receipt records revealed any loans from the candidate to the Committee. The explanations associated with this activity appear to indicate that campaign activity occurred other than through the campaign depositories.

In the interim audit report the Audit staff recommended that the Committee provide information concerning the repayment to the candidate for apparent loans to the campaign. If the loans resulted in activity occurring in accounts other than those designated by the Committee, the Audit staff recommended that such accounts be designated as campaign depositories and all activity pertaining to the campaign be disclosed.

On October 17, 1983, the Committee responded by letter that the disbursement was reported as a salary payment and not as a loan payment. 5/ In a subsequent telephone conversation, when questioned further about the purpose of the expenditure, the Treasurer stated that the candidate had not provided him with any information which indicated that the money had not been used for any purpose other than personal; therefore the Committee was considering it a salary payment.

Recommendation

In view of the contradictory information involving this disbursement, the Audit staff recommends that this matter be considered further by the Office of General Counsel.

4/ A counter check is a check which is usually obtained at the bank and does not have the drawer's name, account number, or a check serial number preprinted; rather this information is filled in by the user.

5/ The review of Committee expenditures revealed that, in other cases, differences were noted between the reported purpose of an expenditure and the notation on the checks.

* Generally, the letters "W F" were used to identify the candidate on Committee documentation.

Contributions In Excess of Limitation

Name, Occupation & Name of Employer	Date	Amount	Excessive Amount
1. Mr. Howard Brent	8/30/82	$ 1,000	
Towing/Self-Employed	12/20/82*	200	$ 200
2. Mr. Steve D. Golding	10/8/82	1,000	
Owner/Ole Man River	12/26/82*	200	200
3. Mr. P.F. Wetzek	11/8/82	1,000	
Retired	12/28/82*	200	200
4. Barrett, Barrett, Barrett	7/16/82	3,000	2,000
Law firm			
5. Mrs. Fae E. Rhodes	8/26/82	1,000	
President/Equen	8/28/82	300	
Plantation	12/16/82*	200	500
Political Committee			
1. Capital Foundation:	8/26/82	5,000	
Mississippi Republican	8/26/82	5,000	5,000
Party Campaign Committee			
Contributions and Loan Endorsements			
1. Don Barrett-Contribution	8/28/82	300	
2/ -Contribution	11/1/82	300	
Attorney -Loan Endorse-	11/22/82	10,000 1/	9,600
Barrett, ment			
Barrett, Barrett			
2. David Eicks-Contribution	8/28/82	300	
Sr. -Contribution	11/17/82	200	
Broker -Loan Endorse-	11/22/82	10,000 1/	9,500
Eicks ment			
Brokerage Co.			
3. Bill Crump -Contribution	8/28/82	80	
Campaign -Loan Endorse-	11/22/82	10,000 1/	9,080
ment			
Manager			
Webb Franklin For			
Congress			
Total Excessive Amount			$36,280

1/ The Committee obtained this loan apparently for the purpose of liquidating debts and overdrafts relating to the 1982 general election.

2/ This contributor is also an attorney with Barrett, Barrett, Barrett (see #4. above).

* In view of the debts outstanding with regard to the 1982 general election, it is presumed that this contribution relates to that election.

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Attachment 2

Overdraft Analysis - Book vs. Bank Balances

Date	Written 1/ Checks	Credited 2/ Receipts	Book Balance	Bank Balance 3/
10/13/82	$ -	$ -	$(1,225.84)	$18,425.97
10/14/82	796.59	12,815.00	10,492.57	25,763.68
10/15/82	6,718.63	-0-	3,773.94	19,012.43
10/17/82	100.00	-0-	3,673.94	19,012.43
10/18/82	6,684.23	-0-	(3,010.29)	12,189.23
10/19/82	3,120.01	-0-	(6,130.30)	7,288.58
10/20/82	6,224.58	-0-	(12,354.88)	2,074.55
10/21/82	8,058.08	-0-	(20,412.96)	501.13
10/22/82	19,883.11	16,170.68	(24,125.39)	9,491.99
10/23/82	1,400.00	-0-	(25,525.39)	9,491.99
10/25/82	2,798.97	825.00	(27,499.36)	5,016.59
10/26/82	300.00	12,384.00	(15,415.36)	5,403.64
10/27/82	5,792.85	8,890.00	(12,318.21)	1,350.13
10/28/82	522.85	-0-	(12,841.06)	(353.87)
10/29/82	9,250.91	5,533.95	(16,558.02)	3,999.89
10/30/82	369.08	-0-	(16,927.10)	3,999.89
11/01/82	1,067.37	8,242.25	(9,752.22)	3,121.73
11/02/82	733.48	-0-	(10,485.70)	373.89
11/03/82	13,301.90	-0-	(23,787.60)	(5,703.28)
11/04/82	206.39	-0-	(23,993.99)	(9,765.10)
11/05/82	6,258.74	-0-	(30,252.73)	(21,358.19)
11/06/82	20.00	-0-	(30,272.73)	(21,358.19)
11/08/82	967.85	6,588.60	(24,651.98)	(17,928.47)
11/09/82	3,998.20	-0-	(28,650.18)	(23,041.58)
11/10/82	302.86	-0-	(28,953.04)	(25,595.87)
11/11/82	1,157.66	-0-	(30,110.70)	(26,148.99)
11/12/82	793.05	-0-	(30,903.75)	(29,141.34)
11/15/82	2,677.84	-0-	(33,581.59)	(30,007.17)
11/16/82	1,808.06	-0-	(35,389.65)	(30,076.38)
11/17/82	1,211.65	-0-	(36,601.30)	(30,076.38)
11/18/82	200.00	6,203.00	(30,598.30)	(25,816.50)
11/19/82	1,541.58	5,205.00	(26,934.88)	(20,636.68)
11/22/82	5,215.74	30,000.00	(2,150.62)	9,363.32
	$113,482.26	$112,857.48		

