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

THIS IS THE END OF MUR # 1622

Date Filmed 8/24/84 Camera No. --- 1

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FEDERAL ELECTION COMMISSION

Routing cards
12-Day Report
Conciliation-related documents
and portions of documents

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
X	(3) Exempted by other statute	___	(8) Banking Information
___	(4) Trade secrets and commercial or financial information	___	(9) Well Information (geographic or geophysical)
X	(5) Internal Documents		

Signed Lorna G. Wieseman

date 8/22/84

FEC 9-21-77

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 23, 1984

Michael Ernest Avakian
Martha M. Poindexter
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

RE: MUR 1622

Dear Mr. Avakian and Ms. Poindexter:

This is in reference to the complaint filed by James Edward Antosh with the Commission on January 30, 1984, concerning contributions made to Lynn G. Cutler and Cutler for Congress '82 by AFL-CIO COPE-PCC; the Cedar Rapids Building and Trades Reference and Safety Book; the Political Education Fund of the Building and Construction Trades Department, AFL-CIO; and the Active Ballot Club, a Department of the United Food and Commercial Workers International Union.

The Commission determined that there was reason to believe that Cutler for Congress '82 had violated 2 U.S.C. § 441a(f) and that the remaining respondents had violated 2 U.S.C. § 441a(a)(2)(A), provisions of the Federal Election Campaign Act of 1971, as amended. An investigation was conducted. On August 15, 1984, conciliation agreements signed on behalf of the respondents were accepted by the Commission, thereby concluding this matter. Copies of these agreements are enclosed for your information.

The file number in this matter is 1622. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosures
Conciliation Agreements (5)

8404047303

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 17, 1984

Margaret E. McCormick, Esquire
AFL-CIO
815 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1622
AFL-CIO COPE-PCC
Thomas R. Donahue as Treasurer

Dear Ms. McCormick:

On August 15 , 1984, the Commission accepted the conciliation agreement signed by you on behalf of your clients in settlement of a violation of 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter and will become part of the public record within thirty days.

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	)	
	)	MUR 1622
AFL-CIO COPE-PCC	)	
Thomas R. Donahue, as treasurer of AFL-CIO COPE-PCC	)	

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by James E. Antosh. The Commission found reason to believe that AFL-CIO COPE-PCC and Thomas R. Donahue as treasurer of AFL-CIO COPE-PCC ("Respondents") violated 2 U.S.C. § 441a(a)(2)(A) by making contributions to Cutler for Congress '82 which, when aggregated with contributions to the same committee by committees affiliated with Respondent AFL-CIO COPE-PCC, exceeded $5,000 for a single election.

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 voluntarily enter into this agreement with the Commission.

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

1. Respondent AFL-CIO COPE-PCC is the separate segregated fund of a labor organization, the AFL-CIO.

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2. Respondent Thomas R. Donahue is the treasurer of AFL-CIO COPE-PCC.

3. The Political Education Fund, Building and Construction Trades Department, AFL-CIO ("Political Education Fund") is a separate segregated fund of a department of a labor organization, the Building and Construction Trades Department, AFL-CIO.

4. The Cedar Rapids Building and Trades Reference and Safety Book ("CRBTRSB") is the separate segregated fund of a local unit of a department of a labor organization, the Building and Construction Trades Department, AFL-CIO.

5. In 1982 Respondent AFL-CIO COPE-PCC made contributions totaling $4,500 to Cutler for Congress '82 for use in the general election campaign.

6. In 1982 the Political Education Fund made a contribution of $500 to Cutler for Congress '82 for use in the general election campaign.

7. In 1982 CRBTRSB made a contribution of $500 to Cutler for Congress '82 for use in the general election campaign.

8. The aggregated contributions made in 1982 by AFL-CIO COPE-PCC, the Political Education Fund and CRBTRSB to Cutler for Congress '82 for the general election totaled $5,500.

9. 2 U.S.C. § 441a(a)(2)(A) limits to $5,000 the contributions which a multicandidate committee may make to a candidate for federal office with respect to any election.

10. 2 U.S.C. § 441a(a)(5) provides that all contributions made by political committees established or financed or

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maintained or controlled by a labor organization, including any parent, subsidiary, branch, division, department, or local unit of such labor organization, are to be considered to have been made by a single comittee.

11. AFL-CIO COPE-PCC, the Political Education Fund and CRBTRSB in 1982 shared a $5,000 contribution limitation as affiliated multicandidate committees with respect to any election.

V. By making contributions in 1982 to Cutler for Congress '82 for the general election which, when aggregated with contributions to the same committee by the Political Education Fund and CRBTRSB, totaled $5,500, AFL-CIO COPE-PCC, and Thomas R. Donahue as treasurer of AFL-CIO COPE-PCC, violated 2 U.S.C. § 441a(a)(2)(A).

VI. The AFL-CIO COPE-PCC, the Political Education Fund, and CRBTRSB, will pay in the aggregate a civil penalty of One Hundred and Fifty Dollars ($150.00) to the Treasurer of the United States, 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

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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 agreement shall be valid.

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FOR THE COMMISSION:

Charles N. Steele
General Counsel

BY: Kenneth A. Gross — Date August 16, 1984
Kenneth A. Gross
Associate General Counsel

FOR THE RESPONDENTS:

Margaret E. McCormick — Date July 12, 1984

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 17, 1984

Robert D. Kurnick, Esquire
Sherman, Dunn, Cohen, Leifer
and Counts, P.C.
1125 Fifteenth Street, N.W.
Washington, D.C. 20005

RE: MUR 1622
Cedar Rapids Building and
Trades Reference and Safety
Book
Melvin J. Smith as Treasurer
Political Education Fund,
Building and Construction
Trades Department, AFL-CIO
Joseph F. Maloney as Treasurer

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Dear Mr. Kurnick:

On August 15, 1984, the Commission accepted the conciliation agreement signed by you on behalf of your clients in settlement of a violation of 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter and will become part of the public record within thirty days.

2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

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

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Cedar Rapids Building and Trades Reference and Safety Book	)	MUR 1622
Melvin J. Smith, as treasurer of the Cedar Rapids Building and Trades Safety and Reference Book	)	

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by James E. Antosh. The Commission found reason to believe that The Cedar Rapids Building and Trades Safety and Reference Book ("CRBTRSB") and Melvin J. Smith as treasurer of the Cedar Rapids Building and Trades Reference and Safety Book ("Respondents") violated 2 U.S.C. § 441a(a)(2)(A) by making contributions to Cutler for Congress '82, which, when aggregated with contributions to the same committee by committees affiliated with Respondent CRBTRSB, exceeded $5,000 for a single election.

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 voluntarily enter into this agreement with the Commission.

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

1. Respondent CRBTRSB is the separate segregated fund of the Cedar Rapids Building and Trades Reference and Safety Council, a local unit of a department of a labor organization, the Building and Construction Trades Department, AFL-CIO.

2. Respondent Melvin J. Smith is the treasurer of CRBTRSB.

3. The Political Education Fund, Building and Construction Trades Department, AFL-CIO ("The Political Education Fund") is a separate segregated fund of a department of a labor organization, the AFL-CIO.

4. AFL-CIO COPE-PCC is a separate segregated fund of the AFL-CIO.

5. In 1982 AFL-CIO COPE-PCC made contributions totaling $4,500 to Cutler for Congress '82 for use in the general election campaign.

6. In 1982 the Political Education Fund made a contribution of $500 to Cutler for Congress '82 for use in the general election campaign.

7. In 1982 CRBTRSB made a contribution of $500 to Cutler for Congress '82 for use in the general election campaign.

8. The aggregated contributions made in 1982 by AFL-CIO COPE-PCC, the Political Education Fund and CRBTRSB to Cutler for Congress '82 for the general election totaled $5,500.

9. 2 U.S.C. § 441a(a)(2)(A) limits to $5,000 the contributions which a multicandidate committee may make to a candidate for federal office with respect to any election.

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10. 2 U.S.C. § 441(a)(5) provides that all contributions made by political committees established or financed or maintained or controlled by a labor organization, including any parent, subsidiary, branch, division, department, or local unit of such labor organization, are to be considered to have been made by a single committee.

11. As affiliated multicandidate committees, AFL-CIO COPE-PCC, the Political Education Fund, and CRBTRSB in 1982 shared a $5,000 contribution limitation with respect to any election.

V. By making contributions in 1982 to Cutler for Congress '82 for the general election which, when aggregated with contributions to the same committee by AFL-CIO COPE-PCC and the Political Education Fund, totaled $5,500, CRBTRSB, and Melvin J. Smith as treasurer of CRBTRSB, violated 2 U.S.C. § 441a(2)(A).

VI. The AFL-CIO COPE-PCC, the Political Education Fund, and CRBTRSB, will pay in the aggregate a civil penalty of One Hundred and Fifty Dollars ($150.00) to the Treasurer of the United States, 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.

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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 agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

BY: Kenneth A. Gross — August 16, 1984
Kenneth A. Gross
Associate General Counsel
Date

FOR THE RESPONDENTS:

Robert D Kurnick — 7-20-84
Date

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Political Education Fund, Building and Construction Trades Department, AFL-CIO	)	MUR 1622
Joseph F. Maloney, as treasurer of the Political Education Fund, Building and Construction Trades Department, AFL-CIO	)	

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by James E. Antosh. The Commission found reason to believe that The Political Education Fund, Building and Construction Trades Department, AFL-CIO ("Political Education Fund") and Joseph F. Maloney as treasurer of the Poltical Education Fund ("Respondents") violated 2 U.S.C. § 441a(a)(2)(A) by making contributions to Cutler for Congress '82, which, when aggregated with contributions to the same committee by committees affiliated with Respondent Political Education Fund, exceeded $5,000 for a single election.

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.

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

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

1. Respondent Political Education Fund, Building and Construction Trades Department, AFL-CIO ("Political Education Fund") is the separate segregated fund of a department of a labor organization, the AFL-CIO.

2. Respondent Joseph F. Maloney is the treasurer of the Political Education Fund.

3. AFL-CIO COPE-PCC is a separate segregated fund of the AFL-CIO.

4. The Cedar Rapids Building and Trades Reference and Safety Book ("CRBTRSB") is the separate segregated fund of a local unit of a department of a labor organization, the Building and Construction Trades Department, AFL-CIO.

5. In 1982 Political Education Fund made a contribution of $500 to Cutler for Congress '82 for use in the general election campaign.

6. In 1982 AFL-CIO COPE-PCC made contributions totaling $4,500 to Cutler for Congress '82 for use in the general election campaign.

7. In 1982 CRBTRSB made a contribution of $500 to Cutler for Congress '82 for use in the general election campaign.

8. The aggregated contributions made in 1982 by AFL-CIO COPE-PCC, the Political Education Fund and CRBTRSB to Cutler for Congress '82 for the general election totaled $5,500.

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9. 2 U.S.C. § 441a(a)(2)(A) limits to $5,000 the contributions which a multicandidate committee may make to a candidate for federal office with respect to any election.

10. 2 U.S.C. § 441a(a)(5) provides that all contributions made by political committees established or financed or maintained or controlled by a labor organization, including any parent, subsidiary, branch, division, department, or local unit of such labor organization, are to be considered to have been made by a single committee.

11. As affiliated multicandidate committees, AFL-CIO COPE-PCC, the Political Education Fund, and CRBTRSB in 1982 shared a $5,000 contribution limitation with reagard to any election.

V. By making contributions in 1982 to Cutler for Congress '82 for the general election which, when aggregated with contributions to the same committee by AFL-CIO COPE-PCC and CRBTRSB, totaled $5,500, the Political Education Fund, and Joseph F. Maloney as treasurer of the Political Education Fund, violated 2 U.S.C. § 441a(a)(2)(A).

VI. The AFL-CIO COPE-PCC, the Political Education Fund, and CRBTRSB, will pay in the aggregate a civil penalty of One Hundred and Fifty Dollars ($150.00) to the Treasurer of the United States, 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 matter at

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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 agreement shall be valid.

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FOR THE COMMISSION:

Charles N. Steele
General Counsel

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

August 16, 1984
Date

FOR THE RESPONDENTS:

Robert D. Lunick

7-20-84
Date

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 17, 1984

Edward P. Wendel
Assistant General Counsel
United Food and Commercial Workers
International Union
1775 K Street, N.W.
Washington, D.C. 20006

RE: MUR 1622
Active Ballot Club
Anthony J. Lutty as Treasurer

Dear Mr. Wendel:

On August 15 , 1984, the Commission accepted the conciliation agreement signed by you on behalf of your clients in settlement of a violation of 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter and will become part of the public record within thirty days.

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	)	
	)	
Active Ballot Club, a Department of the United Food and Commercial Workers International Union	)	MUR 1622
Anthony J. Lutty, as treasurer of the Active Ballot Club, a Department of the United Food and Commercial Workers International Union	)	

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CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by James E. Antosh. The Commission found reason to believe that the Active Ballot Club, a Department of the United Food and Commercial Workers International Union ("the Active Ballot Club"), and Anthony J. Lutty as treasurer of the Active Ballot Club ("Respondents") violated 2 U.S.C. § 441a(a)(2)(A) by making contributions to Cutler for Congress '82 which exceeded $5,000 for a single election.

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.

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

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

1. Respondent Active Ballot Club is the separate segregated fund of a department of a labor organization, the United Food and Commercial Workers International Union.

2. Respondent Anthony J. Lutty is the treasurer of the Active Ballot Club.

3. In 1982 Respondent Active Ballot Club made contributions totaling $6,000 to Cutler for Congress '82 for use in the general election campaign.

4. 2 U.S.C. § 441a(a)(2)(A) limits to $5,000 the contributions which a multicandidate committee may make to a candidate for federal office with respect to any election.

V. By making contributions in 1982 to Cutler for Congress '82 for the general election which totaled $6,000, the Active Ballot Club and Anthony J. Lutty as treasurer of the Active Ballot Club, violated 2 U.S.C. § 441a(a)(2)(A). Respondent asserts that its error was due to an unintentional accounting error, as a result of which it was unaware that the maximum contribution limitation had been exceeded.

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of Five Hundred Dollars ($500.00), 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.

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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 agreement shall be valid.

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FOR THE COMMISSION:

Charles N. Steele
General Counsel

BY: Kenneth A. Gross August 16, 1984
Kenneth A. Gross Date
Associate General Counsel

FOR THE RESPONDENTS:

[illegible] VP [illegible] Date [illegible]

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 17, 1984

William C. Oldaker, Esquire
Epstein, Becker, Borsody and
Green, P.C.
1140 Nineteenth Street, N.W.
Washington, D.C. 20036

RE: MUR 1622
Cutler for Congress '82
Fred Marold as Treasurer of
Cutler for Congress '82

Dear Mr. Oldaker:

On August 15 , 1984, the Commission accepted the conciliation agreement signed by you on behalf of your clients in settlement of a violation of 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter and will become part of the public record within thirty days.

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	)	
	)	
Cutler for Congress '82	)	MUR 1622
Fred Marold, as treasurer	)	
of Cutler for Congress '82	)	

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by James E. Antosh. The Commission found reason to believe that Cutler for Congress '82 and Fred Marold as treasurer of Cutler for Congress '82 ("Respondents") violated 2 U.S.C. § 441a(f) in 1982 by accepting contributions which exceeded $5,000 for a single election.

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 voluntarily enter into this agreement with the Commission.

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

1. Respondent Cutler for Congress '82 was the principal campaign committee of Lynn G. Cutler in 1981-82.

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2. Respondent Fred Marold is the treasurer of Cutler for Congress '82.

3. AFL-CIO COPE-PCC is a separate segregated fund of a labor organization, the AFL-CIO.

4. The Political Education Fund, Building and Construction Trades Department, AFL-CIO ("the Political Education Fund"), is the separate segregated fund of the department of a labor organization, the AFL-CIO.

5. The Cedar Rapids Building and Trades Reference and Safety Book ("CRBTRSB") is the separate segregated fund of a local unit of a department of a labor organization, the Department of Building and Construction Trades, AFL-CIO.

6. The Active Ballot Club, a Department of the United Food and Commercial Workers International Union, is the separate segregated fund of the department of a labor organization.

7. In 1982 Respondent AFL-CIO COPE-PCC made contributions totaling $4,500 to Cutler for Congress '82 for use in the general election campaign.

8. In 1982 the Political Education Fund made a contribution of $500 to Cutler for Congress '82 for use in the general election campaign.

9. In 1982 CRBTRSB made a contribution of $500 to Cutler for Congress '82 for use in the general election campaign.

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10. The aggregated contributions made in 1982 by AFL-CIO COPE-PCC, the Political Education Fund and CRBTRSB to Cutler for Congress '82 for the general election totaled $5,500.

11. In 1982 the Active Ballot Club made contributions totaling $6,000 to Cutler for Congress '82 for use in the general election.

12. 2 U.S.C. § 441a(a)(2)(A) limits to $5,000 the contributions which a multicandidate committee may make to a candidate for federal office with respect to any election.

13. 2 U.S.C. § 441a(a)(5) provides that all contributions made by political committees established or financed or maintained or controlled by a labor organization, including any parent, subsidiary, branch, division, department, or local unit of such labor organization, are to be considered to have been made by a single committee.

14. 2 U.S.C. § 441a(f) prohibits knowing acceptance by a political committee or an officer of a political committee of contributions which exceed the limitations established by 2 U.S.C. § 441a(a)(2)(A).

15. AFL-CIO COPE-PCC, the Political Education Fund, and CRBTRSB in 1982, as affiliated multicandidate committees, shared a $5,000 contribution limitation per recipient with respect to any election.

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16. The Active Ballot Club in 1982 was a multicandidate committee with a contribution limitation per recipient of $5,000 with respect to any election.

17. Cutler for Congress '82 accepted contributions totaling $5,500 from AFL-CIO COPE-PCC, the Political Education Fund and CRBTRSB in 1982 for the general election campaign.

18. Cutler for Congress '82 accepted contributions totaling $6,000 from the Active Ballot Club in 1982 for the general election campaign.

V. By accepting contributions in 1982 for the general election campaign in excess of the $5,000 limitation established by 2 U.S.C. § 441a(a)(2)(A), Cutler for Congress '82, and Fred Marold as treasurer of Cutler for Congress '82, violated the Federal Election Campaign Act, as amended, 2 U.S.C. § 431 et seq.

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

VII. 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

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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 agreement shall be valid.

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FOR THE COMMISSION:

Charles N. Steele
General Counsel

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

August 16, 1984
Date

FOR THE RESPONDENTS:

6/20/84
Date

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1622
Lyn G. Cutler, Cutler for Congress '82	)	
Fred Marold, as treasurer of Cutler	)	
for Congress '82, et. al.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 15, 1984, the Commission decided by a vote of 6-0 to take the following actions in MUR 1622:

1. Accept the conciliation agreements with AFL-CIO COPE-PCC; the Political Education Fund, Building and Construction Trades Department AFL-CIO; Cedar Rapids Building and Trades Reference and Safety Book; the Active Ballot Club, A Department of the United Food and Commercial Workers International Union; Cutler for Congress '82, and their respective treasurers.

