



FEDERAL ELECTION COMMISSION

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

85040520543

THIS IS THE END OF MUR # 1640

Date Filmed 4/12/85 Camera No. --- 1

Cameraman AS

FEDERAL ELECTION COMMISSION

Routing Cards ; 12 Day Report & Comments

Bank A/c No. on checks

Conciliation information

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

Signed

Paul R. Reys

date

3/27/85

85040520544

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 1640
Congressman St. Germain Reelection	)	
Committee	)	
Fernand St. Germain, treasurer	)	
Engineers Political Education	)	
Committee	)	
Frank Hanley, treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 1, 1985, the Commission decided by a vote of 5-0 to take the following actions in MUR 1640:

1. Accept the conciliation agreements attached to the General Counsel's Report signed February 26, 1985.
2. Close the file.
3. Approve and send the proposed letters attached to the General Counsel's Report signed February 26, 1985.

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

Attest:

3-4-85

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary:	2-27-85, 12:21
Circulated on 48 hour tally basis:	2-27-85, 4:00

85040520545



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 11, 1985

Michael R. Fanning, Esquire  
1125 Seventeenth Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Engineers Political Education  
Committee  
Frank Hanley, Treasurer

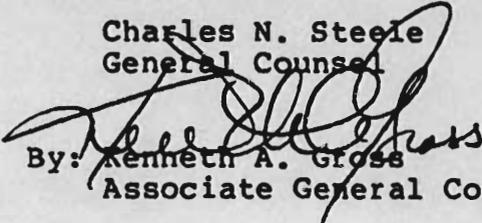
Dear Mr. Fanning:

On March 1, 1985, the Commission accepted the conciliation agreement signed by your client, and a civil penalty in settlement of a violation of 2 U.S.C. § 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 it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

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

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

Enclosure  
Conciliation Agreement

85040520546

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
Engineers Political Education	)	
Committee	)	MUR 1640
Frank Hanley, Treasurer	)	

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Mr. James Edward Antosh. The Commission found reason to believe that the Engineers Political Education Committee and Frank Hanley, as treasurer, ("Respondents"), violated 2 U.S.C. § 441a(a)(2)(A) by contributing in excess of \$5,000 to the Congressman St. Germain Reelection Committee in connection with the September 14, 1982 Rhode Island primary election and an investigation was conducted.

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. § 437(a)(4)(A)(i).

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

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

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

1. Respondent, Engineer's Political Education Committee, the separate segregated fund of the International Union of

85040520547

Operating Engineers, is a multicandidate political committee within the meaning of Section 100.5(e)(3) of Title 11, Code of Federal Regulations.

2. Respondent Frank Hanley serves as treasurer for the Engineer's Political Education Committee (hereinafter "EPEC").

3. Section 441a(a)(2)(A) of Title 2 United States Code, provides that multicandidate committees, within the meaning of 11 C.F.R. § 100.5(e)(3), may contribute no more than \$5,000 with respect to a federal election.

4. EPEC made a contribution to the Congressman St. Germain Reelection Committee (hereinafter "the Committee") on July 22, 1981, which was designated for the 1982 primary in the amount of \$1,000.

5. EPEC made a contribution to the Committee on March 9, 1982, which was designated for the 1982 primary in the amount of \$2,000.

6. EPEC made a contribution to the Committee on July 16, 1982, which was not designated in writing for any election, in the amount of \$5,000.

7. The Rhode Island primary election was held on September 14, 1982.

8. Section 110.1 of Title 11, Code of Federal Regulations, requires that contributions made prior to the date of an election and not designated in writing by the contributor for any

85040520548

election, must be presumed by the recipient, as for the next occurring election.

V. By its \$5,000 undesignated contribution to the Congressman St. Germain Reelection Committee, EPEC exceeded the limit established by 2 U.S.C. § 441a(a)(2)(A).

VI. Subsequent to the 1982 election cycle, and prior to the Complaint in this matter, the administrative procedures of EPEC/IUOE were modified to preclude the likelihood of a recurrence of the violation identified herein.

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of Five Hundred Dollars (\$500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. 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.

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

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

85040520549

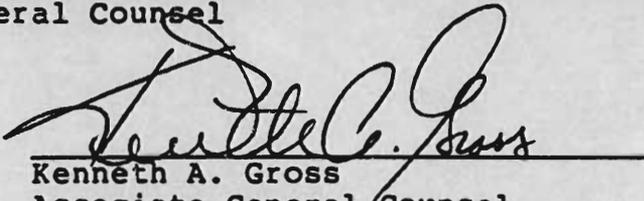
XI. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

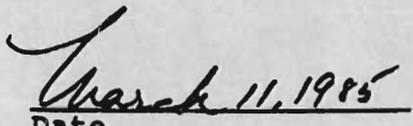
XII. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele  
General Counsel

BY:

  
Kenneth A. Gross  
Associate General Counsel

  
Date

FOR THE RESPONDENT:

  
Frank Hanley, Treasurer  
Engineers Political Education  
Committee

\_\_\_\_\_  
Date

85040520550

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Engineers Political Education ) MUR 1640  
Committee )  
Frank Hanley, Treasurer )

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Mr. James Edward Antosh. The Commission found reason to believe that the Engineers Political Education Committee and Frank Hanley, as treasurer, ("Respondents"), violated 2 U.S.C. § 441a(a)(2)(A) by contributing in excess of \$5,000 to the Congressman St. Germain Reelection Committee in connection with the September 14, 1982 Rhode Island primary election and an investigation was conducted.

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. § 437(a)(4)(A)(i).

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

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

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

1. Respondent, Engineer's Political Education Committee, the separate segregated fund of the International Union of

85040520551

Operating Engineers, is a multicandidate political committee within the meaning of Section 100.5(e)(3) of Title 11, Code of Federal Regulations.

2. Respondent Frank Hanley serves as treasurer for the Engineer's Political Education Committee (hereinafter "EPEC").

3. Section 441a(a)(2)(A) of Title 2 United States Code, provides that multicandidate committees, within the meaning of 11 C.F.R. § 100.5(e)(3), may contribute no more than \$5,000 with respect to a federal election.

4. EPEC made a contribution to the Congressman St. Germain Reelection Committee (hereinafter "the Committee") on July 22, 1981, which was designated for the 1982 primary in the amount of \$1,000.