1/ Population drawn from cancelled checks.

2/ Population drawn from deposits to checking account.

3/ Ending balance on this date.

TTACHMENT 3

The Bank of Greenwood
Branch of First National Bank of Jackson, Mississippi
Greenwood, Mississippi 38930

CECIL R. BURNHAM
PRESIDENT

October 28, 1983

Mr. Robert Knight
P.O. Box 865
Greenwood, Miss. 38930

RE: Webb Franklin, Special
Account # 55-1597-8

Dear Mr. Knight:

At the time overdrafts were permitted on the above referenced account, I was not aware that this was an account owned by the Webb Franklin Committee. We did not allow overdraft protection because of the political nature of the account, only the protection we would have extended any long standing customer and the same we have extended to Mr. Franklin for many years prior to his campaign for Congress. This account was charged for all overdrawn checks according to our rate schedule just as any other account which we allow overdraft privileges.

Sincerely,

Cecil R. Burnham

Cecil R. Burnham
President

CRB:ls

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

THIS IS THE BEGINNING OF MUR # 1621

Date Filmed 11/1/85 Camera No. ---2

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE PUBLIC FILE OF CLOSED MUR 1621.

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BUTLER, SNOW, O'MARA, STEVENS & CANNADA
ATTORNEYS AT LAW
17TH FLOOR DEPOSIT GUARANTY PLAZA
P.O. BOX 22567
JACKSON, MISSISSIPPI 39225-2567
(601) 948-5711

November 26, 1985

Federal Elections Commission
1325 K Street N.W.
Washington, DC 20463

ATTN: Ms. Fran Hagan

IN RE: Webb Franklin Congressional Committee,
MUR Number 1621

Dear Fran:

I appreciate the conscientious manner in which you assisted me last week. Pursuant to our conversations, please find enclosed a notarized Affidavit over my signature indicating that I had no responsibility for the 1982 contribution to the Franklin campaign. I will greatly appreciate your assistance in insuring that this document is referenced in the file.

Thank you again for your kind assistance in this matter. If you have any questions or require any further information, please do not hesitate to call.

Yours very truly,

BUTLER, SNOW, O'MARA, STEVENS & CANNADA

R. Andrew Taggart

R. Andrew Taggart

RAT/wr
Enclosures

12-5-85

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BEFORE THE FEDERAL ELECTIONS COMMISSION

IN RE:

WEBB FRANKLIN CONGRESSIONAL COMMITTEE,
SECOND CONGRESSIONAL DISTRICT OF MISSISSIPPI

MUR NO. 1621

AFFIDAVIT OF R. ANDREW TAGGART

STATE OF MISSISSIPPI

COUNTY OF HINDS

R. Andrew Taggart, first having been duly sworn, testifies as follows:

1.

During the calendar year of 1984, I served as Executive Director of the Mississippi Republican Party and as Treasurer of the two federally-registered accounts maintained by that Committee.

2.

I did not serve as Treasurer of either federally-registered account administered by that Committee during the 1982 election cycle, nor did I have any role whatsoever in the contribution to

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the principal Campaign Committee supporting the candidacy of [redacted] Franklin for election to the United States House of Representatives from the Second Congressional District of Mississippi.

R. Andrew Taggart

R. ANDREW TAGGART

SWORN TO AND SUBSCRIBED BEFORE ME, this the 26th day of November, 1985.

Virginia G. Palmer

NOTARY PUBLIC

My Commission Expires:
[redacted]

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