2. Close the file.

3. Send the letters attached to the General Counsel's Report signed August 10, 1984.

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

Attest:

8-16-84
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: August 13, 1984

SUBJECT: MUR 1622 - General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[X]	Compliance	[X]
Sensitive	[X]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[ ]	Litigation	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[ ]	Other (see distribution below)	[ ]

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RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION

'84 AUG 13 A9:02

In the Matter of	)
Lyn G. Cutler, Cutler for Congress '82	)
Fred Marold, as treasurer of Cutler for Congress '82	) MUR 1622
Denise M. Dolan, as treasurer of Cutler for Congress '82	)
AFL-CIO COPE-PCC	)
Thomas R. Donahue, as treasurer of AFL-CIO COPE-PCC	)
Cedar Rapids Building and Trades Reference and Safety Book	) SENSITIVE
Melvin J. Smith, as treasurer of Cedar Rapids Building and Trades Reference and Safety Book	)
Political Education Fund, Building and Construction Trades Department	)
Joseph F. Maloney, as treasurer of Political Education Fund, Building and Construction Trades Department	)
Active Ballot Club, A Department of United Food and Commercial Workers International Union	)
Anthony J. Lutty, as treasurer of Active Ballot Club, A Department of United Food and Commercial Workers International Union	)

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GENERAL COUNSEL'S REPORT

On May 22, 1984, the Commission found reason to believe that AFL-CIO COPE-PCC, Thomas R. Donahue as treasurer of AFL-CIO COPE-PCC, the Political Education Fund of the Building and Trades Department AFL-CIO, Joseph F. Maloney as treasurer of the Political Education Fund of the Building and Trades Department, the Cedar Rapids Building and Trades Reference and Safety Book, Melvin J. Smith as treasurer of CRBTRSB, the Active Ballot Club, a Department of the United Food and Commercial Workers Union, and Anthony Lutty as treasurer of the Active Ballot Club, had violated 2 U.S.C. § 441a(a)(2)(A) by making excessive

contributions to Cutler for Congress '82. The Commission also found reason to believe that Cutler for Congress '82 and Fred Marold as treasurer of Cutler for Congress '82 had violated 2 U.S.C. § 441a(f) by accepting excessive contributions from AFL-CIO COPE-PCC, the Political Education Fund, Building and Construction Trades Department AFL-CIO, and the Cedar Rapids Building and Trades Reference and Safety Book, and from the Active Ballot Club, a Department of the United Food and Commercial Workers International Union.

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C. Recommendations

1. That the Commission accept the attached conciliation agreements with AFL-CIO COPE-PCC; the Political Education Fund, Building and Construction Trades Department AFL-CIO; Cedar Rapids Building and Trades Reference and Safety Book;

the Active Ballot Club, A Department of the United Food and Commercial Workers International Union; Cutler for Congress '82, and their respective treasurers.

2. That the file in this matter be closed.

3. That the attached letters be sent.

Charles N. Steele
General Counsel

August 10, 1984
Date

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

Attachments
Conciliation Agreements (5)
Letters (4)

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1622
AFL-CIO COPE-PCC	)	
Thomas R. Donahue, as treasurer of AFL-CIO COPE-PCC	)	

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by James E. Antosh. The Commission found reason to believe that AFL-CIO COPE-PCC and Thomas R. Donahue as treasurer of AFL-CIO COPE-PCC ("Respondents") violated 2 U.S.C. § 441a(a)(2)(A) by making contributions to Cutler for Congress '82 which, when aggregated with contributions to the same committee by committees affiliated with Respondent AFL-CIO COPE-PCC, exceeded $5,000 for a single election.

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 voluntarily enter into this agreement with the Commission.

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

1. Respondent AFL-CIO COPE-PCC is the separate segregated fund of a labor organization, the AFL-CIO.

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2. Respondent Thomas R. Donahue is the treasurer of AFL-CIO COPE-PCC.

3. The Political Education Fund, Building and Construction Trades Department, AFL-CIO ("Political Education Fund") is a separate segregated fund of a department of a labor organization, the Building and Construction Trades Department, AFL-CIO.

4. The Cedar Rapids Building and Trades Reference and Safety Book ("CRBTRSB") is the separate segregated fund of a local unit of a department of a labor organization, the Building and Construction Trades Department, AFL-CIO.

5. In 1982 Respondent AFL-CIO COPE-PCC made contributions totaling $4,500 to Cutler for Congress '82 for use in the general election campaign.

6. In 1982 the Political Education Fund made a contribution of $500 to Cutler for Congress '82 for use in the general election campaign.

7. In 1982 CRBTRSB made a contribution of $500 to Cutler for Congress '82 for use in the general election campaign.

8. The aggregated contributions made in 1982 by AFL-CIO COPE-PCC, the Political Education Fund and CRBTRSB to Cutler for Congress '82 for the general election totaled $5,500.

9. 2 U.S.C. § 441a(a)(2)(A) limits to $5,000 the contributions which a multicandidate committee may make to a candidate for federal office with respect to any election.

10. 2 U.S.C. § 441a(a)(5) provides that all contributions made by political committees established or financed or

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maintained or controlled by a labor organization, including any parent, subsidiary, branch, division, department, or local unit of such labor organization, are to be considered to have been made by a single comittee.

II. AFL-CIO COPE-PCC, the Political Education Fund and CRBTRSB in 1982 shared a $5,000 contribution limitation as affiliated multicandidate committees with respect to any election.

V. By making contributions in 1982 to Cutler for Congress '82 for the general election which, when aggregated with contributions to the same committee by the Political Education Fund and CRBTRSB, totaled $5,500, AFL-CIO COPE-PCC, and Thomas R. Donahue as treasurer of AFL-CIO COPE-PCC, violated 2 U.S.C. § 441a(a)(2)(A).

VI. The AFL-CIO COPE-PCC, the Political Education Fund, and CRBTRSB, will pay in the aggregate a civil penalty of One Hundred and Fifty Dollars ($150.00) to the Treasurer of the United States, 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

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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 agreement shall be valid.

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FOR THE COMMISSION:

Charles N. Steele
General Counsel

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

FOR THE RESPONDENTS:

Margaret E. McCormick July 12, 1984
Date

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Political Education Fund, Building and Construction Trades Department, AFL-CIO	)	MUR 1622
Joseph F. Maloney, as treasurer of the Political Education Fund, Building and Construction Trades Department, AFL-CIO	)	

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by James E. Antosh. The Commission found reason to believe that The Political Education Fund, Building and Construction Trades Department, AFL-CIO ("Political Education Fund") and Joseph F. Maloney as treasurer of the Poltical Education Fund ("Respondents") violated 2 U.S.C. § 441a(a)(2)(A) by making contributions to Cutler for Congress '82, which, when aggregated with contributions to the same committee by committees affiliated with Respondent Political Education Fund, exceeded $5,000 for a single election.

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.

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

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

1. Respondent Political Education Fund, Building and Construction Trades Department, AFL-CIO ("Political Education Fund") is the separate segregated fund of a department of a labor organization, the AFL-CIO.

2. Respondent Joseph F. Maloney is the treasurer of the Political Education Fund.

3. AFL-CIO COPE-PCC is a separate segregated fund of the AFL-CIO.

4. The Cedar Rapids Building and Trades Reference and Safety Book ("CRBTRSB") is the separate segregated fund of a local unit of a department of a labor organization, the Building and Construction Trades Department, AFL-CIO.

5. In 1982 Political Education Fund made a contribution of $500 to Cutler for Congress '82 for use in the general election campaign.

6. In 1982 AFL-CIO COPE-PCC made contributions totaling $4,500 to Cutler for Congress '82 for use in the general election campaign.

7. In 1982 CRBTRSB made a contribution of $500 to Cutler for Congress '82 for use in the general election campaign.

8. The aggregated contributions made in 1982 by AFL-CIO COPE-PCC, the Political Education Fund and CRBTRSB to Cutler for Congress '82 for the general election totaled $5,500.

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9. 2 U.S.C. § 441a(a)(2)(A) limits to $5,000 the contributions which a multicandidate committee may make to a candidate for federal office with respect to any election.

10. 2 U.S.C. § 441a(a)(5) provides that all contributions made by political committees established or financed or maintained or controlled by a labor organization, including any parent, subsidiary, branch, division, department, or local unit of such labor organization, are to be considered to have been made by a single committee.

11. As affiliated multicandidate committees, AFL-CIO COPE-PCC, the Political Education Fund, and CRBTRSB in 1982 shared a $5,000 contribution limitation with reagard to any election.

V. By making contributions in 1982 to Cutler for Congress '82 for the general election which, when aggregated with contributions to the same committee by AFL-CIO COPE-PCC and CRBTRSB, totaled $5,500, the Political Education Fund, and Joseph F. Maloney as treasurer of the Political Education Fund, violated 2 U.S.C. § 441a(a)(2)(A).

VI. The AFL-CIO COPE-PCC, the Political Education Fund, and CRBTRSB, will pay in the aggregate a civil penalty of One Hundred and Fifty Dollars ($150.00) to the Treasurer of the United States, 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 matter at

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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 agreement shall be valid.

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FOR THE COMMISSION:

Charles N. Steele
General Counsel

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

FOR THE RESPONDENTS:

Robert D Lumick 7-20-84
Date

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Cedar Rapids Building and Trades Reference and Safety Book	)	MUR 1622
Melvin J. Smith, as treasurer of the Cedar Rapids Building and Trades Safety and Reference Book	)	

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by James E. Antosh. The Commission found reason to believe that The Cedar Rapids Building and Trades Safety and Reference Book ("CRBTRSB") and Melvin J. Smith as treasurer of the Cedar Rapids Building and Trades Reference and Safety Book ("Respondents") violated 2 U.S.C. § 441a(a)(2)(A) by making contributions to Cutler for Congress '82, which, when aggregated with contributions to the same committee by committees affiliated with Respondent CRBTRSB, exceeded $5,000 for a single election.

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 voluntarily enter into this agreement with the Commission.

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

1. Respondent CRBTRSB is the separate segregated fund of the Cedar Rapids Building and Trades Reference and Safety Council, a local unit of a department of a labor organization, the Building and Construction Trades Department, AFL-CIO.

2. Respondent Melvin J. Smith is the treasurer of CRBTRSB.

3. The Political Education Fund, Building and Construction Trades Department, AFL-CIO ("The Political Education Fund") is a separate segregated fund of a department of a labor organization, the AFL-CIO.

4. AFL-CIO COPE-PCC is a separate segregated fund of the AFL-CIO.

5. In 1982 AFL-CIO COPE-PCC made contributions totaling $4,500 to Cutler for Congress '82 for use in the general election campaign.

6. In 1982 the Political Education Fund made a contribution of $500 to Cutler for Congress '82 for use in the general election campaign.

7. In 1982 CRBTRSB made a contribution of $500 to Cutler for Congress '82 for use in the general election campaign.

8. The aggregated contributions made in 1982 by AFL-CIO COPE-PCC, the Political Education Fund and CRBTRSB to Cutler for Congress '82 for the general election totaled $5,500.

9. 2 U.S.C. § 441a(a)(2)(A) limits to $5,000 the contributions which a multicandidate committee may make to a candidate for federal office with respect to any election.

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10. 2 U.S.C. § 441(a)(5) provides that all contributions made by political committees established or financed or maintained or controlled by a labor organization, including any parent, subsidiary, branch, division, department, or local unit of such labor organization, are to be considered to have been made by a single committee.

11. As affiliated multicandidate committees, AFL-CIO COPE-PCC, the Political Education Fund, and CRBTRSB in 1982 shared a $5,000 contribution limitation with respect to any election.

V. By making contributions in 1982 to Cutler for Congress '82 for the general election which, when aggregated with contributions to the same committee by AFL-CIO COPE-PCC and the Political Education Fund, totaled $5,500, CRBTRSB, and Melvin J. Smith as treasurer of CRBTRSB, violated 2 U.S.C. § 441a(2)(A).

VI. The AFL-CIO COPE-PCC, the Political Education Fund, and CRBTRSB, will pay in the aggregate a civil penalty of One Hundred and Fifty Dollars ($150.00) to the Treasurer of the United States, 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.

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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 agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

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

FOR THE RESPONDENTS:

Robert D Lurick 7-20-84
Date

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Active Ballot Club, a Department of the United Food and Commercial Workers International Union Anthony J. Lutty, as treasurer of the Active Ballot Club, a Department of the United Food and Commercial Workers International Union	)	MUR 1622

AUG 9 P1:37
GENERAL COUNSEL

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by James E. Antosh.. The Commission found reason to believe that the Active Ballot Club, a Department of the United Food and Commercial Workers International Union ("the Active Ballot Club"), and Anthony J. Lutty as treasurer of the Active Ballot Club ("Respondents") violated 2 U.S.C. § 441a(a)(2)(A) by making contributions to Cutler for Congress '82 which exceeded $5,000 for a single election.

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.

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

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

1. Respondent Active Ballot Club is the separate segregated fund of a department of a labor organization, the United Food and Commercial Workers International Union.

2. Respondent Anthony J. Lutty is the treasurer of the Active Ballot Club.

3. In 1982 Respondent Active Ballot Club made contributions totaling $6,000 to Cutler for Congress '82 for use in the general election campaign.

4. 2 U.S.C. § 441a(a)(2)(A) limits to $5,000 the contributions which a multicandidate committee may make to a candidate for federal office with respect to any election.

V. By making contributions in 1982 to Cutler for Congress '82 for the general election which totaled $6,000, the Active Ballot Club and Anthony J. Lutty as treasurer of the Active Ballot Club, violated 2 U.S.C. § 441a(a)(2)(A). Respondent asserts that its error was due to an unintentional accounting error, as a result of which it was unaware that the maximum contribution limitation had been exceeded.

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of Five Hundred Dollars ($500.00), 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.

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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 agreement shall be valid.

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FOR THE COMMISSION:

Charles N. Steele
General Counsel

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

FOR THE RESPONDENTS:

[illegible] VP 5/5/84
VFW Date

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Cutler for Congress '82	)	MUR 1622
Fred Marold, as treasurer	)	
of Cutler for Congress '82	)	

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by James E. Antosh. The Commission found reason to believe that Cutler for Congress '82 and Fred Marold as treasurer of Cutler for Congress '82 ("Respondents") violated 2 U.S.C. § 441a(f) in 1982 by accepting contributions which exceeded $5,000 for a single election.

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 voluntarily enter into this agreement with the Commission.

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

1. Respondent Cutler for Congress '82 was the principal campaign committee of Lynn G. Cutler in 1981-82.

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2. Respondent Fred Maroid is the treasurer of Cutler for Congress '82.

3. AFL-CIO COPE-PCC is a separate segregated fund of a labor organization, the AFL-CIO.

4. The Political Education Fund, Building and Construction Trades Department, AFL-CIO ("the Political Education Fund"), is the separate segregated fund of the department of a labor organization, the AFL-CIO.

5. The Cedar Rapids Building and Trades Reference and Safety Book ("CRBTRSB") is the separate segregated fund of a local unit of a department of a labor organization, the Department of Building and Construction Trades, AFL-CIO.

6. The Active Ballot Club, a Department of the United Food and Commercial Workers International Union, is the separate segregated fund of the department of a labor organization.

7. In 1982 Respondent AFL-CIO COPE-PCC made contributions totaling $4,500 to Cutler for Congress '82 for use in the general election campaign.

8. In 1982 the Political Education Fund made a contribution of $500 to Cutler for Congress '82 for use in the general election campaign.

9. In 1982 CRBTRSB made a contribution of $500 to Cutler for Congress '82 for use in the general election campaign.

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10. The aggregated contributions made in 1982 by AFL-CIO COPE-PCC, the Political Education Fund and CRBTRSB to Cutler for Congress '82 for the general election totaled $5,500.

11. In 1982 the Active Ballot Club made contributions totaling $6,000 to Cutler for Congress '82 for use in the general election.

12. 2 U.S.C. § 441a(a)(2)(A) limits to $5,000 the contributions which a multicandidate committee may make to a candidate for federal office with respect to any election.

13. 2 U.S.C. § 441a(a)(5) provides that all contributions made by political committees established or financed or maintained or controlled by a labor organization, including any parent, subsidiary, branch, division, department, or local unit of such labor organization, are to be considered to have been made by a single committee.

14. 2 U.S.C. § 441a(f) prohibits knowing acceptance by a political committee or an officer of a political committee of contributions which exceed the limitations established by 2 U.S.C. § 441a(a)(2)(A).

15. AFL-CIO COPE-PCC, the Political Education Fund, and CRBTRSB in 1982, as affiliated multicandidate committees, shared a $5,000 contribution limitation per recipient with respect to any election.

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16. The Active Ballot Club in 1982 was a multicandidate committee with a contribution limitation per recipient of $5,000 with respect to any election.

17. Cutler for Congress '82 accepted contributions totaling $5,500 from AFL-CIO COPE-PCC, the Political Education Fund and CRBTRSB in 1982 for the general election campaign.

18. Cutler for Congress '82 accepted contributions totaling $6,000 from the Active Ballot Club in 1982 for the general election campaign.

V. By accepting contributions in 1982 for the general election campaign in excess of the $5,000 limitation established by 2 U.S.C. § 441a(a)(2)(A), Cutler for Congress '82, and Fred Marold as treasurer of Cutler for Congress '82, violated 2 U.S.C. § 441a(f).

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of Two Hundred Fifty Dollars ($250.00), 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

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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 agreement shall be valid.

8404047053

FOR THE COMMISSION:

Charles N. Steele
General Counsel

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

FOR THE RESPONDENTS:

_____ 6/20/84
Date

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Margaret E. McCormick, Esquire
AFL-CIO
815 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1622
AFL-CIO COPE-PCC
Thomas R. Donahue as Treasurer

Dear Ms. McCormick:

On , 1984, the Commission accepted the conciliation agreement signed by you on behalf of your clients in settlement of a violation of 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter and will become part of the public record within thirty days.

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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(21)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Robert D. Kurnick, Esquire
Sherman, Dunn, Cohen, Leifer
and Counts, P.C.
1125 Fifteenth Street, N.W.
Washington, D.C. 20005

RE: MUR 1622
Cedar Rapids Building and
Trades Reference and Safety
Book
Melvin J. Smith as Treasurer
Political Education Fund,
Building and Construction
Trades Department, AFL-CIO
Joseph F. Maloney as Treasurer

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Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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22

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Edward P. Wendel
Assistant General Counsel
United Food and Commercial Workers
International Union
1775 K Street, N.W.
Washington, D.C. 20006

RE: MUR 1622
Active Ballot Club
Anthony J. Lutty as Treasurer

Dear Mr. Wendel:

On , 1984, the Commission accepted the conciliation agreement signed by you on behalf of your clients in settlement of a violation of 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter and will become part of the public record within thirty days.

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Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William C. Oldaker, Esquire
Epstein, Becker, Borsody and
Green, P.C.
1140 Nineteenth Street, N.W.
Washington, D.C. 20036

RE: MUR 1622
Cutler for Congress '82
Fred Marold as Treasurer of
Cutler for Congress '82

Dear Mr. Oldaker:

On , 1984, the Commission accepted the conciliation agreement signed by you on behalf of your clients in settlement of a violation of 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter and will become part of the public record within thirty days.

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Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 31, 1984

William C. Oldaker, Esquire
Epstein, Becker, Borsody and
Green, P.C.
1140 Nineteenth Street, N.W.
Washington, D.C. 20036

RE: MUR 1622
Cutler for Congress '82
Fred Marold, as treasurer of
Cutler for Congress '82

Dear Mr. Oldaker:

The Federal Election Commission notified your clients on February 2, 1984, of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter dated April 11, 1984.

Upon further review of the allegations contained in the complaint, and the information supplied by all respondents, the Commission, on May 22, 1984, determined that there is reason to believe that Cutler for Congress '82 and Fred Marold as its treasurer, have violated 2 U.S.C. § 441a(f) by accepting excessive contributions for Lynn G. Cutler's 1982 general election campaign from AFL-CIO COPE-PCC and its affiliated committees, the Cedar Rapids Building and Trades Reference and Safety Book and the Political Education Fund, Building and Construction Trades Department, AFL-CIO, and from the Active Ballot Club, a Department of the United Food and Commercial Workers International Union. These contributors have all confirmed their intent to contribute to Ms. Cutler's general election campaign.