5. EPEC made a contribution to the Committee on March 9, 1982, which was designated for the 1982 primary in the amount of \$2,000.

6. EPEC made a contribution to the Committee on July 16, 1982, which was not designated in writing for any election, in the amount of \$5,000.

7. The Rhode Island primary election was held on September 14, 1982.

8. Section 110.1 of Title 11, Code of Federal Regulations, requires that contributions made prior to the date of an election and not designated in writing by the contributor for any

8 5 0 4 0 5 2 0 5 5 2

election, must be presumed by the recipient, as for the next occurring election.

V. By its \$5,000 undesignated contribution to the Congressman St. Germain Reelection Committee, EPEC exceeded the limit established by 2 U.S.C. § 441a(a)(2)(A).

VI. Subsequent to the 1982 election cycle, and prior to the Complaint in this matter, the administrative procedures of EPEC/IUOE were modified to preclude the likelihood of a recurrence of the violation identified herein.

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of Five Hundred Dollars (\$500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. 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.

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

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

85040520553

XI. 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.

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

FOR THE COMMISSION:

Charles N. Steele  
General Counsel

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

*March 11, 1985*  
Date

FOR THE RESPONDENT:

*Frank Hanley*  
Frank Hanley, Treasurer  
Engineers Political Education  
Committee

\_\_\_\_\_  
Date

85040520554



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 11, 1985

Robert O. Tiernan, Esquire  
David E. Osterhout  
Suite 299  
1800 M Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Congressman St. Germain  
Reelection Committee  
Fernand J. St. Germain,  
Treasurer

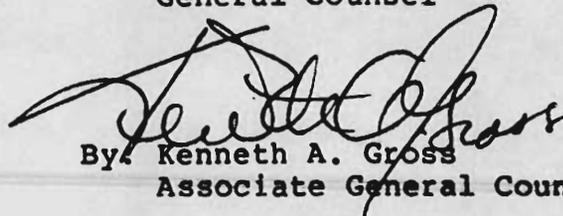
Dear Mr. Tiernan and Mr. Osterhout:

On March 1, 1985, the Commission accepted the conciliation agreement signed by you, as counsel for respondents, and a civil penalty in settlement of a violation of 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

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

Sincerely,

Charles N. Steele  
General Counsel



By: Kenneth A. Gross  
Associate General Counsel

Enclosure  
Conciliation Agreement

cc: Congressman Fernand J. St. Germain

85040520555

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Congressman St. Germain Reelection ) MUR 1640  
Committee )  
Fernand St. Germain, Treasurer )

CONCILIATION AGREEMENT

8 5 0 4 0 5 2 0 5 5 6  
This matter was initiated by a signed, sworn, and notarized complaint by Mr. James Edward Antosh. The Commission found reason to believe that the Congressman St. Germain Reelection Committee and Fernand J. St. Germain, in his official capacity as treasurer, ("Respondents"), violated 2 U.S.C. § 441a(f) by accepting a total of \$8,000 prior to the September 14, 1982 Rhode Island primary election, of which \$5,000 was not designated in writing by the contributor for any election, and, an investigation was conducted.

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 demonstate that no action should be taken in this matter.

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

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

1. Respondent, Congressman St. Germain Reelection Committee, is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Respondent, Fernand J. St. Germain, serves as treasurer for the Congressman St. Germain Reelection Committee.

3. Section 441a(f) of Title 2, United States Code prohibits the acceptance of contributions which are made in violation of the Federal Election Campaign Act of 1971, as amended.

4. Section 441a(a)(2)(A) of Title 2, United States Code provides that multicandidate committees, within the meaning of 11 C.F.R. § 100.5(e)(3), may contribute no more than \$5,000 with respect to a federal election.

5. Fernand J. St. Germain was a candidate in the September 14, 1982 Rhode Island primary election.

6. Fernand J. St. Germain was a candidate in the November 2, 1982 Rhode Island general election.

7. As a candidate in two federal elections in 1982, Fernand J. St. Germain could have accepted up to an aggregate total of \$10,000 in contributions from a multicandidate committee such as EPEC, i.e. up to \$5,000 with respect to the September 1982 primary election and up to \$5,000 with respect to the November 1982 general election.

85040520557

8. Respondents accepted a contribution made on July 22, 1981, and designated for the 1982 primary by EPEC in the amount of \$1,000.

9. Respondents accepted a contribution made on March 9, 1982, and designated for the 1982 primary by EPEC in the amount of \$2,000.

10. Respondents accepted a contribution made on July 16, 1982, and not designated in writing for any election by EPEC in the amount of \$5,000.

11. Respondents contend that upon receipt of the July 1982 contribution of \$5,000 from EPEC, Respondents reviewed records of previous contributions from EPEC and, after inquiry of, and conversation with an individual associated with EPEC, determined that EPEC had intended to designate the July 1982 contribution to Respondent as \$2,000 for the September 1982 primary election and \$3,000 for the November 1982 general election so as to abide by the applicable contribution limits for each of these two elections. Respondents further contend that they then reported the July 1982 contribution from EPEC in accordance with this subsequent conversation and understanding that EPEC had intended to designate this contribution for both the 1982 primary and 1982 general elections in compliance with applicable limitations.

12. The 1982 Rhode Island primary election was held on September 14, 1982.

13. Section 110.1 of Title 11 Code of Federal Regulations, requires that contributions made prior to the date of an election

8  
5  
5  
0  
2  
0  
5  
4  
0  
5  
0  
8

and not designated in writing for a particular election by the contributor, must be presumed for the next occurring election.

V. By accepting a total of \$8,000 prior to the date of the 1982 Rhode Island primary election, of which \$5,000 was not designated in writing by the contributor for any election, the respondents 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 One Hundred and Fifty Dollars (\$150), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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

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

85040520559

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

FOR THE COMMISSION:

Charles N. Steele  
General Counsel

BY:

*Kenneth A. Gross*  
Kenneth A. Gross  
Associate General Counsel

*March 11, 1985*  
Date

FOR THE RESPONDENTS:

*Robert O. Tiernan*  
Robert O. Tiernan  
Counsel for Respondents

*2/7/1985*  
Date

*David E. Osterhout*  
David E. Osterhout  
Counsel for Respondents

*February 7, 1985*  
Date

85040520560



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 11, 1985

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

Re: MUR 1640

Dear Mr. Avakian and Ms. Poindexter:

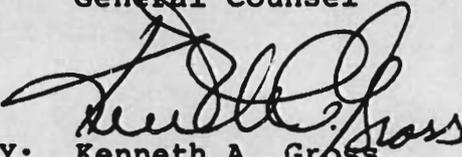
This is in reference to the complaint you filed with the Commission on March 1, 1984, concerning possible violations of 2 U.S.C. § 441a(f) and 441a(a)(2)(A).

The Commission determined there was reason to believe that the Engineers Political Education Committee and Frank Hanley as treasurer and the Congressman St. Germain Reelection Committee, and Fernand J. St. Germain, as treasurer, violated 2 U.S.C. §§ 441a(f) and 441a(a)(2)(A), provisions of the Federal Election Campaign Act of 1971, as amended and conducted an investigation in this matter. On March 1, 1985, conciliation agreements signed by the respondents were accepted by the Commission, thereby concluding the matter. Copies of these agreements are enclosed for your information.

The file number in this matter is MUR 1640. If you have any questions, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

  
BY: Kenneth A. Gross  
Associate General Counsel

Enclosure  
Conciliation Agreements

85040520561

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Engineers Political Education ) MUR 1640  
Committee )  
Frank Hanley, Treasurer )

CONCILIATION AGREEMENT

85040520562  
This matter was initiated by a signed, sworn, and notarized complaint by Mr. James Edward Antosh. The Commission found reason to believe that the Engineers Political Education Committee and Frank Hanley, as treasurer, ("Respondents"), violated 2 U.S.C. § 441a(a)(2)(A) by contributing in excess of \$5,000 to the Congressman St. Germain Reelection Committee in connection with the September 14, 1982 Rhode Island primary election and an investigation was conducted.

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. § 437(a)(4)(A)(i).

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

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

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

1. Respondent, Engineer's Political Education Committee, the separate segregated fund of the International Union of

Operating Engineers, is a multicandidate political committee within the meaning of Section 100.5(e)(3) of Title 11, Code of Federal Regulations.

2. Respondent Frank Hanley serves as treasurer for the Engineer's Political Education Committee (hereinafter "EPEC").

3. Section 441a(a)(2)(A) of Title 2 United States Code, provides that multicandidate committees, within the meaning of 11 C.F.R. § 100.5(e)(3), may contribute no more than \$5,000 with respect to a federal election.

4. EPEC made a contribution to the Congressman St. Germain Reelection Committee (hereinafter "the Committee") on July 22, 1981, which was designated for the 1982 primary in the amount of \$1,000.

5. EPEC made a contribution to the Committee on March 9, 1982, which was designated for the 1982 primary in the amount of \$2,000.

6. EPEC made a contribution to the Committee on July 16, 1982, which was not designated in writing for any election, in the amount of \$5,000.

7. The Rhode Island primary election was held on September 14, 1982.

8. Section 110.1 of Title 11, Code of Federal Regulations, requires that contributions made prior to the date of an election and not designated in writing by the contributor for any

85040520563

election, must be presumed by the recipient, as for the next occurring election.

V. By its \$5,000 undesignated contribution to the Congressman St. Germain Reelection Committee, EPEC exceeded the limit established by 2 U.S.C. § 441a(a)(2)(A).

VI. Subsequent to the 1982 election cycle, and prior to the Complaint in this matter, the administrative procedures of EPEC/IUOE were modified to preclude the likelihood of a recurrence of the violation identified herein.

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of Five Hundred Dollars (\$500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. 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.

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

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

85040520564

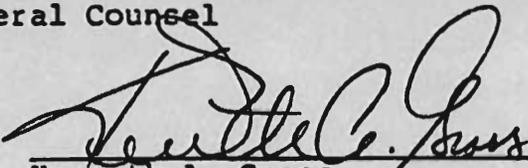
XI. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

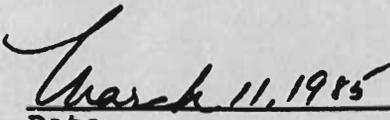
XII. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele  
General Counsel

BY:

  
Kenneth A. Gross  
Associate General Counsel

  
Date

FOR THE RESPONDENT:

  
Frank Hanley, Treasurer  
Engineers Political Education  
Committee

\_\_\_\_\_  
Date

85040520565

20046620

LAW OFFICES  
ROBERT O. TIERNAN  
SUITE 200  
1800 M STREET, N.W.  
WASHINGTON, D.C. 20036  
(202) 698-6617

February 7, 1985

15 FEB 9 1985  
AIO: 58

DELIVERED BY HAND

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

RE: MUR 1640  
Congressman St. Germain  
Reelection Committee  
Fernand J. St. Germain,  
Treasurer

Dear Mr. Gross:

On February 5, 1985, we received your letter of  
February 1, 1985

Accordingly, as Counsel for Respondents  
in this matter, we have signed the conciliation agree-  
ment that the Commission approved in settlement of  
this matter on January 29, 1985 and enclose it herein,  
along with a check in the amount of one hundred and  
fifty dollars (\$150.00) made payable to the U.S. Treasurer

Sincerely,  
*Robert O. Tiernan*  
ROBERT O. TIERNAN  
*David E. Osterhout*  
DAVID E. OSTERHOUT

Enclosure

85040520566

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Congressman St. Germain Reelection ) MUR 1640  
Committee )  
Fernand St. Germain, Treasurer )

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Mr. James Edward Antosh. The Commission found reason to believe that the Congressman St. Germain Reelection Committee and Fernand J. St. Germain, in his official capacity as treasurer, ("Respondents"), violated 2 U.S.C. § 441a(f) by accepting a total of \$8,000 prior to the September 14, 1982 Rhode Island primary election, of which \$5,000 was not designated in writing by the contributor for any election, and, an investigation was conducted.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

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

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

85040520567

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

1. Respondent, Congressman St. Germain Reelection Committee, is a political committee within the meaning of 2 U.S.C. § 431(4).
2. Respondent, Fernand J. St. Germain, serves as treasurer for the Congressman St. Germain Reelection Committee.
3. Section 441a(f) of Title 2, United States Code prohibits the acceptance of contributions which are made in violation of the Federal Election Campaign Act of 1971, as amended.
4. Section 441a(a)(2)(A) of Title 2, United States Code provides that multicandidate committees, within the meaning of 11 C.F.R. § 100.5(e)(3), may contribute no more than \$5,000 with respect to a federal election.
5. Fernand J. St. Germain was a candidate in the September 14, 1982 Rhode Island primary election.
6. Fernand J. St. Germain was a candidate in the November 2, 1982 Rhode Island general election.
7. As a candidate in two federal elections in 1982, Fernand J. St. Germain could have accepted up to an aggregate total of \$10,000 in contributions from a multicandidate committee such as EPEC, i.e. up to \$5,000 with respect to the September 1982 primary election and up to \$5,000 with respect to the November 1982 general election.