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Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 31, 1984

Margaret E. McCormick, Esquire
AFL-CIO
815 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1622
AFL-CIO COPE-PCC
Thomas R. Donahue, Treasurer

Dear Ms. McCormick:

The Federal Election Commission notified your clients, AFL-CIO COPE-PCC and its treasurer, Thomas R. Donahue, on February 2, 1984, of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter received March 5, 1984.

Upon further review of the allegations contained in the complaint, and the information supplied by all respondents, the Commission, on May 22, 1984, determined that there is reason to believe that AFL-CIO COPE-PCC and Thomas R. Donahue as its treasurer, have violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to Cutler for Congress '82.

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Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 31, 1984

Robert D. Kurnick, Esquire
Sherman, Dunn, Cohen, Leifer
and Counts, P.C.
1125 Fifteenth Street, N.W.
Washington, D.C. 20005

RE: MUR 1622
Cedar Rapids Building and
Trades Reference and Safety
Book
Melvin J. Smith, Treasurer
Political Education Fund,
Building and Construction
Trades Department, AFL-CIO
Joseph F. Maloney, Treasurer

Dear Mr. Kurnick:

The Federal Election Commission notified your clients, the Cedar Rapids Building and Trades Reference and Safety Book, its treasurer, Melvin J. Smith, and the Political Education Fund, Building and Construction Trades Department, AFL-CIO, and its treasurer, Joseph F. Maloney, on February 2, 1984, of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter dated March 5, 1984.

Upon further review of the allegations contained in the complaint, and the information supplied by all respondents, the Commission, on May 22, 1984, determined that there is reason to believe that the Cedar Rapids Building and Trades Reference and Safety Book, and Melvin J. Smith, as its treasurer, and the Political Education Fund, Building and Construction Trades Department, AFL-CIO, and Joseph F. Maloney as its treasurer, have violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to Cutler for Congress '82.

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Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 31, 1984

Mr. Edward P. Wendel
Assistant General Counsel
United Food and Commercial
Workers Union
1775 K Street, N.W.
Washington, D.C. 20006

RE: MUR 1622
Active Ballot Club
Anthony J. Lutty, Treasurer

Dear Mr. Wendel:

The Federal Election Commission notified your clients, the Active Ballot Club, a Department of the United Food and Commercial Workers Union, and Anthony J. Lutty, its treasurer, on February 2, 1984, of a complaint alleging violations of sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to Mr. Lutty at that time. We acknowledge receipt of your explanation of this matter dated February 22, 1984.

Upon further review of the allegations contained in the complaint, and of the information which you supplied, the Commission, on May 22, 1984, determined that there is reason to believe that the Active Ballot Club and Mr. Lutty, as its treasurer, have violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to Cutler for Congress '82.

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Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. Edward P. Wendel
Assistant General Counsel
United Food and Commercial
Workers Union
1775 K Street, N.W.
Washington, D.C. 20006

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Anthony J. Lutty, Treasurer

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AW
5/28/84

Sincerely,

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Robert D. Kurnick, Esquire
Sherman, Dunn, Cohen, Leifer
and Counts, P.C.
1125 Fifteenth Street, N.W.
Washington, D.C. 20005

RE: MUR 1622
Cedar Rapids Building and
Trades Reference and Safety
Book
Melvin J. Smith, Treasurer
Political Education Fund,
Building and Construction
Trades Department, AFL-CIO
Joseph F. Maloney, Treasurer

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Dear Mr. Kurnick:

The Federal Election Commission notified your clients, the Cedar Rapids Building and Trades Reference and Safety Book, its treasurer, Melvin J. Smith, and the Political Education Fund, Building and Construction Trades Department, AFL-CIO, and its treasurer, Joseph F. Maloney, on February 2, 1984, of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter dated March 5, 1984.

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AW 5/28/84

Sincerely,

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Margaret E. McCormick, Esquire
AFL-CIO
815 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1622
AFL-CIO COPE-PCC
Thomas R. Donahue, Treasurer

Dear Ms. McCormick:

The Federal Election Commission notified your clients, AFL-CIO COPE-PCC and its treasurer, Thomas R. Donahue, on February 2, 1984, of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter received March 5, 1984.

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A.L. 5/28/84

Sincerely,

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William C. Oldaker, Esquire
Epstein, Becker, Borsody and
Green, P.C.
1140 Nineteenth Street, N.W.
Washington, D.C. 20036

RE: MUR 1622
Cutler for Congress '82
Fred Marold, as treasurer of
Cutler for Congress '82

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AW 5/28/84

Sincerely,

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1622
Cutler for Congress '82,	)	
et al.	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of May 22, 1984, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1622:

1. Find reason to believe that AFL-CIO COPE-PCC, Thomas R. Donahue as treasurer of AFL-CIO COPE-PCC, the Political Education Fund of the Building and Trades Department AFL-CIO, Joseph F. Maloney as treasurer of the Political Education Fund of the Building and Trades Department, the Cedar Rapids Building and Trades Reference and Safety Book, and Melvin J. Smith as treasurer of CRBTRSB, violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to Cutler for Congress '82.

2. Find reason to believe that the Active Ballot Club, a Department of the United Food and Commercial Workers Union, and Anthony Lutty as treasurer of the Active Ballot Club, violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to Cutler for Congress '82.

3. Find reason to believe that Cutler for Congress '82 and Fred Marold as treasurer of Cutler for Congress '82 violated 2 U.S.C. § 441a(f) by accepting excessive contributions from AFL-CIO COPE-PCC, the Political Education Fund, Building and Construction Trades Department AFL-CIO, and the Cedar Rapids Building and Trades Reference and Safety Book, and from the Active Ballot Club, a Department of the United Food and Commercial Workers International Union.

(Continued)

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

Attest:

5-24-84
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/SUSAN M. TEIR SMT

DATE: MAY 17, 1984

SUBJECT: OBJECTION - MUR 1622 - FIRST GENERAL COUNSEL'S REPORT dated May 14, 1984

The above-named document was circulated to the Commission on May 15, 1984 at 11:00.

Objections have been received from the Commissioners as indicated by the name(s) checked:

Commissioner Aikens	X
Commissioner Elliott	
Commissioner Harris	
Commissioner McDonald	
Commissioner McGarry	
Commissioner Reiche	

This matter will be placed on the Executive Session agenda for Tuesday, May 22, 1984.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: May 14, 1984

SUBJECT: MUR 1622 - First General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[X]	Compliance	[X]
Sensitive	[X]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[ ]	Litigation	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[ ]	Other (see distribution below)	[ ]

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SENSITIVE

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

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

FIRST GENERAL COUNSEL'S REPORT 84 P 3: 45

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION 5/14/84 - 3:45

MUR NO. 1622
DATE COMPLAINT RECEIVED BY OGC January 31, 1984
STAFF MEMBER
Anne A. Weissenborn

COMPLAINANT'S NAME: James E. Antosh
c/o Center on National Labor Policy

RESPONDENTS' NAMES: Lynn G. Cutler, Cutler for Congress '82
Fred Marold, individually and as treasurer of Cutler for Congress '82
Denise M. Dolan, individually and as treasurer of Cutler for Congress '82
AFL-CIO COPE-PCC
Thomas R. Donahue, individually and as treasurer of AFL-CIO COPE-PCC
Cedar Rapids Building and Trades Reference and Safety Book
Melvin J. Smith, individually and as treasurer of Cedar Rapids Building and Trades Reference and Safety Book
Political Education Fund, Building and Construction Trades Department
Joseph F. Maloney, individually and as treasurer of Political Education Fund, Building and Construction Trades Department
Active Ballot Club, A Department of United Food and Commercial Workers International Union
Anthony J. Lutty, individually and as treasurer of Active Ballot Club, A Department of United Food and Commercial Workers International Union

RELEVANT STATUTE: 2 U.S.C. § 441a(a)(2)(A)
2 U.S.C. § 441a(a)(5)
2 U.S.C. § 441a(f)

INTERNAL REPORTS CHECKED: Reports submitted by respondents

FEDERAL AGENCIES CHECKED: None

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SUMMARY OF ALLEGATIONS

The complainant alleges that AFL-CIO COPE-PCC and two affiliated separate segregated funds, the Cedar Rapids Building and Trades Reference and Safety Book ("CRBTRSB") and the Political Education Fund of the Building and Construction Trades Department, AFL-CIO ("Political Education Fund") and their separate treasurers, have violated 2 U.S.C. § 441a(a)(2)(A) by contributing an aggregate total of $5,500.00 to Lynn G. Cutler and Cutler for Congress '82 for the candidate's general election campaign in 1982. The complainant asserts that as affiliated multicandidate committees these entities are limited by 2 U.S.C. § 441a(a)(5) to a single contribution limitation of $5,000 per election per candidate. The complainant also alleges that the Active Ballot Club of the United Food and Commercial Workers International Union ("Active Ballot Club") and its treasurers have violated 2 U.S.C. § 441a(a)(2)(A) by contributing $6,000 to Lynn G. Cutler and Cutler for Congress '82, again for the general election campaign. Finally, the complainant alleges that Lynn G. Cutler, Cutler for Congress '82 and its treasurer have violated 2 U.S.C. § 441a(f) by knowingly accepting contributions totaling $5,500 from the AFL-CIO COPE-PCC and its above-cited affiliated separate segregated funds, and contributions totaling $6,000 from the Active Ballot Club, for the general election campaign.

LEGAL AND FACTUAL ANALYSIS

2 U.S.C. § 441a(a)(2)(A) and 11 C.F.R. § 110.2(a)(1) limit

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to $5,000 the amount which a multicandidate political committee may contribute to any federal candidate and his or her authorized committee "with respect to any election," i.e., primary or general. 2 U.S.C. § 441a(a)(5) states that for purposes of this limitation all contributions made by committees which have been "established or financed or maintained or controlled by any . . . labor organization . . . including any parent, subsidiary, branch, division, department, or local unit of such . . . labor organization . . . shall be considered to have been made by a single committee." 11 C.F.R. § 110.2 states that "with respect to any election" is to be defined in the same way as it is at 11 C.F.R. § 110.1(a)(2). Subsection 110.1(a)(2)(i) states that "with respect to any election" means in part any election designated by the contributor in writing.

An examination of reports filed by Cutler for Congress '82 confirms the reported receipt of the contributions cited by the complainant. In response to the notification of the complaint in this matter, counsel for Lynn G. Cutler has stated that his client acknowledges the receipt of contributions totaling $5,500 from the AFL-CIO COPE-PCC and its affiliates in 1982 and also the receipt of $6,000 from the Active Ballot Club that year. Counsel argues that because his client's committee did not receive the maximum of $10,000 allowed from each of these groups during a full election cycle, the problem is really one of incorrect allocation on the committee's reports, not acceptance of

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excessive contributions. Counsel states that a portion of the contributions at issue should have been allocated to meet primary debts, that reporting their receipt was "the important act," that mischaracterization of contributions is "an often and unfortunate side effect" of reporting, and that the committee used its "best efforts . . . to obtain, maintain and submit the information required by the Act." (Attachment 1).

The joint response filed by counsel for AFL-CIO COPE-PCC and by counsel for the Political Education Fund and CRBTRSB states that these respondents' 1982 records show contributions of $2,500 and $2,000 to the Cutler for Congress Committee by AFL-CIO COPE-PCC on August 27, 1982, and October 5, 1982, respectively, plus additional contributions of $500 to the same committee from CRBTRSB on October 1, 1982, and of $500 from the Political Education Fund on October 19, 1982. All of these contributions, totaling $5,500, were reported by the contributors as being for the general election campaign. These respondents acknowledge that they exceeded the contribution limitation of $5,000 for that election.

In their joint response, counsel for AFL-CIO COPE-PCC, the Political Education Fund and CRBTRSB have requested that the Commission take no further action in this matter in light of certain enumerated mitigating circumstances. These circumstances include: (1) administrative oversight which resulted in the contribution by CRBTRSB not being cleared with COPE-PCC and the Political Education Fund, (2) efforts by the AFL-CIO to assure

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that federal committees sponsored by AFL-CIO state and local bodies inform the national federation before making contributions, (3) the adoption on February 25, 1983, of a resolution asking all AFL-CIO state and local bodies and Department state and local bodies to refrain from establishing or maintaining separate segregated funds for purposes of making contributions to federal candidates and to terminate their already-existing federal committees, and (4) the request on behalf of the Political Education Fund for a $500 refund from Ms. Cutler.

The Cutler for Congress Committee reported receipt of contributions from the Active Ballot Club of $1,000 on August 7, 1982, $3,500 on October 2, 1982, and $1,500 on October 26, 1982. Counsel for the Active Ballot Club has acknowledged that his client made contributions to Lynn Cutler for the general election totaling $6,000. He has stated that this overage was inadvertent and that in forwarding their contribution to the Cutler committee his client had asked that any excessive amount be promptly returned. Counsel asserts that his client was unaware that the limitations had been exceeded until notification of the present complaint was received and that the Active Ballot Club's computers have now been programmed to prevent authorization of a check which would cause the contribution limits to be exceeded.

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Given the acknowledged intent of the AFL-CIO COPE-PCC and its affiliated committees, and of the Active Ballot Club, to make contributions to Lynn Cutler's general election campaign, the argument by counsel for the candidate that only misreporting is involved in this matter is inappropriate. All of the monies at issue were contributed and received after the primary election on June 6, 1982, and therefore would have had to have been explicitly designated in writing for primary use pursuant to 11 C.F.R. § 110.1(a)(2)(i). This was not done.

This Office recommends, notwithstanding the mitigating circumstances asserted by respondents, that the Commission find reason to believe that AFL-CIO COPE-PCC, Thomas R. Donahue as treasurer of AFL-CIO COPE-PCC, the Political Education Fund of the Building and Trades Department AFL-CIO, Joseph F. Maloney as treasurer of the Political Education Fund of the Building and Trades Department, the Cedar Rapids Building and Trades Reference and Safety Book, Melvin J. Smith as treasurer of CRBTRSB, the Active Ballot Club, and Anthony Lutty as treasurer of the Active Ballot Club, violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to Cutler for Congress '82. This Office also recommends that the Commission find reason to believe that Cutler for Congress '82, and Fred Marold as treasurer of Cutler for Congress '82 1/, violated 2 U.S.C. §441a(f) by accepting

1/ The complainant cites both Fred Marold and Denise M. Dolan as treasurers of Cutler for Congress '82. According to the committee's reports, Ms. Dolan served as assistant treasurer.

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excessive contributions from AFL-CIO COPE-PCC, the Political Education Fund, Building and Construction Trades Department, AFL-CIO, and the Cedar Rapids Building and Trades Reference and Safety Book, and from the Active Ballot Club, a Department of the United Food and Commercial Workers International Union.

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RECOMMENDATIONS

1. That the Commission find reason to believe that AFL-CIO COPE-PCC, Thomas R. Donahue as treasurer of AFL-CIO COPE-PCC, the Political Education Fund of the Building and Trades Department AFL-CIO, Joseph F. Maloney as treasurer of the Political Education Fund of the Building and Trades Department, the Cedar Rapids Building and Trades Reference and Safety Book, and Melvin J. Smith as treasurer of CRBTRSB, violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to Cutler for Congress '82.

2. That the Commission find reason to believe that the Active Ballot Club, a Department of the United Food and Commercial Workers Union, and Anthony Lutty as treasurer of the Active Ballot Club, violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to Cutler for Congress '82.

3. That the Commission find reason to believe that Cutler for Congress '82 and Fred Marold as treasurer of Cutler for Congress '82 violated 2 U.S.C. § 441a(f) by accepting excessive contributions from AFL-CIO COPE-PCC, the Political Education Fund, Building and Construction Trades Department AFL-CIO, and the Cedar Rapids Building and Trades Reference and Safety Book, and from the Active Ballot Club, a Department of the United Food and Commercial Workers International Union.

Charles N. Steele
General Counsel

May 14, 1984
Date

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

Attachments
Letters

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EPSTEIN BECKER BORSODY & GREEN, P.C.
ATTORNEYS AT LAW
1140 19TH STREET, N.W.
WASHINGTON, D.C. 20036
(202) 861-0900

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NEW YORK, NEW YORK 10177
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1875 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067*
(213) 556-8861

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SAN FRANCISCO, CALIFORNIA 94104*
(415) 398-5555

*P.C. IN NEW YORK AND WASHINGTON, D.C. ONLY

April 11, 1984

MUR 1622
Weissenborn

12 AM 11:29

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

Re: FEC MUR 1622

Dear Mr. Steele:

This letter constitutes the response of Lynn G. Cutler (hereinafter "the Respondent") to a complaint, MUR 1622, which alleges that Respondent may have violated the Federal Election Campaign Act, 2 U.S.C. § 431, et seq. (hereinafter referred to as "the Act").

The complaint alleges that Respondent, along with the Cutler for Congress '82 Committee (hereinafter referred to as "the Committee") and the Committee's treasurer, knowingly accepted contributions for the 1982 federal general election from the AFL-CIO COPE-PCC and its affiliated SSFs, CRB TRSB and P.E.F. - B.C.T.D., in the amount of $5,500.00, in excess of a statutory monetary ceiling. In addition, the complaint alleges that Respondent, along with the Committee and the Committee's treasurer, knowingly accepted $6,000.00 in contributions for the 1982 federal general election from the U.F.C.W. Active Ballot Club, in violation of the statutory limitation.

Respondent acknowledges that contributions in the amount of $5,500.00 from the AFL-CIO COPE-PCC/Affiliates were accepted by her Committee in 1982. Further, Respondent acknowledges that in 1982 contributions in the amount of $6,000 from the U.F.C.W. Active Ballot Club were accepted by her Committee.

The contributions from the above-mentioned groups, however, did not exceed the $10,000 maximum that any one

Attachment 1

(1)

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multi-candidate political committee may contribute to a candidate in a full election cycle, and, thus, Respondent contends that the acceptance of such contributions by her Committee was permissible under the Act.

ANALYSIS

The Federal Election Campaign Act prescribes certain specific limitations on the amount individuals or multi-candidate political committees may make to individuals seeking election to federal office. Specifically, the Act allows multi-candidate committees to contribute no more than $5,000 to individual candidates per election. 2 U.S.C. § 441a(a)(2)(A). Individuals facing both a primary and general election within one election year may receive up to $10,000 from a single multi-candidate committee where the contribution is divided between the two elections.

Respondent's Committee in 1982 did not accept contributions in excess of the $10,000 cap from either the AFL-CIO COPE-PCC/Affiliates or the U.F.C.W. Active Ballot Club. For the full election cycle (primary and general), the Committee accepted $5,500.00 from the AFL-CIO COPE-PCC/Affiliates, and $6,000.00 from the U.F.C.W. Active Ballot Club. Clearly, the amounts at issue did not exceed the maximum aggregate allowable amount permitted during an election cycle.

Thus, as opposed to exposing excessive contribution violations, the facts cited in this complaint actually reveal instances of incorrect contribution allocation by both the Committee and the aforementioned contributors. A portion of the aggregate contributions from both these contributors should have been allocated to the primary election, to extinguish the Committee's primary debt of $11,984.42, rather than to the general election. These reporting deficiencies are hence the true focus of MUR 1622.

As the Commission is aware, allocation errors constitute a significant problem for candidates, their committees, and contributors. In its 1980 Annual Report to Congress, reprinted in Federal Elec. Camp. Fin. Guide (CCH) ¶ 9150, at 51,130, the FEC, evidently in response to a recurrent election contribution allocation problem, recommended to Congress that "[t]he Act be simplified by changing the contribution limitations from a 'per-election' basis to an 'annual' or 'election cycle' basis." Adoption of this amendment would have eliminated the reporting deficiencies found in the Committee's reports and would have avoided the instant complaint. More significantly, and as noted above, the

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recommendation implicitly recognizes and underscores the fact that registered multi-candidate may and often do contribute up to $10,000.