85040520568

8. Respondents accepted a contribution made on July 22, 1981, and designated for the 1982 primary by EPEC in the amount of \$1,000.

9. Respondents accepted a contribution made on March 9, 1982, and designated for the 1982 primary by EPEC in the amount of \$2,000.

10. Respondents accepted a contribution made on July 16, 1982, and not designated in writing for any election by EPEC in the amount of \$5,000.

11. Respondents contend that upon receipt of the July 1982 contribution of \$5,000 from EPEC, Respondents reviewed records of previous contributions from EPEC and, after inquiry of, and conversation with an individual associated with EPEC, determined that EPEC had intended to designate the July 1982 contribution to Respondent as \$2,000 for the September 1982 primary election and \$3,000 for the November 1982 general election so as to abide by the applicable contribution limits for each of these two elections. Respondents further contend that they then reported the July 1982 contribution from EPEC in accordance with this subsequent conversation and understanding that EPEC had intended to designate this contribution for both the 1982 primary and 1982 general elections in compliance with applicable limitations.

12. The 1982 Rhode Island primary election was held on September 14, 1982.

13. Section 110.1 of Title 11 Code of Federal Regulations, requires that contributions made prior to the date of an election

85040590569

and not designated in writing for a particular election by the contributor, must be presumed for the next occurring election.

V. By accepting a total of \$8,000 prior to the date of the 1982 Rhode Island primary election, of which \$5,000 was not designated in writing by the contributor for any election, the respondents 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 One Hundred and Fifty Dollars (\$150), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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

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

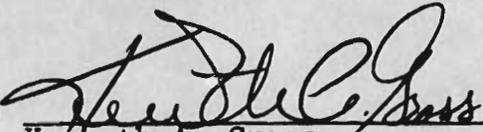
85040520570

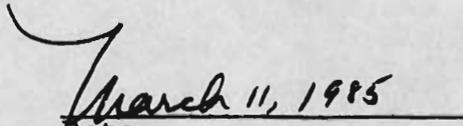
XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

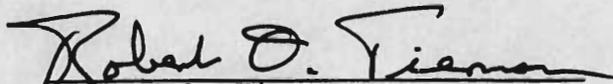
Charles N. Steele  
General Counsel

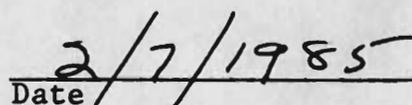
BY:

  
Kenneth A. Gross  
Associate General Counsel

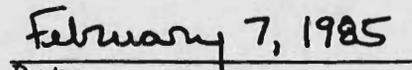
  
Date

FOR THE RESPONDENTS:

  
Robert O. Tiernan  
Counsel for Respondents

  
Date

  
David E. Osterhout  
Counsel for Respondents

  
Date

85040520571

Offices of  
Robert O. Tiernan  
10 M Street, N.W.  
Room 299  
Washington, D.C. 20036

85040520572

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Robert O. Tiernan, Esquire  
David E. Osterhout  
Suite 299  
1800 M Street, N.W.  
Washington, D.C. 20036

*PAR*  
*3/5/85*

RE: MUR 1640  
Congressman St. Germain  
Reelection Committee  
Fernand J. St. Germain,  
Treasurer

Dear Mr. Tiernan and Mr. Osterhout:

On \_\_\_\_\_, 1985, the Commission accepted the conciliation agreement signed by you, as counsel for respondents, and a civil penalty in settlement of a violation of 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

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

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

Enclosure  
Conciliation Agreement

cc: Congressman Fernand J. St. Germain

85040520573



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary  
FROM: Office of General Counsel *CAK*  
DATE: February 27, 1985  
SUBJECT: MJR 1640 - General Counsel's Report

The attached is submitted as an Agenda document  
for the Commission Meeting of \_\_\_\_\_  
Open Session \_\_\_\_\_  
Closed Session \_\_\_\_\_

85040520574

CIRCULATIONS

DISTRIBUTION

48 Hour Tally Vote	<input checked="" type="checkbox"/>	Compliance	<input checked="" type="checkbox"/>
Sensitive	<input checked="" type="checkbox"/>	Audit Matters	<input type="checkbox"/>
Non-Sensitive	<input type="checkbox"/>	Litigation	<input type="checkbox"/>
24 Hour No Objection	<input type="checkbox"/>	Closed MUR Letters	<input type="checkbox"/>
Sensitive	<input type="checkbox"/>	Status Sheets	<input type="checkbox"/>
Non-Sensitive	<input type="checkbox"/>	Advisory Opinions	<input type="checkbox"/>
Information	<input type="checkbox"/>	Other (see distribution below)	<input type="checkbox"/>
Sensitive	<input type="checkbox"/>		
Non-Sensitive	<input type="checkbox"/>		
Other	<input type="checkbox"/>		

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Congressman St. Germain Reelection ) MUR 1640  
Committee )  
Fernand St. Germain, Treasurer )

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Mr. James Edward Antosh. The Commission found reason to believe that the Congressman St. Germain Reelection Committee and Fernand J. St. Germain, in his official capacity as treasurer, ("Respondents"), violated 2 U.S.C. § 441a(f) by accepting a total of \$8,000 prior to the September 14, 1982 Rhode Island primary election, of which \$5,000 was not designated in writing by the contributor for any election, and, an investigation was conducted.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

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

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

85040520576

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

1. Respondent, Congressman St. Germain Reelection Committee, is a political committee within the meaning of 2 U.S.C. § 431(4).
2. Respondent, Fernand J. St. Germain, serves as treasurer for the Congressman St. Germain Reelection Committee.
3. Section 441a(f) of Title 2, United States Code prohibits the acceptance of contributions which are made in violation of the Federal Election Campaign Act of 1971, as amended.
4. Section 441a(a)(2)(A) of Title 2, United States Code provides that multicandidate committees, within the meaning of 11 C.F.R. § 100.5(e)(3), may contribute no more than \$5,000 with respect to a federal election.
5. Fernand J. St. Germain was a candidate in the September 14, 1982 Rhode Island primary election.
6. Fernand J. St. Germain was a candidate in the November 2, 1982 Rhode Island general election.
7. As a candidate in two federal elections in 1982, Fernand J. St. Germain could have accepted up to an aggregate total of \$10,000 in contributions from a multicandidate committee such as EPEC, i.e. up to \$5,000 with respect to the September 1982 primary election and up to \$5,000 with respect to the November 1982 general election.