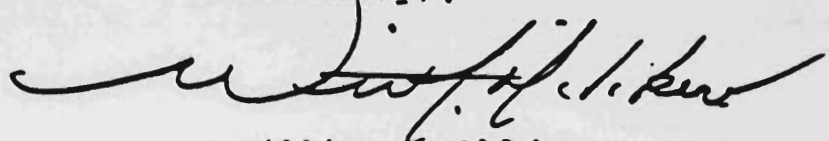
As the Commission is also aware, the Act is complex and its obligations on a volunteer staff often confusing. As one court has noted, it serves neither the interest of the public, the FEC, or the court to "in effect impose sanction upon a public figure who has acted in good faith . . . ." FEC v. Committees for a Constitutional Presidency, No. 77-1442 (D.D.C. March 7, 1979), reported in Federal Elec. Camp. Guide (CCH) ¶ 9074, at 50,632. Reporting is the important act; mischaracterization of reported contributions constitutes an often and unfortunate side effect. But "[b]y reporting the individual sources of the payment, the defendant provided the FEC and the public with sufficient information to satisfy the spirit, if not the letter of the Act . . . ." Id.

Thus, Respondent asserts that her Committee, staffed primarily with volunteers, engaged in a significant effort to comply with the mandates of the Act. That its "best efforts . . . to obtain, maintain, and submit the information required by the Act . . ." perhaps fell short does not affect a determination that it nevertheless acted "in compliance with the Act." Id.

Hence, Respondent requests that her Committee be allowed to amend its FEC reports to reflect the proper allocation of the disputed contributions and that the Commission take no further action in connection with this matter.

Further, assuming arguendo that the Commission finds a violation(s) of the Act, Respondent contends that any such violation(s) was inadvertent, and not knowing or willful as the complaint alleges.

Sincerely,



William C. Oldaker
Counsel for Respondent
Lynn G. Cutler

WCO/LJK:ses

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American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

LANE KIRKLAND PRESIDENT THOMAS R. DONAHUE SECRETARY-TREASURER

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Vincent R. Sombrotto
Marvin J. Boede
Gwen Bieber

March 5, 1984

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

Re: FEC MUR 1622

Dear Mr. Steele:

This letter constitutes the response of Thomas R. Donahue, the AFL-CIO Committee on Political Education Political Contributions Committee ("COPE PCC"), Joseph F. Maloney, the Political Education Fund of the Building and Construction Trades Department ("PEF-BCTD"), Melvin J. Smith, and the Cedar Rapids Building and Trades Reference and Safety Book ("CRBTRSB") (hereinafter "Respondents") to your letter dated February 2, 1984 stating that the Commission had received a complaint alleging that respondents may have violated the Federal Election Campaign Act of 1971, as amended, ("the Act").

The complaint, which the Commission has numbered MUR 1622, alleges that respondent political committees and their treasurers violated $441a(a)(2)(A) of the Act by making contributions which in the aggregate totalled $5,500.00 to the 1982 general election campaign of congressional candidate Lynn G. Cutler.

Respondents' 1982 contribution records reflect the following contributions to the Cutler for Congress '82 Committee for the 1982 general election: COPE-PCC contributed $2,500.00 on 8/27/82; CRBTRSB contributed $500.00 on 10/1/82; COPE-PCC contributed $2,000.00 on 10/5/82; and PEF-BCTD contributed $500.00 on 10/19/82.

Respondents acknowledge that they inadvertently contributed $500 more than the maximum contribution permitted by $441a(a)(2)(A) to the 1982 general election campaign of Lynn G. Cutler. However, because of the mitigating circumstances described below, respondents respectfully request that the Commission take no further action in this matter.

Attachment 2

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1. Respondents' violation of 2 U.S.C. §441a(a)(2)(A) was totally inadvertent. This fact is demonstrated by the circumstances under which the excess contribution occurred: on August 27, 1982 respondent AFL-CIO COPE-PCC contributed $2,500.00 for the general election to the Cutler for Congress '82 Committee. That contribution was immediately logged, as is the standard practice, in COPE-PCC's internal contribution records under the name of the candidate. Thereafter, on 10/1/82 respondent CRBTRSB contributed $500.00 for the general election to the Cutler campaign. Due to an administrative oversight, however, that contribution was neither cleared with nor reported to either PEF-BCTD or COPE-PCC. Neither COPE-PCC nor PEF-BCTD had any knowledge of the CRBTRSB contribution when the two committees, after checking with one another, made additional contributions ($2,000.00 from COPE-PCC and $500.00 from PEF-BCTD) to the Cutler campaign for the general election. Thus, the committees acted under the mistaken but good faith belief that only $2,500.00 had been previously contributed for the general election and that therefore an additional $2,500.00 could still be contributed without exceeding the contribution limits of the Act.

2. The AFL-CIO and its Departments have used their best efforts to ensure that contributions made by affiliated federal political committees sponsored by AFL-CIO state and local bodies do not exceed the statutory limits of the FECA. AFL-CIO state and local bodies have repeatedly been told that federal committees sponsored by those organizations share a single contribution limit with COPE-PCC and that they must therefore check with COPE-PCC or the political committee of their respective Department prior to making any contribution to a federal candidate. See, for example, the attached letter from Building and Construction Trades Department President Robert Georgine to all State and Local Building and Construction Trades Councils.

3. The AFL-CIO has already taken action to guarantee that inadvertent violations of the Act's contribution limits will not occur in the future. On February 25, 1983, months before this matter was brought to respondents' attention, the AFL-CIO Executive Council, recognizing the risk that contributions made by federal political committees sponsored by state and local central bodies of the AFL-CIO could lead to violations of the Act's contribution limits despite the best efforts to avoid such inadvertent violations, adopted a resolution (see Attachment B) stating:

> 1. That no DALU [Directly Affiliated Local Union], AFL-CIO state or local central body, or AFL-CIO Department state or local body, shall establish or maintain a separate segregated fund that makes contributions to or expenditures on behalf of candidates for federal office;
>
> 2. That existing federal political committees of the DALUs and of the state and local bodies of the AFL-CIO and of its Departments shall terminate their registration with the FEC ***;
>
> 3. That henceforth all contributions to or expenditures on behalf of federal candidates attributable to the AFL-CIO shall be made at the national level.

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The text of the Council's February 25, 1983 resolution has been communicated to every AFL-CIO state and local body which sponsors a federal political committee. The Cedar Rapids Building and Construction Trades Council and many other AFL-CIO state and local bodies have already terminated their committees. Those committees which have not yet terminated are in the process of doing so at this time.

As result of the Executive Council's resolution, the number of AFL-CIO sponsored separate segregated funds will soon be reduced to three — COPE-PCC and the two committees sponsored by AFL-CIO Departments, PEF-BCTD and IUD Voluntary Fund. These committees already operate under a closely monitored system designed to preclude contribution limitation violations. The risk that contributions made by these committees will exceed the contribution limits of the Act is therefore minimal.

4. Until they were notified of the complaint in this matter, respondents had no knowledge that they had inadvertently contributed $500 in excess of the Act's contribution limits to Lynn Cutler's 1982 general election campaign. As soon as respondents confirmed, based on their 1982 contribution records, that such an excess contribution had in fact been made, they authorized the undersigned counsel for the Building and Construction Trades Department to seek an immediate refund of that contribution from the Cutler campaign. A copy of the letter requesting that refund is attached hereto. (See Attachment C).

In light of the inadvertent nature of respondents' violation, respondents' previous efforts to avoid the occurrence of such violations, the negligible risk that similar violations will occur in the future in view of the elimination of state and local affiliated committees, and respondents' voluntary efforts to comply with the Act by seeking a refund of their excess contribution, respondents believe that the Commission should take no further action in connection with this matter.

Sincerely,

Margaret E. McCormick

Margaret E. McCormick
Counsel for Respondents Thomas R. Donahue and AFL-CIO COPE-PCC

Robert D Kurnick

Robert D. Kurnick
Counsel for Respodents Joseph F. Maloney, the Political Education Fund of the Building & Construction Trades Department, Melvin J. Smith and the Cedar Rapids Building & Trades Reference & Safety Book

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ROBERT A. GEORGINE, President
JOSEPH F. MALONEY, Secretary-Treasurer
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S. FRANK RAFTERY, 3rd Vice President
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JOSEPH T. POWER, 5th Vice President
HAROLD J. DUOY, 6th Vice President
MARTIN J. WARD, 7th Vice President
WILLIAM SIDELL, 8th Vice President
ANGELO FORGO, 9th Vice President
J. C. TURNER, 10th Vice President

Building and Construction Trades Department

AMERICAN FEDERATION OF LABOR — CONGRESS OF INDUSTRIAL ORGANIZATIONS
815 SIXTEENTH ST., N.W., Suite 603 • WASHINGTON, D. C. 20006
(202) 347-1461

October 11, 1978

I M P O R T A N T

To all State and Local Building and Construction Trades Councils affiliated with the Building and Construction Trades Department

Subject: Contributions to Candidates for Federal Office

Dear Sir and Brother:

It has been called to the attention of the AFL-CIO Committee for Political Education by the Federal Election Commission that COPE and the political committees considered under the federal law to be COPE's affiliates, on four occasions in the 1976 campaign year exceeded the applicable joint limit on contributions to federal candidates. That limit is $5,000.00 per election to a candidate for federal office. National COPE did not itself exceed the contributions limit, rather contributions by affiliated political fund committees put COPE over the limit.

The Building and Construction Trades Department and any chartered subordinate of the Department, that is, the State and Local Building and Construction Trades Councils, are considered under the federal law as an affiliate of the National COPE. As such, any contribution that is made by the Political Educational Fund of the Building and Construction Trades Department and any committee of our affiliated Councils must be added to the aggregate total COPE contribution to a candidate for federal election. The International Unions affiliated with this Department are not included in the aggregate COPE amount, but rather are responsible for their own limitations within their own structure.

The FEC considers COPE to be a multi-candidate committee to which are assessed any contributions given to any federal candidate by State COPEs, AFL-CIO Central Bodies, Congressional COPEs, and directly affiliated union political committees and the political committees of the AFL-CIO trade and industrial departments.

Given the length of that list, it is impossible for COPE to maintain an informal system for keeping track of the amounts that are being contributed to federal candidates by affiliated committees. Therefore, in the future any contribution that any State or Local Building and Construction Trades Council political committee contemplates making to a federal candidate must first be cleared with the Accounting Department of the Building and Construction Trades Department (202 - 347-1461) so that we do not exceed the limit.

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In the meantime, I am requesting you to forward the full name, address, Treasurer's name, and the FEC identification number for any committee set up by your Council.

To assist COPE in their record keeping and reporting, I would appreciate a report of any contributions you have made in the 1978 Federal Election Campaign.

I urge your immediate attention to this most important matter, and stress your Council's compliance with clearing all federal candidate contributions through this Department before any contributions are made.

Thanking you for your cooperation and with very best wishes, I am

Sincerely and fraternally,

Robert A. Georgine

Robert A. Georgine
President

RAG:edt
opeiu #2 afl-cio

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AFL-CIO Political Committees

The Federal Election Campaign Act (FECA) provides that if a Directly Affiliated Local Union (DALU), a state or local central body of the AFL-CIO, or a state or local body of a Department of the AFL-CIO, sets up a voluntary political contributions fund and makes contributions from that fund to a federal candidate, the fund is a "political committee." As a political committee, each such fund is required to register with the Federal Election Commission and to file comprehensive periodic financial reports with the Commission. Meeting these requirements is costly, both in the time it takes to meet the FEC's reporting requirements and in the money paid to lawyers and accountants.

The FECA also provides that the political committees of DALUs and of state and local bodies are "affiliated" with the AFL-CIO Political Contributions Committee (COPE-PCC). For the purposes of the FECA's contributions limits, political committees that are "affiliated" are treated as a single committee. This means that contributions by a state or local political committee count toward the $5,000 per candidate per election limit of the national committee with which the state or local committee is affiliated. Consequently, if the combined contributions of affiliated committees to the same candidate for the same election total more than $5,000, the national committee violates the Act.

Because of the burden and expense of maintaining and operating federal political committees at the state and local levels, and because experience has shown that there is a substantial risk that the contributions made by such committees may lead to violations of the contribution limits of the FECA despite the best efforts to avoid such inadvertent violations, the AFL-CIO Executive Council has concluded:

1. That no DALU, AFL-CIO state or local central body, or AFL-CIO Department state or local body, shall establish or maintain a separate segregated fund that makes contributions to or expenditures on behalf of candidates for federal office;
2. That existing federal political committees of the DALUs and of the state and local bodies of the AFL-CIO and of its Departments shall terminate their registration with the FEC and shall transfer the voluntary funds in their accounts to AFL-CIO COPE-PCC or to their respective AFL-CIO Department's political committee;
3. That henceforth all contributions to or expenditures on behalf of federal candidates attributable to the AFL-CIO shall be made at the national level;
4. That National AFL-CIO COPE shall work in close cooperation with the DALUs and the state and local bodies of the AFL-CIO and of its Departments to assure that those organizations will continue to play an active and visible role in the making of contributions to and expenditures on behalf of federal candidates.

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The Executive Council recognizes that in a number of instances, state or local law provides that to be able to make contributions to state and local candidates a union must maintain a political committee. In those states, DALUs and state and local bodies should continue to play an active role in state and local elections by taking the steps necessary to comply with those laws.

The Council recognizes too that the DALUs and the state and local bodies have done an excellent job in raising voluntary contributions for AFL-CIO COPE-PCC and urges those organizations to continue those efforts. The importance of this task cannot be overstated, since without the voluntary contributions raised at the state and local level, the AFL-CIO's ability to support federal candidates who share organized labor's goals and views would be greatly diminished. It is, therefore, essential that these fundraising activities continue.

Each DALU and state and local body that engages in ongoing fund-raising activity for COPE-PCC should establish and maintain a separate bank account in which to deposit voluntary political contributions and from which to transmit contributions to COPE. These transmittal accounts, in contrast to the federal political contribution funds discussed above, are not treated as "political committees" within the meaning of the FECA and, therefore, do not subject their sponsoring organization to the burdensome registration and reporting requirements of the Act. This procedure is thus a simple, inexpensive and effective means for DALUs and state and local bodies to participate in the federal election process.

National COPE has prepared instructions on how to terminate a federal political committee and how to open a transmittal account and stands ready to provide DALUs and state and local bodies with all necessary technical assistance in carrying out this statement.

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LAW OFFICES
SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P. C.
1125 FIFTEENTH STREET, N. W.
SUITE 801
WASHINGTON, D. C. 20005

LOUIS SHERMAN (RET.)
THOMAS X. DUNN (RET.)
LAURENCE J. COHEN
ELIHU I. LEIFER
JOHN P. COUNTS
TERRY R. YELLIG
RICHARD M. RESNICK
ROBERT D. KURNICK

VICTORIA L. BOR
SUSAN L. CATLER

AREA CODE 202
785-9300

February 28, 1984

Ms. Lynn Cutler
4335 37th Street, N.W.
Washington, D.C. 20008

Dear Ms. Cutler:

This office represents the Political Education Fund of the Building and Construction Trades Department and the Cedar Rapids Building and Construction Trades Reference and Safety Book. Both of these organization are multicandidate political committees affiliated with the AFL-CIO Committee on Political Education-Political Contributions Committee (AFL-CIO COPE-PCC).

As the result of a complaint recently filed with the Federal Election Commission we have discovered that the various committees affiliated with AFL-CIO COPE-PCC made contributions to your campaign committee in 1982 which exceeded their combined limit of $5,000.00. A total of $5,500.00 was contributed. The last contribution of $500.00 was made on October 22, 1982 by the Political Education Fund of the Building and Construction Trades Department (PEF-BCTD).

As I am sure you can appreciate, neither AFL-CIO COPE-PCC nor any of its affiliated committees ever intended to contribute more than lawfully permitted. The excess contribution resulted solely from a lack of coordination. I must therefore request that your committee refund to the PEF-BCTD the last contribution of $500.00. If you have any questions about this matter, please contact me.

Sincerely,

SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P.C.

by Robert D Kurnick
Robert D. Kurnick

RDK/jr

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(11)

UFCW

Legal Department
(202) 466-1520 / 1523

MUR 1622
Weissenborn

February 22, 1984

Ann Weissenborn, Esquire
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1622

Dear Ms. Weissenborn:

I am writing with regard to the complaint filed in MUR 1622 against the Active Ballot Club--a department of the United Food and Commercial Workers International Union. The complaint notes that contributions were made to candidate Lynn Cutler for the general election which totalled $6,000.00, $1,000 in excess of the contribution limit. Our records show that, in fact, our contributions inadvertently exceeded the $5,000 contribution by $1,000. In forwarding the contribution to the Cutler campaign we had requested that, if the political contributions from UFCW-ABC political funds totalled more than $5,000 in the aggregate, they promptly return the amount in excess of $5,000.

Until our receipt of the complaint in this matter, we were not aware that the limitation had been exceeded. I would also like to point out that in order to avoid the type of problem which seems to have arisen in this matter, the computers used by the UFCW-ABC to determine if contribution limits have been reached, and which would authorize the drafting of a check for a contribution, have been programmed so that it would now be impossible to authorize any check which exceeds the contribution limitation. This additional precautionary mechanism has only been programmed into the computers since the 1982 election.

Sincerely yours,

Edward P. Wendel
Assistant General Counsel

EPW:kl

Attachment 3

8404047 3097

William H. Wynn
International
President

Anthony J. Luffy
International
Secretary-Treasurer

United Food & Commercial Workers
International Union, AFL-CIO & CLC
1775 K Street, N.W.
Washington, D.C. 20006
(202) 223-3111

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(12)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William C. Oldaker, Esquire
Epstein, Becker, Borsody and
Green, P.C.
1140 Nineteenth Street, N.W.
Washington, D.C. 20036

RE: MUR 1622
Cutler for Congress '82
Fred Marold, as treasurer of
Cutler for Congress '82

Dear Mr. Oldaker:

The Federal Election Commission notified your clients on February 2, 1984, of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint were forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter dated April 11, 1984.

Upon further review of the allegations contained in the complaint, and the information supplied by all respondents, the Commission, on , 1984, determined that there is reason to believe that Cutler for Congress '82 and Fred Marold as its treasurer, have violated 2 U.S.C. § 441a(f) by accepting excessive contributions for Lynn G. Cutler's 1982 general election campaign from AFL-CIO COPE-PCC and its affiliated committees, the Cedar Rapids Building and Trades Reference and Safety Book and the Political Education Fund, Building and Construction Trades Department, AFL-CIO, and from the Active Ballot Club, a Department of the United Food and Commercial Workers International Union. These contributors have all confirmed their intent to contribute to Ms. Cutler's general election campaign.

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Sincerely,

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Margaret E. McCormick, Esquire
AFL-CIO
815 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1622
AFL-CIO COPE-PCC
Thomas R. Donahue, Treasurer

Dear Ms. McCormick:

The Federal Election Commission notified your clients, AFL-CIO COPE-PCC and its treasurer, Thomas R. Donahue, on February 2, 1984, of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter received March 5, 1984.

Upon further review of the allegations contained in the complaint, and the information supplied by all respondents, the Commission, on , 1984, determined that there is reason to believe that AFL-CIO COPE-PCC and Thomas R. Donahue as its treasurer, have violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to Cutler for Congress '82.

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Sincerely,

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Robert D. Kurnick, Esquire
Sherman, Dunn, Cohen, Leifer
and Counts, P.C.
1125 Fifteenth Street, N.W.
Washington, D.C. 20005

RE: MUR 1622
Cedar Rapids Building and
Trades Reference and Safety
Book
Melvin J. Smith, Treasurer
Political Education Fund,
Building and Construction
Trades Department, AFL-CIO
Joseph F. Maloney, Treasurer

8404047310 2

Dear Mr. Kurnick:

The Federal Election Commission notified your clients, the Cedar Rapids Building and Trades Reference and Safety Book, its treasurer, Melvin J. Smith, and the Political Education Fund, Building and Construction Trades Department, AFL-CIO, and its treasurer, Joseph F. Maloney, on February 2, 1984, of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter dated March 5, 1984.

Upon further review of the allegations contained in the complaint, and the information supplied by all respondents, the Commission, on , 1984, determined that there is reason to believe that the Cedar Rapids Building and Trades Reference and Safety Book, and Melvin J. Smith, as its treasurer, and the Political Education Fund, Building and Construction Trades Department, AFL-CIO, and Joseph F. Maloney as its treasurer, have violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to Cutler for Congress '82.

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Sincerely,

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. Edward P. Wendel
Assistant General Counsel
United Food and Commercial
Workers Union
1775 K Street, N.W.
Washington, D.C. 20006

RE: MUR 1622
Active Ballot Club
Anthony J. Lutty, Treasurer

Dear Mr. Wendel:

The Federal Election Commission notified your clients, the Active Ballot Club, a Department of the United Food and Commercial Workers Union, and Anthony J. Lutty, its treasurer, on February 2, 1984, of a complaint alleging violations of sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to Mr. Lutty at that time. We acknowledge receipt of your explanation of this matter dated February 22, 1984.

Upon further review of the allegations contained in the complaint, and of the information which you supplied, the Commission, on , 1984, determined that there is reason to believe that the Active Ballot Club and Mr. Lutty, as its treasurer, have violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to Cutler for Congress '82.

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(19)

Sincerely,

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Gen 2104

EPSTEIN BECKER BORSODY & GREEN, P.C.
ATTORNEYS AT LAW
1140 19TH STREET, N.W.
WASHINGTON, D.C. 20036
(202) 861-0900

250 PARK AVENUE
NEW YORK, NEW YORK 10177
(212) 370-9800

MALLICK TOWER
ONE SUMMIT AVENUE
FORT WORTH, TEXAS 76102†
(817) 334-0701

†P.C. IN NEW YORK AND WASHINGTON, D.C. ONLY

1875 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067†
(213) 556-8861

235 MONTGOMERY STREET
SAN FRANCISCO, CALIFORNIA 94104†
(415) 398-5555

April 11, 1984

MUR 1622
Weissenborn

APR 12 AM 11:29

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

Re: FEC MUR 1622

Dear Mr. Steele:

This letter constitutes the response of Lynn G. Cutler (hereinafter "the Respondent") to a complaint, MUR 1622, which alleges that Respondent may have violated the Federal Election Campaign Act, 2 U.S.C. § 431, et seq. (hereinafter referred to as "the Act").

The complaint alleges that Respondent, along with the Cutler for Congress '82 Committee (hereinafter referred to as "the Committee") and the Committee's treasurer, knowingly accepted contributions for the 1982 federal general election from the AFL-CIO COPE-PCC and its affiliated SSFs, CRB TRSB and P.E.F. - B.C.T.D., in the amount of $5,500.00, in excess of a statutory monetary ceiling. In addition, the complaint alleges that Respondent, along with the Committee and the Committee's treasurer, knowingly accepted $6,000.00 in contributions for the 1982 federal general election from the U.F.C.W. Active Ballot Club, in violation of the statutory limitation.

Respondent acknowledges that contributions in the amount of $5,500.00 from the AFL-CIO COPE-PCC/Affiliates were accepted by her Committee in 1982. Further, Respondent acknowledges that in 1982 contributions in the amount of $6,000 from the U.F.C.W. Active Ballot Club were accepted by her Committee.

The contributions from the above-mentioned groups, however, did not exceed the $10,000 maximum that any one

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multi-candidate political committee may contribute to a candidate in a full election cycle, and, thus, Respondent contends that the acceptance of such contributions by her Committee was permissible under the Act.

ANALYSIS

The Federal Election Campaign Act prescribes certain specific limitations on the amount individuals or multi-candidate political committees may make to individuals seeking election to federal office. Specifically, the Act allows multi-candidate committees to contribute no more than $5,000 to individual candidates per election. 2 U.S.C. § 441a(a)(2)(A). Individuals facing both a primary and general election within one election year may receive up to $10,000 from a single multi-candidate committee where the contribution is divided between the two elections.

Respondent's Committee in 1982 did not accept contributions in excess of the $10,000 cap from either the AFL-CIO COPE-PCC/Affiliates or the U.F.C.W. Active Ballot Club. For the full election cycle (primary and general), the Committee accepted $5,500.00 from the AFL-CIO COPE-PCC/Affiliates, and $6,000.00 from the U.F.C.W. Active Ballot Club. Clearly, the amounts at issue did not exceed the maximum aggregate allowable amount permitted during an election cycle.

Thus, as opposed to exposing excessive contribution violations, the facts cited in this complaint actually reveal instances of incorrect contribution allocation by both the Committee and the aforementioned contributors. A portion of the aggregate contributions from both these contributors should have been allocated to the primary election, to extinguish the Committee's primary debt of $11,984.42, rather than to the general election. These reporting deficiencies are hence the true focus of MUR 1622.

As the Commission is aware, allocation errors constitute a significant problem for candidates, their committees, and contributors. In its 1980 Annual Report to Congress, reprinted in Federal Elec. Camp. Fin. Guide (CCH) ¶ 9150, at 51,130, the FEC, evidently in response to a recurrent election contribution allocation problem, recommended to Congress that "[t]he Act be simplified by changing the contribution limitations from a 'per-election' basis to an 'annual' or 'election cycle' basis." Adoption of this amendment would have eliminated the reporting deficiencies found in the Committee's reports and would have avoided the instant complaint. More significantly, and as noted above, the

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recommendation implicitly recognizes and underscores the fact that registered multi-candidate may and often do contribute up to $10,000.

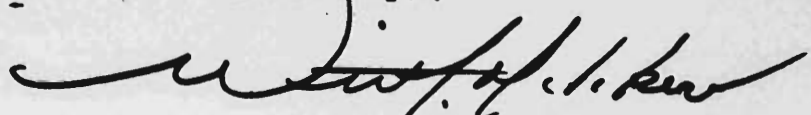
As the Commission is also aware, the Act is complex and its obligations on a volunteer staff often confusing. As one court has noted, it serves neither the interest of the public, the FEC, or the court to "in effect impose sanction upon a public figure who has acted in good faith . . . ." FEC v. Committees for a Constitutional Presidency, No. 77-1442 (D.D.C. March 7, 1979), reported in Federal Elec. Camp. Guide (CCH) ¶ 9074, at 50,632. Reporting is the important act; mischaracterization of reported contributions constitutes an often and unfortunate side effect. But "[b]y reporting the individual sources of the payment, the defendant provided the FEC and the public with sufficient information to satisfy the spirit, if not the letter of the Act . . . ." Id.

Thus, Respondent asserts that her Committee, staffed primarily with volunteers, engaged in a significant effort to comply with the mandates of the Act. That its "best efforts . . . to obtain, maintain, and submit the information required by the Act . . ." perhaps fell short does not affect a determination that it nevertheless acted "in compliance with the Act." Id.

Hence, Respondent requests that her Committee be allowed to amend its FEC reports to reflect the proper allocation of the disputed contributions and that the Commission take no further action in connection with this matter.

Further, assuming arguendo that the Commission finds a violation(s) of the Act, Respondent contends that any such violation(s) was inadvertent, and not knowing or willful as the complaint alleges.

Sincerely,



William C. Oldaker
Counsel for Respondent
Lynn G. Cutler

WCO/LJK:ses

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EPSTEIN BECKER BORSODY & GREEN, P. C.
ATTORNEYS AT LAW
1140 19TH STREET, N. W.
WASHINGTON, D. C. 20036

Anne A. Weissenborn, Esquire
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

6cAA 1816

American Federation of Labor and Congress of Industrial Organizations

AW

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

LANE KIRKLAND PRESIDENT THOMAS R. DONAHUE SECRETARY-TREASURER

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Vincent R. Sombrotto
Marvin J. Boede
Owen Bieber

March 5, 1984

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

Re: FEC MUR 1622

Dear Mr. Steele:

This letter constitutes the response of Thomas R. Donahue, the AFL-CIO Committee on Political Education Political Contributions Committee ("COPE PCC"), Joseph F. Maloney, the Political Education Fund of the Building and Construction Trades Department ("PEF-BCTD"), Melvin J. Smith, and the Cedar Rapids Building and Trades Reference and Safety Book ("CRBTRSB") (hereinafter "Respondents") to your letter dated February 2, 1984 stating that the Commission had received a complaint alleging that respondents may have violated the Federal Election Campaign Act of 1971, as amended, ("the Act").

The complaint, which the Commission has numbered MUR 1622, alleges that respondent political committees and their treasurers violated §441a(a)(2)(A) of the Act by making contributions which in the aggregate totalled $5,500.00 to the 1982 general election campaign of congressional candidate Lynn G. Cutler.

Respondents' 1982 contribution records reflect the following contributions to the Cutler for Congress '82 Committee for the 1982 general election: COPE-PCC contributed $2,500.00 on 8/27/82; CRBTRSB contributed $500.00 on 10/1/82; COPE-PCC contributed $2,000.00 on 10/5/82; and PEF-BCTD contributed $500.00 on 10/19/82.

Respondents acknowledge that they inadvertently contributed $500 more than the maximum contribution permitted by §441a(a)(2)(A) to the 1982 general election campaign of Lynn G. Cutler. However, because of the mitigating circumstances described below, respondents respectfully request that the Commission take no further action in this matter.

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1. Respondents' violation of 2 U.S.C. §441a(a)(2)(A) was totally inadvertent. This fact is demonstrated by the circumstances under which the excess contribution occurred: on August 27, 1982 respondent AFL-CIO COPE-PCC contributed $2,500.00 for the general election to the Cutler for Congress '82 Committee. That contribution was immediately logged, as is the standard practice, in COPE-PCC's internal contribution records under the name of the candidate. Thereafter, on 10/1/82 respondent CRBTRSB contributed $500.00 for the general election to the Cutler campaign. Due to an administrative oversight, however, that contribution was neither cleared with nor reported to either PEF-BCTD or COPE-PCC. Neither COPE-PCC nor PEF-BCTD had any knowledge of the CRBTRSB contribution when the two committees, after checking with one another, made additional contributions ($2,000.00 from COPE-PCC and $500.00 from PEF-BCTD) to the Cutler campaign for the general election. Thus, the committees acted under the mistaken but good faith belief that only $2,500.00 had been previously contributed for the general election and that therefore an additional $2,500.00 could still be contributed without exceeding the contribution limits of the Act.

2. The AFL-CIO and its Departments have used their best efforts to ensure that contributions made by affiliated federal political committees sponsored by AFL-CIO state and local bodies do not exceed the statutory limits of the FECA. AFL-CIO state and local bodies have repeatedly been told that federal committees sponsored by those organizations share a single contribution limit with COPE-PCC and that they must therefore check with COPE-PCC or the political committee of their respective Department prior to making any contribution to a federal candidate. See, for example, the attached letter from Building and Construction Trades Department President Robert Georgine to all State and Local Building and Construction Trades Councils.

3. The AFL-CIO has already taken action to guarantee that inadvertent violations of the Act's contribution limits will not occur in the future. On February 25, 1983, months before this matter was brought to respondents' attention, the AFL-CIO Executive Council, recognizing the risk that contributions made by federal political committees sponsored by state and local central bodies of the AFL-CIO could lead to violations of the Act's contribution limits despite the best efforts to avoid such inadvertent violations, adopted a resolution (see Attachment B) stating:

> 1. That no DALU [Directly Affiliated Local Union], AFL-CIO state or local central body, or AFL-CIO Department state or local body, shall establish or maintain a separate segregated fund that makes contributions to or expenditures on behalf of candidates for federal office;
>
> 2. That existing federal political committees of the DALUs and of the state and local bodies of the AFL-CIO and of its Departments shall terminate their registration with the FEC ***;
>
> 3. That henceforth all contributions to or expenditures on behalf of federal candidates attributable to the AFL-CIO shall be made at the national level.

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The text of the Council's February 25, 1983 resolution has been communicated to every AFL-CIO state and local body which sponsors a federal political committee. The Cedar Rapids Building and Construction Trades Council and many other AFL-CIO state and local bodies have already terminated their committees. Those committees which have not yet terminated are in the process of doing so at this time.

As result of the Executive Council's resolution, the number of AFL-CIO sponsored separate segregated funds will soon be reduced to three — COPE-PCC and the two committees sponsored by AFL-CIO Departments, PEF-BCTD and IUD Voluntary Fund. These committees already operate under a closely monitored system designed to preclude contribution limitation violations. The risk that contributions made by these committees will exceed the contribution limits of the Act is therefore minimal.

4. Until they were notified of the complaint in this matter, respondents had no knowledge that they had inadvertently contributed $500 in excess of the Act's contribution limits to Lynn Cutler's 1982 general election campaign. As soon as respondents confirmed, based on their 1982 contribution records, that such an excess contribution had in fact been made, they authorized the undersigned counsel for the Building and Construction Trades Department to seek an immediate refund of that contribution from the Cutler campaign. A copy of the letter requesting that refund is attached hereto. (See Attachment C).

In light of the inadvertent nature of respondents' violation, respondents' previous efforts to avoid the occurrence of such violations, the negligible risk that similar violations will occur in the future in view of the elimination of state and local affiliated committees, and respondents' voluntary efforts to comply with the Act by seeking a refund of their excess contribution, respondents believe that the Commission should take no further action in connection with this matter.

Sincerely,

Margaret E. McCormick

Margaret E. McCormick
Counsel for Respondents Thomas R. Donahue and AFL-CIO COPE-PCC

Robert D Kurnick

Robert D. Kurnick
Counsel for Respodents Joseph F. Maloney, the Political Education Fund of the Building & Construction Trades Department, Melvin J. Smith and the Cedar Rapids Building & Trades Reference & Safety Book

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ATTACHMENT A

ROBERT A. GEORGINE, President
JOSEPH F. MALONEY, Secretary-Treasurer
JOHN H. LYONS, 1st Vice President
THOMAS R. MURPHY, 2nd Vice President
E. FRANK RAFTERY, 3rd Vice President
CHARLES H. PILLARD, 4th Vice President

JOSEPH T. POWER, 5th Vice President
HAROLD A. SCOTT, 6th Vice President
WALTER A. WISNER, 7th Vice President
WOODROW WILSON, 8th Vice President
ANGELO FOSCO, 9th Vice President
J. C. TURNER, 10th Vice President

Building and Construction Trades Department

AMERICAN FEDERATION OF LABOR — CONGRESS OF INDUSTRIAL ORGANIZATIONS
815 SIXTEENTH ST., N.W., Suite 400 • WASHINGTON, D. C. 20006
(202) 347-1461

October 11, 1978

I M P O R T A N T

To all State and Local Building and Construction Trades Councils affiliated with the Building and Construction Trades Department

Subject: Contributions to Candidates for Federal Office

Dear Sir and Brother:

It has been called to the attention of the AFL-CIO Committee for Political Education by the Federal Election Commission that COPE and the political committees considered under the federal law to be COPE's affiliates, on four occasions in the 1976 campaign year exceeded the applicable joint limit on contributions to federal candidates. That limit is $5,000.00 per election to a candidate for federal office. National COPE did not itself exceed the contributions limit, rather contributions by affiliated political fund committees put COPE over the limit.

The Building and Construction Trades Department and any chartered subordinate of the Department, that is, the State and Local Building and Construction Trades Councils, are considered under the federal law as an affiliate of the National COPE. As such, any contribution that is made by the Political Educational Fund of the Building and Construction Trades Department and any committee of our affiliated Councils must be added to the aggregate total COPE contribution to a candidate for federal election. The International Unions affiliated with this Department are not included in the aggregate COPE amount, but rather are responsible for their own limitations within their own structure.

The FEC considers COPE to be a multi-candidate committee to which are assessed any contributions given to any federal candidate by State COPEs, AFL-CIO Central Bodies, Congressional COPEs, and directly affiliated union political committees and the political committees of the AFL-CIO trade and industrial departments.

Given the length of that list, it is impossible for COPE to maintain an informal system for keeping track of the amounts that are being contributed to federal candidates by affiliated committees. Therefore, in the future any contribution that any State or Local Building and Construction Trades Council political committee contemplates making to a federal candidate must first be cleared with the Accounting Department of the Building and Construction Trades Department (202 - 347-1461) so that we do not exceed the limit.

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In the meantime, I am requesting you to forward the full name, address, Treasurer's name, and the FEC identification number for any committee set up by your Council.

To assist COPE in their record keeping and reporting, I would appreciate a report of any contributions you have made in the 1978 Federal Election Campaign.

I urge your immediate attention to this most important matter, and stress your Council's compliance with clearing all federal candidate contributions through this Department before any contributions are made.

Thanking you for your cooperation and with very best wishes, I am

Sincerely and fraternally,

Robert A. Georgine
President

RAG:edt
opeiu #2 afl-cio

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AFL-CIO Political Committees

The Federal Election Campaign Act (FECA) provides that if a Directly Affiliated Local Union (DALU), a state or local central body of the AFL-CIO, or a state or local body of a Department of the AFL-CIO, sets up a voluntary political contributions fund and makes contributions from that fund to a federal candidate, the fund is a "political committee." As a political committee, each such fund is required to register with the Federal Election Commission and to file comprehensive periodic financial reports with the Commission. Meeting these requirements is costly, both in the time it takes to meet the FEC's reporting requirements and in the money paid to lawyers and accountants.

The FECA also provides that the political committees of DALUs and of state and local bodies are "affiliated" with the AFL-CIO Political Contributions Committee (COPE-PCC). For the purposes of the FECA's contributions limits, political committees that are "affiliated" are treated as a single committee. This means that contributions by a state or local political committee count toward the $5,000 per candidate per election limit of the national committee with which the state or local committee is affiliated. Consequently, if the combined contributions of affiliated committees to the same candidate for the same election total more than $5,000, the national committee violates the Act.

Because of the burden and expense of maintaining and operating federal political committees at the state and local levels, and because experience has shown that there is a substantial risk that the contributions made by such committees may lead to violations of the contribution limits of the FECA despite the best efforts to avoid such inadvertent violations, the AFL-CIO Executive Council has concluded:

1. That no DALU, AFL-CIO state or local central body, or AFL-CIO Department state or local body, shall establish or maintain a separate segregated fund that makes contributions to or expenditures on behalf of candidates for federal office;
2. That existing federal political committees of the DALUs and of the state and local bodies of the AFL-CIO and of its Departments shall terminate their registration with the FEC and shall transfer the voluntary funds in their accounts to AFL-CIO COPE-PCC or to their respective AFL-CIO Department's political committee;
3. That henceforth all contributions to or expenditures on behalf of federal candidates attributable to the AFL-CIO shall be made at the national level;
4. That National AFL-CIO COPE shall work in close cooperation with the DALUs and the state and local bodies of the AFL-CIO and of its Departments to assure that those organizations will continue to play an active and visible role in the making of contributions to and expenditures on behalf of federal candidates.

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The Executive Council recognizes that in a number of instances, state or local law provides that to be able to make contributions to state and local candidates a union must maintain a political committee. In those states, DALUs and state and local bodies should continue to play an active role in state and local elections by taking the steps necessary to comply with those laws.