85040520577

8. Respondents accepted a contribution made on July 22, 1981, and designated for the 1982 primary by EPEC in the amount of \$1,000.

9. Respondents accepted a contribution made on March 9, 1982, and designated for the 1982 primary by EPEC in the amount of \$2,000.

10. Respondents accepted a contribution made on July 16, 1982, and not designated in writing for any election by EPEC in the amount of \$5,000.

11. Respondents contend that upon receipt of the July 1982 contribution of \$5,000 from EPEC, Respondents reviewed records of previous contributions from EPEC and, after inquiry of, and conversation with an individual associated with EPEC, determined that EPEC had intended to designate the July 1982 contribution to Respondent as \$2,000 for the September 1982 primary election and \$3,000 for the November 1982 general election so as to abide by the applicable contribution limits for each of these two elections. Respondents further contend that they then reported the July 1982 contribution from EPEC in accordance with this subsequent conversation and understanding that EPEC had intended to designate this contribution for both the 1982 primary and 1982 general elections in compliance with applicable limitations.

12. The 1982 Rhode Island primary election was held on September 14, 1982.

13. Section 110.1 of Title 11 Code of Federal Regulations, requires that contributions made prior to the date of an election

85040520578

and not designated in writing for a particular election by the contributor, must be presumed for the next occurring election.

V. By accepting a total of \$8,000 prior to the date of the 1982 Rhode Island primary election, of which \$5,000 was not designated in writing by the contributor for any election, the respondents 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 One Hundred and Fifty Dollars (\$150), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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

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

85040520579



CONGRESSMAN ST GERMAIN  
RE-ELECTION COMMITTEE

February 5, 1985

1185

80-147/219

PAY TO THE ORDER OF U.S. Treasurer

\$ 150.00

One hundred fifty and 00/100 DOLLARS



Tex Wright Patman Congressional  
Federal Credit Union  
U.S. House of Representatives  
Washington, D.C. 20515  
PAYABLE THROUGH THE CHECK CASHING SERVICE, S.A.  
SOURCE: CHECKER

PURPOSE: MUR 1640

85040520581



★  
★  
★  
★  
★  
★  
★  
★  
★  
★  
★  
★

400-6760 RECEIVED AT THE FEED

85 FEB 25 9:00

# International Union of Operating Engineers

1125 SEVENTEENTH STREET NORTHWEST \* WASHINGTON, D. C. 20036  
AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

OFFICE OF GENERAL PRESIDENT • (202) 429-9100

February 21, 1985

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

Re: MUR 1640

Dear Mr. Gross:

Enclosed is the revised Conciliation Agreement in the above-captioned matter, forwarded by you on February 1, 1985. The Agreement has been signed by Frank Hanley, on behalf of EPEC/IUOE, and is accompanied by a check of the International Union of Operating Engineers in the amount of \$500, payable to the United States Treasury.

If any further action is required by EPEC/IUOE to conclude this matter, please advise.

Sincerely,

*Michael R. Fanning/jlw*

Michael R. Fanning  
Counsel

MRF/jlw

Enclosures

85040520582

STATION 23:50



# International Union of Operating Engineers

No. 001235

1125 SEVENTEENTH STREET NORTHWEST • WASHINGTON, D. C. 20036

AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

MADISON NATIONAL BANK  
WASHINGTON, D.C.

8  
5  
5  
0  
4  
0  
5  
2  
0  
5  
8

PAY TO THE ORDER OF

United States Treasury

DATE CHECK NUMBER DISCOUNT

Feb 14 85 1235 .00

AMOUNT

\$500.00

INTERNATIONAL UNION OF OPERATING ENGINEERS  
GENERAL FUND • EXPENSE ACCOUNT

*Frank Harley*



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Robert O. Tiernan, Esquire  
David E. Osterhout  
Suite 299  
1800 M Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Congressman St. Germain  
Reelection Committee  
Fernand J. St. Germain,  
Treasurer

Dear Mr. Tiernan and Mr. Osterhout:

On \_\_\_\_\_, 1985, the Commission accepted the conciliation agreement signed by you, as counsel for respondents, and a civil penalty in settlement of a violation of 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

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

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

Enclosure  
Conciliation Agreement

cc: Congressman Fernand J. St. Germain

85040520584



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Michael R. Fanning, Esquire  
1125 Seventeenth Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Engineers Political Education  
Committee  
Frank Hanley, Treasurer

Dear Mr. Fanning:

8  
5  
0  
4  
0  
5  
2  
0  
5  
9  
5  
5  
On \_\_\_\_\_, 1985, the Commission accepted the conciliation agreement signed by your client, and a civil penalty in settlement of a violation of 2 U.S.C. § 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 it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

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

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

Enclosure  
Conciliation Agreement



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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

Re: MUR 1640

Dear Mr. Avakian and Ms. Poindexter:

8 5 0 4 0 5 2 0 5 8 6  
This is in reference to the complaint you filed with the Commission on March 1, 1984, concerning possible violations of 2 U.S.C. § 441a(f) and 441a(a)(2)(A).

The Commission determined there was reason to believe that the Engineers Political Education Committee and Frank Hanley as treasurer and the Congressman St. Germain Reelection Committee, and Fernand J. St. Germain, as treasurer, violated 2 U.S.C. §§ 441a(f) and 441a(a)(2)(A), provisions of the Federal Election Campaign Act of 1971, as amended and conducted an investigation in this matter. On , 1985, conciliation agreements signed by the respondents were accepted by the Commission, thereby concluding the matter. Copies of these agreements are enclosed for your information.

The file number in this matter is MUR 1640. If you have any questions, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

BY: Kenneth A. Gross  
Associate General Counsel

Enclosure  
Conciliation Agreements

*Reyes*

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Congressman St. Germain Reelection	)	
Committee	)	
Fernand J. St. Germain, Treasurer	)	
	)	
Engineers Political Education	)	MUR 1640
Committee	)	
International Union of Operating	)	
Engineers	)	
Frank Hanley, Treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of January 29, 1985, do hereby certify that the Commission took the following actions in MUR 1640:

1. Decided by a vote of 5-1 to set the civil penalty for the EPEC respondents at Five Hundred Dollars (\$500.00).  
  
Commissioners Aikens, Elliott, McDonald, McGarry, and Reiche voted affirmatively for the decision; Commissioner Harris dissented.
2. Decided by a vote of 6-0 to take the following actions:
  - a) Accept EPEC's counterproposed language, except for the civil penalty, which the Commission has set at Five Hundred Dollars.

(continued)

85040520587

- b) Accept the St. Germain Respondents counterproposed language and civil penalty amount.
- c) Approve and send the proposed conciliation agreements and letters attached to the General Counsel's January 22, 1984 report, subject to amendment to provide for the civil penalty for EPEC as noted above.

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

Attest:

1-30-85

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

85040520588



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 1, 1985

Robert O. Tiernan, Esquire  
Suite 299  
1800 M Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Congressman St. Germain Reelection  
Committee  
Fernand J. St. Germain, Treasurer

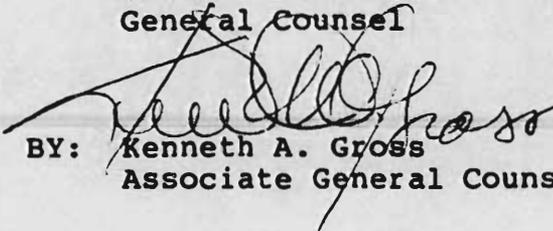
Dear Mr. Tiernan:

On May 22, 1984, the Commission found reason to believe that your clients violated 2 U.S.C. § 441a(f). At your request, the Commission determined on December 4, 1984, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On January 29, 1985, the Commission considered your January 7, 1985 letter of counterproposal.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

  
BY: Kenneth A. Gross  
Associate General Counsel

Enclosure

85040520589

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Congressman St. Germain Reelection ) MUR 1640  
Committee )  
Fernand St. Germain, Treasurer )

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Mr. James Edward Antosh. The Commission found reason to believe that the Congressman St. Germain Reelection Committee and Fernand J. St. Germain, in his official capacity as treasurer, ("Respondents"), violated 2 U.S.C. § 441a(f) by accepting a total of \$8,000 prior to the September 14, 1982 Rhode Island primary election, of which \$5,000 was not designated in writing by the contributor for any election, and, an investigation was conducted.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.

§ 437g(a)(4)(A)(i).

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

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

85040520590

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

1. Respondent, Congressman St. Germain Reelection Committee, is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Respondent, Fernand J. St. Germain, serves as treasurer for the Congressman St. Germain Reelection Committee.

3. Section 441a(f) of Title 2, United States Code prohibits the acceptance of contributions which are made in violation of the Federal Election Campaign Act of 1971, as amended.

4. Section 441a(a)(2)(A) of Title 2, United States Code provides that multicandidate committees, within the meaning of 11 C.F.R. § 100.5(e)(3), may contribute no more than \$5,000 with respect to a federal election.

5. Fernand J. St. Germain was a candidate in the September 14, 1982 Rhode Island primary election.

6. Fernand J. St. Germain was a candidate in the November 2, 1982 Rhode Island general election.

7. As a candidate in two federal elections in 1982, Fernand J. St. Germain could have accepted up to an aggregate total of \$10,000 in contributions from a multicandidate committee such as EPEC, i.e. up to \$5,000 with respect to the September 1982 primary election and up to \$5,000 with respect to the November 1982 general election.

85040520591

8. Respondents accepted a contribution made on July 22, 1981, and designated for the 1982 primary by EPEC in the amount of \$1,000.

9. Respondents accepted a contribution made on March 9, 1982, and designated for the 1982 primary by EPEC in the amount of \$2,000.

10. Respondents accepted a contribution made on July 16, 1982, and not designated in writing for any election by EPEC in the amount of \$5,000.

11. Respondents contend that upon receipt of the July 1982 contribution of \$5,000 from EPEC, Respondents reviewed records of previous contributions from EPEC and, after inquiry of, and conversation with an individual associated with EPEC, determined that EPEC had intended to designate the July 1982 contribution to Respondent as \$2,000 for the September 1982 primary election and \$3,000 for the November 1982 general election so as to abide by the applicable contribution limits for each of these two elections. Respondents further contend that they then reported the July 1982 contribution from EPEC in accordance with this subsequent conversation and understanding that EPEC had intended to designate this contribution for both the 1982 primary and 1982 general elections in compliance with applicable limitations.

12. The 1982 Rhode Island primary election was held on September 14, 1982.

13. Section 110.1 of Title 11 Code of Federal Regulations, requires that contributions made prior to the date of an election

85040520592

and not designated in writing for a particular election by the contributor, must be presumed for the next occurring election.

V. By accepting a total of \$8,000 prior to the date of the 1982 Rhode Island primary election, of which \$5,000 was not designated in writing by the contributor for any election, the respondents 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 One Hundred and Fifty Dollars (\$150), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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

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

85040520593

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

FOR THE COMMISSION:

Charles N. Steele  
General Counsel

BY: \_\_\_\_\_

Kenneth A. Gross  
Associate General Counsel

\_\_\_\_\_ Date

FOR THE RESPONDENT:

\_\_\_\_\_  
Fernand J. St. Germain, Treasurer  
Congressman St. Germain Reelection  
Committee

\_\_\_\_\_ Date

85040520594



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 1, 1985

Michael R. Fanning, Esquire  
1125 Seventeenth Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Engineers Political Education  
Committee  
Frank Hanley, Treasurer

Dear Mr. Fanning:

On May 22, 1984, the Commission found reason to believe that your clients violated 2 U.S.C. § 441a(a)(2)(A). At your request, the Commission determined on December 4, 1984, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On January 29, 1985, the Commission considered your January 2, 1985 letter of counterproposal.