The Council recognizes too that the DALUs and the state and local bodies have done an excellent job in raising voluntary contributions for AFL-CIO COPE-PCC and urges those organizations to continue those efforts. The importance of this task cannot be overstated, since without the voluntary contributions raised at the state and local level, the AFL-CIO's ability to support federal candidates who share organized labor's goals and views would be greatly diminished. It is, therefore, essential that these fundraising activities continue.

Each DALU and state and local body that engages in ongoing fund-raising activity for COPE-PCC should establish and maintain a separate bank account in which to deposit voluntary political contributions and from which to transmit contributions to COPE. These transmittal accounts, in contrast to the federal political contribution funds discussed above, are not treated as "political committees" within the meaning of the FECA and, therefore, do not subject their sponsoring organization to the burdensome registration and reporting requirements of the Act. This procedure is thus a simple, inexpensive and effective means for DALUs and state and local bodies to participate in the federal election process.

National COPE has prepared instructions on how to terminate a federal political committee and how to open a transmittal account and stands ready to provide DALUs and state and local bodies with all necessary technical assistance in carrying out this statement.

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File

LAW OFFICES
SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P. C.
1125 FIFTEENTH STREET, N. W.
SUITE 801
WASHINGTON, D. C. 20005

LOUIS SHERMAN (RET.)
THOMAS X. DUNN (RET.)
LAURENCE J. COHEN
ELIHU I. LEIFER
JOHN P. COUNTS
TERRY R. YELLIG
RICHARD M. RESNICK
ROBERT D. KURNICK

VICTORIA L. BOR
SUSAN L. CATLER

AREA CODE 202
785-9300

February 28, 1984

Ms. Lynn Cutler
4335 37th Street, N.W.
Washington, D.C. 20008

Dear Ms. Cutler:

This office represents the Political Education Fund of the Building and Construction Trades Department and the Cedar Rapids Building and Construction Trades Reference and Safety Book. Both of these organization are multicandidate political committees affiliated with the AFL-CIO Committee on Political Education-Political Contributions Committee (AFL-CIO COPE-PCC).

As the result of a complaint recently filed with the Federal Election Commission we have discovered that the various committees affiliated with AFL-CIO COPE-PCC made contributions to your campaign committee in 1982 which exceeded their combined limit of $5,000.00. A total of $5,500.00 was contributed. The last contribution of $500.00 was made on October 22, 1982 by the Political Education Fund of the Building and Construction Trades Department (PEF-BCTD).

As I am sure you can appreciate, neither AFL-CIO COPE-PCC nor any of its affiliated committees ever intended to contribute more than lawfully permitted. The excess contribution resulted solely from a lack of coordination. I must therefore request that your committee refund to the PEF-BCTD the last contribution of $500.00. If you have any questions about this matter, please contact me.

Sincerely,

SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P.C.

by Robert D Kurnick
Robert D. Kurnick

RDK/jr

34040473117

MUR 1622
Weissenborn
84 MAR 9 AM 10:28
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Lynn Cutler Associates

March 7, 1984

Ms. Anne Weissenborn
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Ms. Weissenborn:

This letter is to notify you that Mr. Bill Oldaker will be representing me as counsel in matter #1622, which is under review.

Mr. Oldaker's address and phone number are: 1140 19th Street, N.W., Suite 900, Washington, D.C. 20036, 861-0900.

Thank you for your consideration in this matter.

Warm regards,

Lynn Cutler

Lynn Cutler

cc: Mr. Bill Oldaker

LC/elf

4335 37th Street, N.W. Washington, D.C. 20008 (202) 537-1672

8404047318

Associates
57th Street, N.W.
hington, D.C. 20008

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WASHINGTON, DC 200
1 PM
7 MAR
1984

RECEIVED AT THE FEC

84 MAR 8 AM

Ms. Anne Weissenborn
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 5, 1984

Ms. Lynn Cutler
4335 - 37th Street, N.W.
Washington, D.C. 20008

RE: MUR 1622

Dear Ms. Cutler:

Your letter of February 21, 1984, has been received. In this letter you have requested an extension of time of one month in which to respond to the complaint filed in the above-cited matter.

We understand that you did not receive notification of the complaint until the date of your letter. Therefore, under our usual procedures, your response would be due on March 7, 1984. In light, however, of the difficulties outlined in your letter and during your telephone conversation of March 1 with Anne Weissenborn of this Office, you have been granted a two week extension of time, making your response due on or before March 21, 1984.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Ms. Lynn Cutler
4335 - 37th Street, N.W.
Washington, D.C. 20008

RE: MUR 1622

Dear Ms. Cutler:

Your letter of February 21, 1984, has been received. In this letter you have requested an extension of time of one month in which to respond to the complaint filed in the above-cited matter.

We understand that you did not receive notification of the complaint until the date of your letter. Therefore, under our usual procedures, your response would be due on March 7, 1984. In light, however, of the difficulties outlined in your letter and during your telephone conversation of March 1 with Anne Weissenborn of this Office, you have been granted a two week extension of time, making your response due on or before March 21, 1984.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

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AW 3/7/84

RECEIVED BY FEC

UFCW

Legal Department
(202) 466-1520 / 1523

MUR 1622
Weissenborn

February 22, 1984

Ann Weissenborn, Esquire
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1622

Dear Ms. Weissenborn:

I am writing with regard to the complaint filed in MUR 1622 against the Active Ballot Club--a department of the United Food and Commercial Workers International Union. The complaint notes that contributions were made to candidate Lynn Cutler for the general election which totalled $6,000.00, $1,000 in excess of the contribution limit. Our records show that, in fact, our contributions inadvertently exceeded the $5,000 contribution by $1,000. In forwarding the contribution to the Cutler campaign we had requested that, if the political contributions from UFCW-ABC political funds totalled more than $5,000 in the aggregate, they promptly return the amount in excess of $5,000.

Until our receipt of the complaint in this matter, we were not aware that the limitation had been exceeded. I would also like to point out that in order to avoid the type of problem which seems to have arisen in this matter, the computers used by the UFCW-ABC to determine if contribution limits have been reached, and which would authorize the drafting of a check for a contribution, have been programmed so that it would now be impossible to authorize any check which exceeds the contribution limitation. This additional precautionary mechanism has only been programmed into the computers since the 1982 election.

Sincerely yours,

Edward P. Wendel
Assistant General Counsel

EPW:kl

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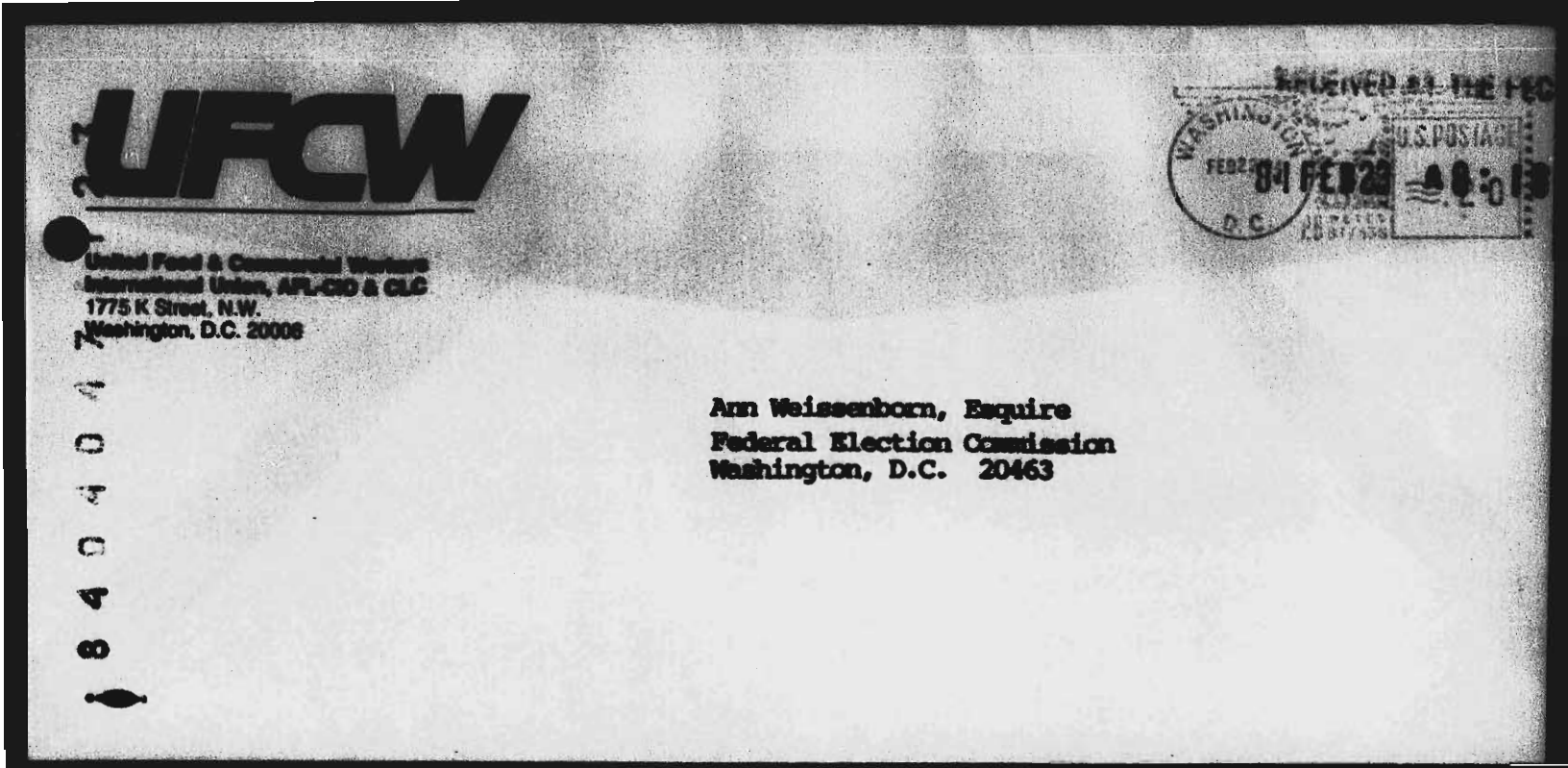
William H. Wynn
International
President

Anthony J. Lutty
International
Secretary-Treasurer

21

United Food & Commercial Workers
International Union, AFL-CIO & CLC
1775 K Street, N.W.
Washington, D.C. 20006
(202) 223-3111



UFCW

United Food & Commercial Workers
International Union, AFL-CIO & CLC
1775 K Street, N.W.
Washington, D.C. 20006

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WASHINGTON D.C. FEB 22 '94 PM 2:01

U.S. POSTAGE

Ann Weissenborn, Esquire
Federal Election Commission
Washington, D.C. 20463

8404047

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 22, 1984

Robert D. Kurnick, Esquire
Sherman, Dunn, Cohen, Leifer
and Counts, P.C.
1125 Fifteenth Street, N.W.
Suite 801
Washington, D.C. 20005

RE: MURs 1622 and 1623

Dear Mr. Kurnick:

We have received your letters of February 15, 1984, in which you request an extension of time to March 4, 1984, within which to respond on behalf of your clients in the above-cited matters. Your requests have been granted, and we will thus expect to receive your responses on or before the above date.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8404047 3124

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Robert D. Kurnick, Esquire
Sherman, Dunn, Cohen, Leifer
and Counts, P.C.
1125 Fifteenth Street, N.W.
Suite 801
Washington, D.C. 20005

RE: MURs 1622 and 1623

Dear Mr. Kurnick:

We have received your letters of February 15, 1984, in which you request an extension of time to March 4, 1984, within which to respond on behalf of your clients in the above-cited matters. Your requests have been granted, and we will thus expect to receive your responses on or before the above date.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8404047312 5

AW 2/21/84

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 22, 1984

Margaret E. McCormick, Esquire
AFL-CIO COPE-PCC
815 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MURs 1622 and 1623

Dear Ms. McCormick:

We have received your letters of February 15, 1984. The requests contained in these letters for extensions of time to March 4 and 5, 1984, to respond to the above-cited complaints have been granted, and we will therefore expect to receive the responses on or before the above dates.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8404047 5126

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Margaret E. McCormick, Esquire
AFL-CIO COPE-PCC
815 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MURs 1622 and 1623

Dear Ms. McCormick:

We have received your letters of February 15, 1984. The requests contained in these letters for extensions of time to March 4 and 5, 1984, to respond to the above-cited complaints have been granted, and we will therefore expect to receive the responses on or before the above dates.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8404047351127

AW 2/21/84

Mur 1622
Weissenborn

84 FEB 23 A8:38

February 21, 1984

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

Dear Mr. Steele:

With regards to the complaint filed against my 1982 campaign for Congress, I would like an extension for my reply. Due to the fact that the complaint was sent to a former address in Iowa and had to be forwarded to my Washington address, and because many of the people who were active in my Iowa campaign are tied up with the Democratic caucuses there, I feel it necessary to request more time to reply. I also have an extremely heavy travel schedule and must communicate long distance with many of my associates.

I am in the process of consulting with counsel and plan to respond in one (1) month's time.

If there are any problems with this request, please contact me at my office, 797-6562. Thank you for your help in this matter.

Warm regards,

Lynn

Lynn Cutler

cc: Doug Patton
Anne Weissenborn

LC/elf

4335 37th Street, N.W. Washington, D.C. 20008 (202) 537-1672

8404047312

Lynn Cutler Associates

7835 37th Street, N.W.
Washington, D.C. 20006

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

Lynn Cutler Associates

1335 37th Street, N.W.
Washington, D.C. 20008

Ms. Anne Weissenborn
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

General Counsel's Office

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: Robert D. Kurnick
Sherman Dunn Cohen Leifer & Counts P.C.
1125 15th Street, NW, Suite 801
Washington, DC 20005

ADDRESS:

TELEPHONE: 202 785-9300

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.

Feb. 13, 1984
Date

Joseph F. Maloney
Signature

NAME: Joseph F. Maloney, Treasurer
Political Education Fund of the Building & Construction Trades Department

ADDRESS:
815 16th Street NW, Suite 603
Washington, DC 20006

HOME PHONE: 301 881-1662

BUSINESS PHONE: 341-1461

Melvin J. Smith, Treasurer
Cedar Rapids Building and Construction Trades Reference and Safety Book

1211 Wiley Boulevard, SW
Cedar Rapids, IA 52404

8 4 0 4 0 4 7 3 1 3 1

Weissenborn
MUR 1622

LAW OFFICES
SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P. C.
1125 FIFTEENTH STREET, N. W.
SUITE 801
WASHINGTON, D. C. 20005

LOUIS SHERMAN (RET.)
THOMAS X. DUNN (RET.)
LAURENCE J. COHEN
ELIHU I. LEIFER
JOHN P. COUNTS
TERRY R. YELLIG
RICHARD M. RESNICK
ROBERT D. KURNICK

VICTORIA L. BOR
D. WILLIAM HEINE, JR.*
MARY E. VOGEL

*MEMBER OF CALIFORNIA BAR

AREA CODE 202
785-9300

February 15, 1984

1984 FEB 16 P1:07

Ms. Anne W. Weissenborn
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20465

Re: FEC MUR 1622

8404047 5132

Dear Ms. Weissenborn:

I am enclosing a Statement of Designation of Counsel on behalf of Joseph F. Maloney, the Political Education Fund of the Building and Construction Trades Department (PEF-BCTD), Melvin J. Smith, and the Cedar Rapids Building and Construction Trades Reference and Safety Book (CRBCTRSB). Maloney and the PEF-BCTD are respondents in MUR 1622. Smith and the CRBCTRSB are respondents in both MUR 1622 and 1623.

Sincerely,

SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P.C.

Robert D Kurnick

Robert D. Kurnick

RDK:ljl

Enclosure

cc: Margaret McCormick

LAW OFFICES
N, BENN, COHEN, LEIFER & COUNTS, P.C.
1125 FIFTEENTH STREET, N.W.
SUITE 801
WASHINGTON, D.C. 20005

84 FEB 15 P4:

HAND DELIVERED

Y HAND

Ms. Anne W. Weissenborn
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20465

Weissenbom
MUR 1622

LAW OFFICES
SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P. C.
1125 FIFTEENTH STREET, N. W.
SUITE 801
WASHINGTON, D. C. 20005

LOUIS SHERMAN (RET.)
THOMAS K. DUNN (RET.)
LAURENCE J. COHEN
ELIHU I. LEIFER
JOHN P. COUNTS
TERRY R. YELLIG
RICHARD M. RESNICK
ROBERT D. KURNICK

VICTORIA L. BOR
D. WILLIAM HEINE, JR.*
MARY E. VOGEL

*MEMBER OF CALIFORNIA BAR

AREA CODE 202
785-9300

8 4 0 4 0 4 7 3 1 3 4

FEB 16 P1:08

February 15, 1984

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20465

Re: FEC MUR 1622

Dear Mr. Steele:

I am writing to request an extension of time, to March 4, 1984, in which to reply to the complaint filed in the above-captioned matters. This office represents Joseph F. Maloney, the Political Education Fund of the Building and Construction Trades Department, Melvin J. Smith, and the Cedar Rapids Building and Construction Trades Reference and Safety Book, each of which are respondents in these cases.

During the next two weeks, I must be out of town for an argument before the United States Court of Appeals for the Sixth Circuit in Cincinnati and a deposition which will be conducted in Florida. Neither of these previously scheduled commitments can be rescheduled. Consequently, it will be impossible to prepare a response to the complaints in the above-captioned matteers within the normal 15-day reply period.

Accordingly, I hereby request an extension of time to March 4, 1984, in which to file a reply on behalf of the respondents that this office represents.

Sincerely,

SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P.C.

Robert D. Kurnick

Robert D. Kurnick

RDK:ljl

cc: Anne Weissenborn
Margaret McCormick

8404047 3135

American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

LANE KIRKLAND PRESIDENT
THOMAS R. DONAHUE SECRETARY-TREASURER

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S. Frank Raftery
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Alan F. Kistler
John DeConcini
James D. Wilson
James B. Newfield
Vincent R. Sombrotto
Martin J. Gerdes
Owen Bieber

MUR 1622
Weissenberg
'85 FEB 22 P 2:24

February 15, 1984

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

RE: FEC MUR 1622

Dear Mr. Steele:

The purpose of this letter is to request an extension of time from February 22, 1984 to March 5, 1984 for respondents Thomas R. Donahue and the AFL-CIO COPE PCC to reply to the complaint filed in the above-referenced matter.

The reason for this request is that I will be required to be out of the city for a substantial period of time over the next two weeks in connection with the AFL-CIO Executive Council meetings in Bal Harbour, Florida, and will therefore be unable to do the necessary preparation to respond to the complaint in this matter without the requested extension.

Accordingly, I respectfully request an extension of time in which to file the reply of respondents Thomas R. Donahue and AFL-CIO COPE PCC from February 22, 1984 until March 5, 1984.

Very truly yours,

Margaret E. McCormick

Margaret E. McCormick
Counsel for respondents
Thomas R. Donahue and
AFL-CIO COPE PCC

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RECEIVED AT THE FEC

UFCW

Bad 1652
MUR 1622
Weissenborn

'84 FEB 15 A9:01

February 14, 1984

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1622

Dear Mr. Steele:

In connection with the complaint against the UFCW Active Ballot Club, I will be represented in this matter by Edward P. Wendel, Assistant General Counsel for the International Union. I authorize counsel to receive all notifications and communications on this matter from the Commission.

Sincerely yours,

Anthony J. Lutty

International Secretary-Treasurer

3 4 0 4 0 4 7 3 1 3 7

William H. Wynn
International
President

Anthony J. Lutty
International
Secretary-Treasurer

United Food & Commercial Workers
International Union, AFL-CIO & CLC
1775 K Street, N.W.
Washington, D.C. 20006
(202) 223-3111

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: EDWARD P. WENDEL, ASSISTANT GENERAL COUNSEL
UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION

ADDRESS: 1775 K STREET, N. W., WASHINGTON, D. C. 20006

TELEPHONE: 202/466-1522

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.