The Commission accepted your counterproposed changes to the text of the conciliation agreement sent to you on December 5, 1984. However, the Commission rejected your counterproposed civil penalty and approved a proposal imposing a \$500 civil penalty.

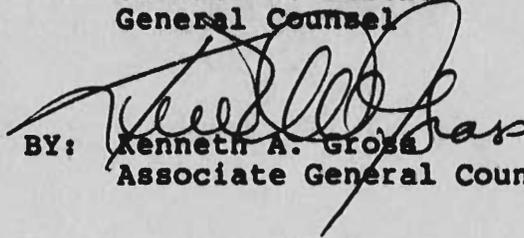
Enclosed is a revised conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please have it signed and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually

85040520595

satisfactory conciliation agreement, please contact Paul Reyes,  
the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

  
BY: Kenneth A. Gross  
Associate General Counsel

Enclosure

85040520596

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Engineers Political Education ) MUR 1640  
Committee )  
Frank Hanley, Treasurer )

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Mr. James Edward Antosh. The Commission found reason to believe that the Engineers Political Education Committee and Frank Hanley, as treasurer, ("Respondents"), violated 2 U.S.C. § 441a(a)(2)(A) by contributing in excess of \$5,000 to the Congressman St. Germain Reelection Committee in connection with the September 14, 1982 Rhode Island primary election and an investigation was conducted.

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. § 437(a)(4)(A)(i).

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

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

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

1. Respondent, Engineer's Political Education Committee, the separate segregated fund of the International Union of

85040520597

Operating Engineers, is a multicandidate political committee within the meaning of Section 100.5(e)(3) of Title 11, Code of Federal Regulations.

2. Respondent Frank Hanley serves as treasurer for the Engineer's Political Education Committee (hereinafter "EPEC").

3. Section 441a(a)(2)(A) of Title 2 United States Code, provides that multicandidate committees, within the meaning of 11 C.F.R. § 100.5(e)(3), may contribute no more than \$5,000 with respect to a federal election.

4. EPEC made a contribution to the Congressman St. Germain Reelection Committee (hereinafter "the Committee") on July 22, 1981, which was designated for the 1982 primary in the amount of \$1,000.

5. EPEC made a contribution to the Committee on March 9, 1982, which was designated for the 1982 primary in the amount of \$2,000.

6. EPEC made a contribution to the Committee on July 16, 1982, which was not designated in writing for any election, in the amount of \$5,000.

7. The Rhode Island primary election was held on September 14, 1982.

8. Section 110.1 of Title 11, Code of Federal Regulations, requires that contributions made prior to the date of an election and not designated in writing by the contributor for any

8 5 0 4 0 5 2 0 5 9 8

election, must be presumed by the recipient, as for the next occurring election.

V. By its \$5,000 undesignated contribution to the Congressman St. Germain Reelection Committee, EPEC exceeded the limit established by 2 U.S.C. § 441a(a)(2)(A).

VI. Subsequent to the 1982 election cycle, and prior to the Complaint in this matter, the administrative procedures of EPEC/IUOE were modified to preclude the likelihood of a recurrence of the violation identified herein.

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of Five Hundred Dollars (\$500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. 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.

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

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

85040520599

XI. 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.

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

FOR THE COMMISSION:

Charles N. Steele  
General Counsel

BY:

\_\_\_\_\_  
Kenneth A. Gross  
Associate General Counsel

\_\_\_\_\_  
Date

FOR THE RESPONDENT:

\_\_\_\_\_  
Frank Hanley, Treasurer  
Engineers Political Education  
Committee

\_\_\_\_\_  
Date

85040520600



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Robert O. Tiernan, Esquire  
Suite 299  
1800 M Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Congressman St. Germain Reelection  
Committee  
Fernand J. St. Germain, Treasurer

Dear Mr. Tiernan:

On May 22, 1984, the Commission found reason to believe that your clients violated 2 U.S.C. § 441a(f). At your request, the Commission determined on December 4, 1984, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On , 1985, the Commission considered your January 7, 1985 letter of counterproposal.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

BY: Kenneth A. Gross  
Associate General Counsel

Enclosure

PRR  
4/31/84

85040520601



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Michael R. Fanning, Esquire  
1125 Seventeenth Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Engineers Political Education  
Committee  
Frank Hanley, Treasurer

Dear Mr. Fanning:

On May 22, 1984, the Commission found reason to believe that your clients violated 2 U.S.C. § 441a(a)(2)(A). At your request, the Commission determined on December 4, 1984, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On January 29, 1985, the Commission considered your January 2, 1985 letter of counterproposal.

The Commission accepted your counterproposed changes to the text of the conciliation agreement sent to you on December 5, 1984. However, the Commission rejected your counterproposed civil penalty and approved a proposal imposing a \$500 civil penalty.

Enclosed is a revised conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please have it signed and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually

PRR  
1/31/84

85040520602

satisfactory conciliation agreement, please contact Paul Reyes,  
the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

BY: Kenneth A. Gross  
Associate General Counsel

Enclosure

85040520603



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL  
FROM: MARJORIE W. EMMONS/JODY C. RANSOM *JCR*  
DATE: JANUARY 25, 1985  
SUBJECT: OBJECTIONS - MUR 1640 General Counsel's  
Report signed January 22, 1985

The above-named document was circulated to the  
Commission on Wednesday, January 23, 1985 at 4:00.

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

Commissioner Aikens	<u>          X          </u>
Commissioner Elliott	<u>                          </u>
Commissioner Harris	<u>                          </u>
Commissioner McDonald	<u>                          </u>
Commissioner McGarry	<u>                          </u>
Commissioner Reiche	<u>          X          </u>

This matter will be placed on the Executive Session  
agenda for Tuesday, January 29, 1985.

85040520604



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL  
FROM: MARJORIE W. EMMONS/JODY C. RANSOM *JCR*  
DATE: JANUARY 24, 1985  
SUBJECT: OBJECTION - MUR 1640 General Counsel's  
Report signed January 22, 1985

The above-named document was circulated to the  
Commission on Wednesday, January 23, 1985 at 4:00.

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

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

This matter will be placed on the Executive Session  
agenda for Tuesday, January 29, 1985.