February 14, 1984
Date

Signature

NAME: ANTHONY J. LUTTY, INTERNATIONAL SECRETARY-TREASURER

ADDRESS: UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION
1775 K STREET, N. W.
WASHINGTON, D. C. 20006

HOME PHONE: 703/273-5013

BUSINESS PHONE: 202/466-1427

8404047313 8

Cat 1646

American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

LANE KIRKLAND PRESIDENT THOMAS R. DONAHUE SECRETARY-TREASURER

John H. Lyons, S. Frank Raftery, Glenn E. Watts, Angelo Fosco, Lloyd McBride, Wm. W. Winpisinger, Wayne E. Glenn, John J. Sweeney, Barbara Hutchinson, Gerald W. McEntee, Patrick J. Campbell

Thomas W. Gleason, Murray H. Finley, Sal G. Chaskin, Charles H. Pillard, Kenneth T. Blaylock, William H. Wynn, Robert F. Goss, Frank Drozak, Richard I. Kilroy, William H. Bywater, Kenneth J. Brown

Frederick O'Neal, Albert Shanker, Edward T. Hanley, J. C. Turner, Alvin E. Heaps, John DeConcini, Joyce D. Miller, James E. Hatfield, Vincent R. Sombrotto, Marvin J. Boede, Owen Bieber

February 13, 1984

14 AM 10:38

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

Re: FEC MUR 1622

Dear Mr. Steele:

Pursuant to 11 CFR §111.23, the AFL-CIO Committee on Political Education Political Contributions Committee and I hereby designate Margaret E. McCormick as our counsel with respect to the above referenced matter.

Ms. McCormick is authorized to receive any notifications and other communications from the Commission in connection with this matter and to act on the Committee's and my behalf before the Federal Election Commission.

Ms. McCormick's address is AFL-CIO Legal Department, 815 16th Street, N.W., Room 808, Washington, D.C. 20006. Her telephone numbers are: (office) 202/637-5397; (home) 301/656-9612.

Sincerely,

Thomas R. Donahue

Thomas R. Donahue
Secretary-Treasurer

8 4 0 4 0 4 7 3 1 3 9

American Federation of Labor and Congress of Industrial Organizations
815 Sixteenth Street, N.W.
Washington, D.C. 20006

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

840404

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 2, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Anthony J. Lutty, Treasurer
Active Ballot Club-A Department of
United Food and Commercial Workers
International Union
1775 K Street, N.W.
Washington, D.C. 20006

Re: MUR 1622

Dear Mr. Lutty:

This letter is to notify you that on January 30, 1984 the Federal Election Commission received a complaint which alleges that the Active Ballot Club-A Department of United Food and Commercial Workers International Union committee and you, individually as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1622. Please refer to this number in all future correspondence.

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

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

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

If you and your committee 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.

8 4 0 4 0 4 7 3 1 4 1

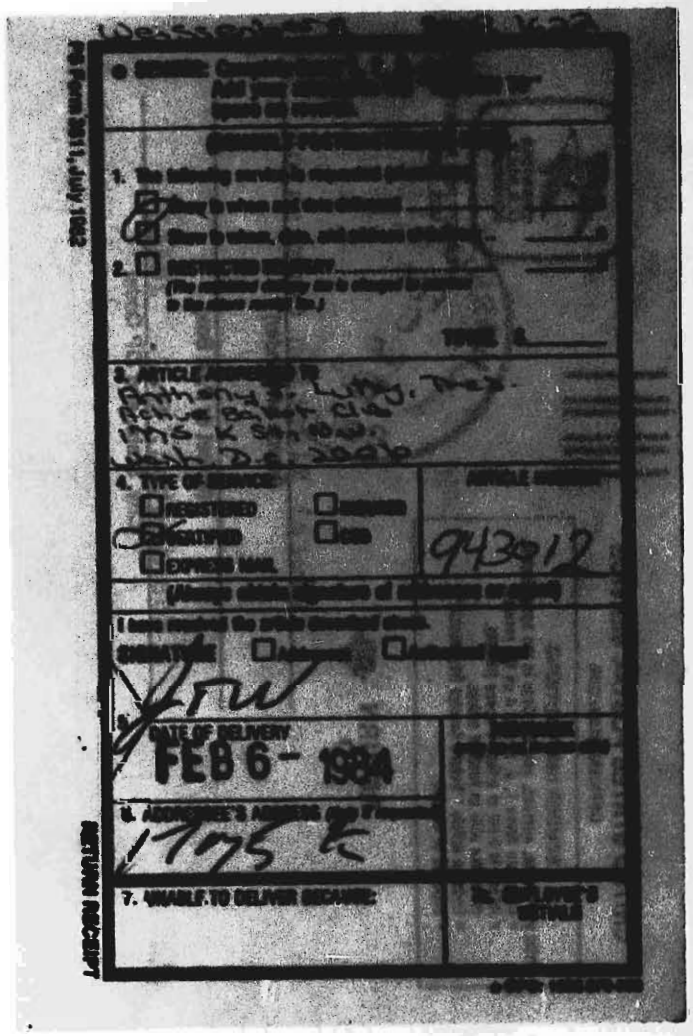
If you have any questions, please contact Anne Weissenborn the attorney assigned to this matter at (202) 523-4175. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

8 4 0 4 0 4 7 3 1 4 2



Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 2, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph F. Maloney, Treasurer
Political Education Fund of the
Building and Construction
Trades Department
815 16th Street, N.W., Suite 603
Washington, D.C. 20006-4189

Re: MUR 1622

Dear Mr. Maloney:

This letter is to notify you that on January 30, 1984 the Federal Election Commission received a complaint which alleges that the Political Education Fund of the Building and Construction Trades Department committee and you, individually as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1622. Please refer to this number in all future correspondence.

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

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

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

If you and your committee 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.

8404047 5143

If you have any questions, please contact Anne Weissenborn the attorney assigned to this matter at (202) 523-4175. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

8 4 0 4 0 4 7 3 1 4 4

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 2, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Melvin J. Smith, Treasurer
Cedar Rapids Building and Trades
Reference and Safety Book
1211 Wiley Boulevard, S.W.
Cedar Rapids, Iowa 52404

Re: MUR 1622

Dear Mr. Smith:

This letter is to notify you that on January 30, 1984 the Federal Election Commission received a complaint which alleges that the Cedar Rapids Building and Trades Reference and Safety Book committee and you, individually as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1622. Please refer to this number in all future correspondence.

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

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

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

If you and your committee 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.

3 4 0 4 0 4 7 3 1 4 5

If you have any questions, please contact Anne Weissenborn the attorney assigned to this matter at (202) 523-4175. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

8 4 0 4 0 4 7 3 1 4 6

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 2, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas R. Donahue, Treasurer
AFL-CIO Committee on Political
Education/Political Contributions
Committee
815 16th Street, N.W.
Washington, D.C. 20006

Re: MUR 1622

Dear Mr. Donahue:

This letter is to notify you that on January 30, 1984 the Federal Election Commission received a complaint which alleges that the AFL-CIO Committee on Political Education/Political Contributions Committee and you, individually as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1622. Please refer to this number in all future correspondence.

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

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

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

If you and your committee 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.

8 4 0 4 0 4 7 3 1 4 7

If you have any questions, please contact Anne Weissenborn the attorney assigned to this matter at (202) 523-4175. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

8 4 0 4 0 4 7 3 1 4 8

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 2, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Denise M. Dolan, Treasurer
Cutler for Congress '82
623 Lafayette Street
P.O. Box 2313
Waterloo, Iowa 50704

Re: MUR 1622

Dear Ms. Dolan:

This letter is to notify you that on January 30, 1984 the Federal Election Commission received a complaint which alleges that the Cutler for Congress '82 committee and you, individually as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1622. Please refer to this number in all future correspondence.

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

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

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

If you and your committee 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.

8 4 0 4 0 4 7 5 1 4 9

If you have any questions, please contact Anne Weissenborn the attorney assigned to this matter at (202) 523-4175. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

8 4 0 4 0 4 7 3 1 5 0

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 2, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Fred Marold, Treasurer
Cutler for Congress '82
623 Lafayette Street
P.O. Box 2313
Waterloo, Iowa 50704

Re: MUR 1622

Dear Mr. Marold:

This letter is to notify you that on January 30, 1984 the Federal Election Commission received a complaint which alleges that the Cutler for Congress '82 Committee and you, individually as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1622. Please refer to this number in all future correspondence.

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

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

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

If you and your committee 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.

9 4 0 4 0 4 7 3 1 5 1

If you have any questions, please contact Anne Weissenborn the attorney assigned to this matter at (202) 523-4175. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

8 4 0 4 0 4 7 3 1 5 2

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 2, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lynn G. Cutler
623 Lafayette Street
P.O. Box 2313
Waterloo, Iowa 50704

Re: MUR 1622

Dear Ms. Cutler:

This letter is to notify you that on January 30, 1984 the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1622. Please refer to this number in all future correspondence.

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

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

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

If you intend to be represented by counsel in this matter please advise the Commission by 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.

8404047 5153

If you have any questions, please contact Anne Weissenborn the attorney assigned to this matter at (202) 523-4175. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

8 4 0 4 0 4 7 3 1 5 4

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 31, 1984

Michael Ernest Avakian, Esquire
Martha M. Poindexter, Esquire
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

Dear Mr. Avakian and Ms. Poindexter:

This letter is to acknowledge receipt of the complaint filed on behalf of James Edward Antosh which we received on January 30, 1984 against Lynn G. Cutler, American Federation of Labor-Congress of Industrial Organizations Committee on Political Education and Political Contributions Committee and its affiliated Separate Segregated Funds and Active Ballot Club a Department of United Food and Commercial Workers International Union which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedure for handling complaints. If you have any questions, please contact Cheryl Thomas at (202) 523-4073.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure

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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

James Edward Antosh, 13 Gilpin Shawnee, Oklahoma 74801 Complainant, v. Lynn G. Cutler; American Federation of Labor-Congress of Industrial Organizations Committee on Political Education and Political Contributions Committee and its affiliated Separate Segregated Funds; and Active Ballot Club a Department of United Food and Commercial Workers International Union Respondents.	)	Complaint MUR No. 1622

I. INTRODUCTION

1. Pursuant to 2 U.S.C. §437g(a)(1) James Edward Antosh brings this complaint against candidate for federal public office, Lynn G. Cutler, Cutler for Congress '82, American Federation of Labor-Congress of Industrial Organizations Committee on Political Education and Political Contributions Committee("AFL-CIO COPE-PCC") and its affiliated separate segregated funds ("SSFs"), Cedar Rapids Building and Trades Reference and Safety Book ("CRBTRSB") and Political Education Fund of the Building and Construction Trades Department ("P.E.F.-B.C.T.D."); and Active Ballot Club, a Department of United Food and Commercial Workers International Union ("U.F.C.W. Active Ballott Club"), and all the Committees' treasurers individually and in their capacities as treasurers for the making and receiving of excessive contributions in violation of 2 U.S.C. §441a(f) and 2 U.S.C. §441a(a)(2)(A).

II. PARTIES

2. Complainant is James Edward Antosh who resides at 13 Gilpin, Shawnee, Oklahoma 74801. He is a citizen of the United States, over the age of 18 years and a registered voter of the State of Oklahoma.

Respondents are:

a. Lynn G. Cutler, 623 Lafayette Street, P.O. Box 2313,

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Waterloo, Iowa 50704.

b. Fred Marold, individually and in his capacity as treasurer of Cutler for Congress '82, 623 Lafayette Street, P.O. Box 2313, Waterloo, Iowa 50704.

c. Denise M. Dolan, individually and in her capacity as treasurer of Cutler for Congress '82, 623 Lafayette Street, P.O. Box 2313, Waterloo, Iowa 50704.

d. Cutler for Congress '82, 623 Lafayette Street, P.O. Box 2313, Waterloo, Iowa 50704.

e. Thomas R. Donahue, individually and in his capacity as treasurer of AFL-CIO COPE-PCC, 815 16th Street, N.W., Washington, D.C. 20006.

f. AFL-CIO Committee on Political Education/Political Contributions Committee, 815 16th Street, N.W., Washington, D.C. 20006.

g. Melvin J. Smith, individually and in his capacity as treasurer of Cedar Rapids Building and Trades Reference and Safety Book, 1211 Wiley Blvd., Cedar Rapids, Iowa 52404.

h. Cedar Rapids Building and Trades Reference and Safety Book, 1211 Wiley Blvd., S.W., Cedar Rapids, Iowa 52404.

i. Joseph F. Maloney, individually and in his capacity as treasurer of Political Education Fund of the Building and Construction Trades Department, 815 16th Street, N.W., Suite 603, Washington, D.C. 20006-4189.

j. Political Education Fund of the Building and Construction Trades Department, 815 16th Street, N.W., Suite 603, Washington, D.C. 20006-4189.

k. Anthony J. Lutty, individually and in his capacity as treasurer of Active Ballot Club-A Department of United Food and Commercial Workers International Union, 1775 K Street, N.W., Washington, D.C. 20006.

l. Active Ballot Club-A Department of United Food and Commercial Workers International Union, 1775 K Street, N.W., Washington, D.C. 20006.

III. LIABILITY

3. Liability may be imposed upon the candidate, Lynn G.

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Cutler, Cutler for Congress '82, AFL-CIO COPE-PCC and its affiliated SSFs, CRBTRSB and P.E.F.-B.C.T.D.; and U.F.C.W. Active Ballot Club pursuant to 2 U.S.C. §441a(a) which establishes the $5,000.00 (FIVE THOUSAND DOLLAR) maximum contribution ceiling and 2 U.S.C. §441a(f) which proscribes a candidate or political committee from accepting any contributions in excess of $5,000.00 (FIVE THOUSAND DOLLARS).

4. Liability may be imposed on the treasurers, personally and in their capacities as treasurers pursuant to 11 C.F.R. §104.14(d).

5. For purposes of this complaint, contributions made by AFL-CIO COPE-PCC and its affiliated SSFs, CRBTRSB and P.E.F.-B.C.T.D., are treated as contributions made from a single committee in accordance with 2 U.S.C. §441a(a)(5) as implemented through 11 C.F.R. §100.5(g)(i)(B).

IV. OVERVIEW

6. Based on complainant's information and belief, Respondents have contributed or received an aggregate in excess of $5,000.00 (FIVE THOUSAND DOLLARS) for the 1982 federal general election in which Lynn G. Cutler was a candidate for public office. Complainant bases his belief on review of the Federal Election Commission's F.E.C. Forms 3 and 3X, Schedules "A" and "B" which Lynn G. Cutler, Cutler for Congress '82 and its treasurer; AFL-CIO COPE-PCC and its treasurer; CRBTRSB and its

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treasurer; P.E.F.-B.C.T.D. and its treasurer; and U.F.C.W. Active Ballot Club and its treasurer filed for the 1982 federal general election. These reports cover the July 19, 1982 to October 26, 1982 time frame.

7. For the 1982 federal general election, excessive funds were contributed to Lynn G. Cutler, Cutler for Congress '82 and its treasurer by AFL-CIO COPE-PCC and its treasurer; CRBTRSB and its treasurer; P.E.F.-B.C.T.D. and its treasurer; and U.F.C.W. Active Ballot Club and its treasurer.

8. These unlawful contributions constitute a violation of the Federal Election Campaign Act, 2 U.S.C. §441a(a)(2)(A) which provides that a multicandidate political committee may not contribute more than $5,000.00 (FIVE THOUSAND DOLLARS) to any candidate and his authorized political committee with respect to any election for federal office and §441a(f) which prohibits a candidate from receiving illegal contributions.

V. CUTLER FOR CONGRESS '82
1982 FEDERAL GENERAL ELECTION

9. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Lynn G. Cutler, Cutler for Congress '82 and its treasurer, in violation of 2 U.S.C. § 441a(f), knowingly accepted contributions for the 1982 federal general election

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from AFL-CIO COPE-PCC and its affiliated SSFs, CRBTRSB and P.E.F.-B.C.T.D., in the amount of $5,500.00 (FIVE THOUSAND FIVE HUNDRED DOLLARS).

10. Candidate Lynn G. Cutler, Cutler for Congress '82 and its treasurer, for the 1982 federal general election, accepted contributions from AFL-CIO COPE-PCC and its affiliated SSFs, CRBTRSB and P.E.F.-B.C.T.D. in the following amounts:

Date Received	Amount	Contributor
9/4/82	$2,500.00	AFL-CIO COPE-PCC
10/14/82	$2,000.00	AFL-CIO COPE-PCC
10/14/82	$ 500.00	CRBTRSB
10/22/82	$ 500.00	P.E.F.-B.C.T.D.
Total	$5,500.00	

11. A running total of contributions from AFL-CIO COPE-PCC and its affiliated SSFs, CRBTRSB and P.E.F.-B.C.T.D., would have put on notice Lynn G. Cutler, Cutler for Congress '82 and its treasurer that they had received $5,000.00 (FIVE THOUSAND DOLLARS) by October 14, 1982. On that date, Lynn G. Cutler, Cutler for Congress '82 and its treasurer could no longer lawfully accept any contributions from AFL-CIO COPE-PCC and its affiliated SSFs, CRBTRSB and P.E.F.-B.C.T.D. In violation of 2 U.S.C. §441(f), Lynn G. Cutler, Cutler for Congress '82 and its treasurer accepted a contribution from these contributors in the amount of $500.00 (FIVE HUNDRED DOLLARS). This amount

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exceeded the statutory monetary ceiling by $500.00 (FIVE HUNDRED DOLLARS).

12. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Lynn G. Cutler, Cutler for Congress '82 and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal general election from U.F.C.W. Active Ballot Club in the amount of $6,000.00 (SIX THOUSAND DOLLARS).

13. Candidate Lynn G. Cutler, Cutler for Congress '82 and its treasurer, for the 1982 federal general election, accepted contributions from U.F.C.W. Active Ballot Club in the following amounts:

Date Received		Amount
8/7/82		$1,000.00
10/2/82		$3,500.00
10/26/82		$1,500.00
	Total	$6,000.00

14. A running total of the amount of contributions received from U.F.C.W. Active Ballot Club would have put on notice Lynn G. Cutler, Cutler for Congress '82 and its treasurer that they had received $4,500.00 (FOUR THOUSAND FIVE HUNDRED DOLLARS) on October 2, 1982. On that date, Lynn G. Cutler, Cutler for

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Congress '82 and its treasurer were only permitted to accept an additional contribution of $500.00 (FIVE HUNDRED DOLLARS). In violation of 2 U.S.C. §441a(f), they accepted additional contributions and thereby exceeded the maximum $5,000.00 (FIVE THOUSAND DOLLARS) the statute permits them to accept.

VI. AFL-CIO COPE-PCC, CRBTRSB, AND P.E.F.-B.C.T.D. 1982 FEDERAL GENERAL ELECTION

15. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that AFL-CIO COPE-PCC and its affiliated SSFs, CRBTRSB and P.E.F.-B.C.T.D.,for the 1982 federal general election contributed to candidate Lynn G. Cutler, Cutler for Congress '82 and its treasurer a total of $5,500.00 (FIVE THOUSAND DOLLARS).

16. AFL-CIO COPE-PCC, CRBTRSB and P.E.F.-B.C.T.D. contributed the following amounts:

a. On August 27, 1982, AFL-CIO COPE-PCC contributed $2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS).

b. On October 5, 1982, AFL-CIO COPE-PCC contributed $2,000.00 (TWO THOUSAND DOLLARS)

c. On October 1, 1982, CRBTRSB contributed $500.00 (FIVE

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HUNDRED DOLLARS).

d. On October 19, 1982, P.E.F.-B.C.T.D. contributed $500.00 (FIVE HUNDRED DOLLARS).

17. A running total of the amount contributed to Lynn G. Cutler, Cutler for Congress '82 and its treasurer by AFL-CIO COPE-PCC and its affiliated SSFs, CRBTRSB and P.E.F.-B.C.T.D. would have put them on notice that as of October 5, 1982, they had contributed $5,000.00 (FIVE THOUSAND DOLLARS). In violation of 2 U.S.C. §441a(a)(2)(A), AFL-CIO COPE-PCC and its affiliated SSFs made a $500.00 (FIVE HUNDRED DOLLAR) contribution on October 19, 1982, which exceeded the $5,000.00 (FIVE THOUSAND DOLLAR) ceiling by $500.00 (FIVE HUNDRED DOLLARS).

VII. U.F.C.W. ACTIVE BALLOT CLUB 1982 FEDERAL GENERAL ELECTION

18. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that U.F.C.W. Active Ballot Club, for the 1982 federal general election contributed to candidate Lynn G. Cutler, Cutler for Congress '82 and its treasurer a total of $6,000.00 (SIX THOUSAND DOLLARS).

19. U.F.C.W. Active Ballot Club contributed the following

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amounts:

a. On July 19, 1982, U.F.C.W. Active Ballot Club contributed $1,000.00 (ONE THOUSAND DOLLARS).

b. On September 3, 1982, U.F.C.W. Active Ballot Club contributed $3,500.00 (THREE THOUSAND FIVE HUNDRED DOLLARS)

c. On October 20, 1982, U.F.C.W. Active Ballot Club contributed $1,500.00 (ONE THOUSAND FIVE HUNDRED DOLLARS).

20. A running total of the amount contributed to Lynn G. Cutler, Cutler for Congress '82 and its treasurer would have put on notice U.F.C.W. Active Ballot Club that as of September 3, 1982, it had contributed $4,500.00 (FOUR THOUSAND FIVE HUNDRED DOLLARS) and that it could only contribute an additional $500.00 (FIVE HUNDRED DOLLARS) if it wished to meet the mandates of the law. In violation of 2 U.S.C. §441a(a)(2)(A), a $1,500.00 (ONE THOUSAND FIVE HUNDRED DOLLAR) contribution was made to Lynn G. Cutler, Cutler for Congress '82 and its treasurer. This amount exceeded the statutory monetary ceiling by $1,000.00 (ONE THOUSAND DOLLAR).

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IX. CONCLUSION

21. As documented above, Respondents have violated the spirit and letter of the Federal Election Campaign Act.

22. Complainant requests that an investigation into this complaint be undertaken, that Respondents be ordered to return the accepted excess contributions and that civil sanctions be imposed on the Respondents.

Michael Ernest Avakian
Center on National Labor Policy

Martha M. Poindexter
Center on National Labor Policy
5211 Port Royal Road, Suite 400
North Springfield, VA 22151
(703) 321-9180

Attorneys for Complainant

January 30, 1984

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VERIFICATION OF CITIZEN COMPLAINANT

Shawnee)
) ss.
State of Oklahoma)

Pursuant to 2 U.S.C. § 437g(a)(1), I, James Edward Antosh, being first duly sworn, say that I have read the foregoing complaint and know the contents thereof, and that the same is true on information and belief. This complaint was not filed at the request or suggestion of any candidate. I am a citizen of the United States, over the age of 18 years and a registered voter of the State of Oklahoma.

James E. Antosh

Subscribed and sworn to before me this 26th day of January 1984.

Denise Kay Almon
Notary Public

My Commission Expires:
Sept. 16, 1986

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DESIGNATION OF COUNSEL

I, James Edward Antosh, a complainant to the attached complaint designate the attorney(s) identified below as complainant's attorney(s) of record. The Federal Election Commission shall direct all written and oral communications in connection with this matter to my designated counsel.

January 26, 1984 — Date

James E. Antosh — Complainant

DESIGNATED COUNSEL

Michael Ernest Avakian
Martha M. Poindexter
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

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James Edward Antosh, 13 Gilpin Shawnee, Oklahoma 74801 Complainant, v. Lynn G. Cutler; American Federation of Labor-Congress of Industrial Organizations Committee on Political Education and Political Contributions Committee and its affiliated Separate Segregated Funds; and Active Ballot Club a Department of United Food and Commercial Workers International Union Respondents.	)	Complaint MUR No. 1622

I. INTRODUCTION

1. Pursuant to 2 U.S.C. §437g(a)(1) James Edward Antosh brings this complaint against candidate for federal public office, Lynn G. Cutler, Cutler for Congress '82, American Federation of Labor-Congress of Industrial Organizations Committee on Political Education and Political Contributions Committee("AFL-CIO COPE-PCC") and its affiliated separate segregated funds ("SSFs"), Cedar Rapids Building and Trades Reference and Safety Book ("CRBTRSB") and Political Education Fund of the Building and Construction Trades Department ("P.E.F.-B.C.T.D."); and Active Ballot Club, a Department of United Food and Commercial Workers International Union ("U.F.C.W. Active Ballott Club"), and all the Committees' treasurers individually and in their capacities as treasurers for the making and receiving of excessive contributions in violation of 2 U.S.C. §441a(f) and 2 U.S.C. §441a(a)(2)(A).

II. PARTIES

2. Complainant is James Edward Antosh who resides at 13 Gilpin, Shawnee, Oklahoma 74801. He is a citizen of the United States, over the age of 18 years and a registered voter of the State of Oklahoma.

Respondents are:

a. Lynn G. Cutler, 623 Lafayette Street, P.O. Box 2313,

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Waterloo, Iowa 50704.

b. Fred Marold, individually and in his capacity as treasurer of Cutler for Congress '82, 623 Lafayette Street, P.O. Box 2313, Waterloo, Iowa 50704.

c. Denise M. Dolan, individually and in her capacity as treasurer of Cutler for Congress '82, 623 Lafayette Street, P.O. Box 2313, Waterloo, Iowa 50704.

d. Cutler for Congress '82, 623 Lafayette Street, P.O. Box 2313, Waterloo, Iowa 50704.

e. Thomas R. Donahue, individually and in his capacity as treasurer of AFL-CIO COPE-PCC, 815 16th Street, N.W., Washington, D.C. 20006.

f. AFL-CIO Committee on Political Education/Political Contributions Committee, 815 16th Street, N.W., Washington, D.C. 20006.

g. Melvin J. Smith, individually and in his capacity as treasurer of Cedar Rapids Building and Trades Reference and Safety Book, 1211 Wiley Blvd., Cedar Rapids, Iowa 52404.

h. Cedar Rapids Building and Trades Reference and Safety Book, 1211 Wiley Blvd., S.W., Cedar Rapids, Iowa 52404.

i. Joseph F. Maloney, individually and in his capacity as treasurer of Political Education Fund of the Building and Construction Trades Department, 815 16th Street, N.W., Suite 603, Washington, D.C. 20006-4189.

j. Political Education Fund of the Building and Construction Trades Department, 815 16th Street, N.W., Suite 603, Washington, D.C. 20006-4189.

k. Anthony J. Lutty, individually and in his capacity as treasurer of Active Ballot Club-A Department of United Food and Commercial Workers International Union, 1775 K Street, N.W., Washington, D.C. 20006.

l. Active Ballot Club-A Department of United Food and Commercial Workers International Union, 1775 K Street, N.W., Washington, D.C. 20006.

III. LIABILITY

3. Liability may be imposed upon the candidate, Lynn G.

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Cutler, Cutler for Congress '82, AFL-CIO COPE-PCC and its affiliated SSFs, CRBTRSB and P.E.F.-B.C.T.D.; and U.F.C.W. Active Ballot Club pursuant to 2 U.S.C. §441a(a) which establishes the $5,000.00 (FIVE THOUSAND DOLLAR) maximum contribution ceiling and 2 U.S.C. §441a(f) which proscribes a candidate or political committee from accepting any contributions in excess of $5,000.00 (FIVE THOUSAND DOLLARS).

4. Liability may be imposed on the treasurers, personally and in their capacities as treasurers pursuant to 11 C.F.R. §104.14(d).

5. For purposes of this complaint, contributions made by AFL-CIO COPE-PCC and its affiliated SSFs, CRBTRSB and P.E.F.-B.C.T.D., are treated as contributions made from a single committee in accordance with 2 U.S.C. §441a(a)(5) as implemented through 11 C.F.R. §100.5(g)(i)(B).

IV. OVERVIEW

6. Based on complainant's information and belief, Respondents have contributed or received an aggregate in excess of $5,000.00 (FIVE THOUSAND DOLLARS) for the 1982 federal general election in which Lynn G. Cutler was a candidate for public office. Complainant bases his belief on review of the Federal Election Commission's F.E.C. Forms 3 and 3X, Schedules "A" and "B" which Lynn G. Cutler, Cutler for Congress '82 and its treasurer; AFL-CIO COPE-PCC and its treasurer; CRBTRSB and its

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treasurer; P.E.F.-B.C.T.D. and its treasurer; and U.F.C.W. Active Ballot Club and its treasurer filed for the 1982 federal general election. These reports cover the July 19, 1982 to October 26, 1982 time frame.

7. For the 1982 federal general election, excessive funds were contributed to Lynn G. Cutler, Cutler for Congress '82 and its treasurer by AFL-CIO COPE-PCC and its treasurer; CRBTRSB and its treasurer; P.E.F.-B.C.T.D. and its treasurer; and U.F.C.W. Active Ballot Club and its treasurer.

8. These unlawful contributions constitute a violation of the Federal Election Campaign Act, 2 U.S.C. §441a(a)(2)(A) which provides that a multicandidate political committee may not contribute more than $5,000.00 (FIVE THOUSAND DOLLARS) to any candidate and his authorized political committee with respect to any election for federal office and §441a(f) which prohibits a candidate from receiving illegal contributions.

V. CUTLER FOR CONGRESS '82
1982 FEDERAL GENERAL ELECTION

9. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Lynn G. Cutler, Cutler for Congress '82 and its treasurer, in violation of 2 U.S.C. § 441a(f), knowingly accepted contributions for the 1982 federal general election

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from AFL-CIO COPE-PCC and its affiliated SSFs, CRBTRSB and P.E.F.-B.C.T.D., in the amount of $5,500.00 (FIVE THOUSAND FIVE HUNDRED DOLLARS).

10. Candidate Lynn G. Cutler, Cutler for Congress '82 and its treasurer, for the 1982 federal general election, accepted contributions from AFL-CIO COPE-PCC and its affiliated SSFs, CRBTRSB and P.E.F.-B.C.T.D. in the following amounts:

Date Received	Amount	Contributor
9/4/82	$2,500.00	AFL-CIO COPE-PCC
10/14/82	$2,000.00	AFL-CIO COPE-PCC
10/14/82	$ 500.00	CRBTRSB
10/22/82	$ 500.00	P.E.F.-B.C.T.D.
Total	$5,500.00	

11. A running total of contributions from AFL-CIO COPE-PCC and its affiliated SSFs, CRBTRSB and P.E.F.-B.C.T.D., would have put on notice Lynn G. Cutler, Cutler for Congress '82 and its treasurer that they had received $5,000.00 (FIVE THOUSAND DOLLARS) by October 14, 1982. On that date, Lynn G. Cutler, Cutler for Congress '82 and its treasurer could no longer lawfully accept any contributions from AFL-CIO COPE-PCC and its affiliated SSFs, CRBTRSB and P.E.F.-B.C.T.D. In violation of 2 U.S.C. §441(f), Lynn G. Cutler, Cutler for Congress '82 and its treasurer accepted a contribution from these contributors in the amount of $500.00 (FIVE HUNDRED DOLLARS). This amount

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exceeded the statutory monetary ceiling by $500.00 (FIVE HUNDRED DOLLARS).

12. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Lynn G. Cutler, Cutler for Congress '82 and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal general election from U.F.C.W. Active Ballot Club in the amount of $6,000.00 (SIX THOUSAND DOLLARS).

13. Candidate Lynn G. Cutler, Cutler for Congress '82 and its treasurer, for the 1982 federal general election, accepted contributions from U.F.C.W. Active Ballot Club in the following amounts:

Date Received		Amount
8/7/82		$1,000.00
10/2/82		$3,500.00
10/26/82		$1,500.00
	Total	$6,000.00

14. A running total of the amount of contributions received from U.F.C.W. Active Ballot Club would have put on notice Lynn G. Cutler, Cutler for Congress '82 and its treasurer that they had received $4,500.00 (FOUR THOUSAND FIVE HUNDRED DOLLARS) on October 2, 1982. On that date, Lynn G. Cutler, Cutler for

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Congress '82 and its treasurer were only permitted to accept an additional contribution of $500.00 (FIVE HUNDRED DOLLARS). In violation of 2 U.S.C. §441a(f), they accepted additional contributions and thereby exceeded the maximum $5,000.00 (FIVE THOUSAND DOLLARS) the statute permits them to accept.

VI. AFL-CIO COPE-PCC, CRBTRSB, AND P.E.F.-B.C.T.D. 1982 FEDERAL GENERAL ELECTION

15. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that AFL-CIO COPE-PCC and its affiliated SSFs, CRBTRSB and P.E.F.-B.C.T.D.,for the 1982 federal general election contributed to candidate Lynn G. Cutler, Cutler for Congress '82 and its treasurer a total of $5,500.00 (FIVE THOUSAND DOLLARS).

16. AFL-CIO COPE-PCC, CRBTRSB and P.E.F.-B.C.T.D. contributed the following amounts:

a. On August 27, 1982, AFL-CIO COPE-PCC contributed $2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS).

b. On October 5, 1982, AFL-CIO COPE-PCC contributed $2,000.00 (TWO THOUSAND DOLLARS)

c. On October 1, 1982, CRBTRSB contributed $500.00 (FIVE

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HUNDRED DOLLARS).

d. On October 19, 1982, P.E.F.-B.C.T.D. contributed $500.00 (FIVE HUNDRED DOLLARS).

17. A running total of the amount contributed to Lynn G. Cutler, Cutler for Congress '82 and its treasurer by AFL-CIO COPE-PCC and its affiliated SSFs, CRBTRSB and P.E.F.-B.C.T.D. would have put them on notice that as of October 5, 1982, they had contributed $5,000.00 (FIVE THOUSAND DOLLARS). In violation of 2 U.S.C. §441a(a)(2)(A), AFL-CIO COPE-PCC and its affiliated SSFs made a $500.00 (FIVE HUNDRED DOLLAR) contribution on October 19, 1982, which exceeded the $5,000.00 (FIVE THOUSAND DOLLAR) ceiling by $500.00 (FIVE HUNDRED DOLLARS).

VII. U.F.C.W. ACTIVE BALLOT CLUB 1982 FEDERAL GENERAL ELECTION

18. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that U.F.C.W. Active Ballot Club, for the 1982 federal general election contributed to candidate Lynn G. Cutler, Cutler for Congress '82 and its treasurer a total of $6,000.00 (SIX THOUSAND DOLLARS).

19. U.F.C.W. Active Ballot Club contributed the following

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amounts:

a. On July 19, 1982, U.F.C.W. Active Ballot Club contributed $1,000.00 (ONE THOUSAND DOLLARS).

b. On September 3, 1982, U.F.C.W. Active Ballot Club contributed $3,500.00 (THREE THOUSAND FIVE HUNDRED DOLLARS)

c. On October 20, 1982, U.F.C.W. Active Ballot Club contributed $1,500.00 (ONE THOUSAND FIVE HUNDRED DOLLARS).

20. A running total of the amount contributed to Lynn G. Cutler, Cutler for Congress '82 and its treasurer would have put on notice U.F.C.W. Active Ballot Club that as of September 3, 1982, it had contributed $4,500.00 (FOUR THOUSAND FIVE HUNDRED DOLLARS) and that it could only contribute an additional $500.00 (FIVE HUNDRED DOLLARS) if it wished to meet the mandates of the law. In violation of 2 U.S.C. §441a(a)(2)(A), a $1,500.00 (ONE THOUSAND FIVE HUNDRED DOLLAR) contribution was made to Lynn G. Cutler, Cutler for Congress '82 and its treasurer. This amount exceeded the statutory monetary ceiling by $1,000.00 (ONE THOUSAND DOLLAR).

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IX. CONCLUSION

21. As documented above, Respondents have violated the spirit and letter of the Federal Election Campaign Act.

22. Complainant requests that an investigation into this complaint be undertaken, that Respondents be ordered to return the accepted excess contributions and that civil sanctions be imposed on the Respondents.

Michael Ernest Avakian
Center on National Labor Policy

Martha M. Poindexter
Center on National Labor Policy
5211 Port Royal Road, Suite 400
North Springfield, VA 22151
(703) 321-9180

Attorneys for Complainant

January 30, 1984

8404047 3179

VERIFICATION OF CITIZEN COMPLAINANT

Shawnee)
) ss.
State of Oklahoma)

Pursuant to 2 U.S.C. § 437g(a)(1), I, James Edward Antosh, being first duly sworn, say that I have read the foregoing complaint and know the contents thereof, and that the same is true on information and belief. This complaint was not filed at the request or suggestion of any candidate. I am a citizen of the United States, over the age of 18 years and a registered voter of the State of Oklahoma.

James E. Antosh

Subscribed and sworn to before me this 26th day of January 1984.

Denise Kay Allmon
Notary Public

My Commission Expires:

Sept. 16, 1986

8404047 3180

DESIGNATION OF COUNSEL

I, James Edward Antosh, a complainant to the attached complaint designate the attorney(s) identified below as complainant's attorney(s) of record. The Federal Election Commission shall direct all written and oral communications in connection with this matter to my designated counsel.

January 26, 1984
Date

James E. Antosh
Complainant

DESIGNATED COUNSEL

Michael Ernest Avakian
Martha M. Poindexter
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

8404047351181

FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1622

Date Filmed 8/24/84 Camera No. --- 1

Cameraman JRL

8 4 0 4 0 4 7 3 1 8 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE PUBLIC FILE OF CLOSED MUR 1622

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OCC # 4710

American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

LANE KIRKLAND PRESIDENT THOMAS R. DONAHUE SECRETARY-TREASURER

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Frank Drozak
Richard I. Kilroy
William H. Bywater
Kenneth J. Brown
Lynn R. Williams

September 17, 1984

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

RE: FEC MUR 1622

'84 SEP 17 P4:05

3 4 0 4 0 4 9 8 2 4 4 4

Dear Mr. Steele:

Enclosed please find a check (#012363) in the amount of One Hundred and Fifty Dollars($150.00) made payable to the Treasurer of the United States. This check represents the civil penalty required by the conciliation agreement in the above-referenced matter.

Sincerely,

Margaret E. McCormick

Margaret E. McCormick
Counsel For Respondents
AFL-CIO COPE/PCC and
Thomas R. Donahue

American Federation of Labor and
Congress of Industrial Organizations

The Amalgamated
Bank of New York
11-15 Union Square
New York, NY 10003

012363

1-337
260

DATE	CHECK NO.
9/14/84	012363

DOLLARS	CENTS
**********150	00

PAY EXACTLY **********150 DOLLARS AND NO/100 CENTS

TO THE ORDER OF

Treasurer of the United States
Office of the General Counsel
Federal Election Commission
1325 K. Street, N.W.
Washington, D.C. 20463

Thomas Donahue

SECRETARY - TREASURER

8 4 0 4 0 4 8 2 4 4 5

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

THIS IS THE END OF MUR # 1622

Date Filmed 10/18/84 Camera No. --- 1

Cameraman JRL

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