85040520605



FEDERAL ELECTION COMMISSION  
 WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary  
 FROM: Office of General Counsel  
 DATE: January 23, 1985  
 SUBJECT: MUR 1640 General Counsel's Report

The attached is submitted as an Agenda document  
 for the Commission Meeting of \_\_\_\_\_  
 Open Session \_\_\_\_\_  
 Closed Session \_\_\_\_\_

85040520606

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

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED THE FEC  
COMMISION SECRETARY

In the Matter of )  
Congressman St. Germain Reelection )  
Committee )  
Fernand J. St. Germain, Treasurer )  
Engineers Political Education )  
Committee )  
International Union of )  
Operating Engineers )  
Frank Hanley, Treasurer )

05 JAN 23 11:00  
MUR 1640

**SENSITIVE**

GENERAL COUNSEL'S REPORT

I. BACKGROUND

The Commission, on December 4, 1984, entered into conciliation with the Engineers Political Education Committee, International Union of Operating Engineers and Frank Hanley as treasurer (the "EPEC Respondents") and with the Congressman St. Germain Re-election Committee and Fernand St. Germain as treasurer, (the "St. Germain Respondents".)

The EPEC Respondents, by letter dated January 2, 1985, (attached) replied to the Commissions's offer of a conciliation agreement and civil penalty.

The St. Germain Respondents' reply was hand delivered on January 8, 1985.

85040520607



II. LEGAL ANALYSIS

A. EPEC

EPEC makes no argument to change the legal theory of this case. EPEC presents the same mitigating factors here that it presented in Conceding liability for deficiencies in its designation of elections, EPEC argues that the fact that the St. Germain Committee properly allocated and reported its contributions, and the fact that EPEC has revised its administrative procedures and contribution transmittal letters (attached) should serve to mitigate any penalty in this matter.

8  
5  
0  
4  
0  
5  
2  
0  
6  
0  
8

B. St. Germain

85040520609

85040520610

III. DISCUSSION OF CONCILIATION PROVISION AND CIVIL PENALTY  
A. EPEC

B. St. Germain

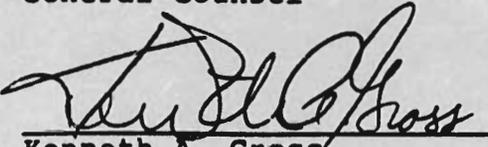
85040520611

IV. RECOMMENDATIONS

- 1. Accept EPEC's counterproposed language and civil penalty amount.
- 2. Accept the St. Germain Respondents counterproposed language and civil penalty amount.
- 3. Approve and send the attached, proposed conciliation agreements and letters.

Charles N. Steele  
General Counsel

January 22, 1985  
Date

BY:   
Kenneth A. Gross  
Associate General Counsel

Attachments

- 1. Respondents' counterproposals
- 2. Revised, proposed conciliation agreements.
- 3. Letters to Respondents (2)



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Robert O. Tiernan, Esquire  
Suite 299  
1800 M Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Congressman St. Germain Reelection  
Committee  
Fernand J. St. Germain, Treasurer

Dear Mr. Tiernan:

On May 22, 1984, the Commission found reason to believe that your clients violated 2 U.S.C. § 441a(f). At your request, the Commission determined on December 4, 1984, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On , 1985, the Commission considered your January 7, 1985 letter of counterproposal.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

BY: Kenneth A. Gross  
Associate General Counsel

Enclosure

Attachment 3

22

85040520612



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Michael R. Fanning, Esquire  
1125 Seventeenth Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Engineers Political Education  
Committee  
Frank Hanley, Treasurer

Dear Mr. Fanning:

On May 22, 1984, the Commission found reason to believe that your clients violated 2 U.S.C. § 441a(f). At your request, the Commission determined on December 4, 1984, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On , 1985, the Commission considered your January 2, 1985 letter of counterproposal.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

BY: Kenneth A. Gross  
Associate General Counsel

Enclosure

85040520613

GCC# 6327

*Byrd*

LAW OFFICES  
ROBERT O. TIERNAN  
SUITE 900  
1800 M STREET, N.W.  
WASHINGTON, D.C. 20036  
(202) 638-6617  
January 7, 1985

DELIVERED BY HAND

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

RE: MUR 1640  
Congressman St. Germain  
Reelection Committee  
Fernand J. St. Germain,  
Treasurer

1/11/85

85040520614

Dear Mr. Gross:

On December 5, 1984, in response to my earlier request, you informed me that the Commission had determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed with your notice of the Commission's determination to enter into negotiations prior to a finding of probable cause to believe was a draft conciliation agreement that the Commission approved in settlement of this matter.

After review of the proposed conciliation agreement, we reiterate our interest in bringing this matter to an early and mutually satisfactory conclusion and settlement. We propose no substantive changes in the Commission's draft agreement.



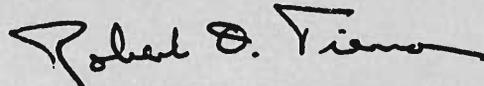
MUR 1640  
January 7, 1985  
Page 2

85040520615

In summary, we do not contest the Commission's substantive position in this matter and propose no alterations to the statement of the case and the applicable law in their draft conciliation agreement.

If the Commission is in agreement with our suggestions, we are prepared to recommend to our client that a redrafted conciliation agreement be signed without further delay, a civil penalty transmitted to the Commission, and this matter be concluded. If you have any comments or questions, please contact David E. Osterhout or me at 638-6617, or we would be pleased to meet again to discuss a timely resolution to this matter.

Sincerely yours,



ROBERT O. TIERNAN

ROT/deo

85040520616

LAW OFFICES

ROBERT O. TIERNAN

SUITE 299

1800 M STREET, N.W.

WASHINGTON, D. C. 20036

ATTENTION: Paul Reyes

DELIVERED BY HAND

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

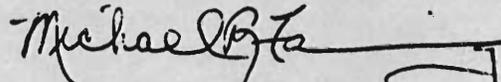
7 1 9 0 2 5 0 4 0 9 8



85040520619

We will await your response.

Sincerely,

  
Michael R. Fanning  
Counsel

MRF/jlw

Enclosure



8504052062

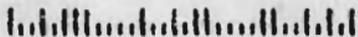
★ OFFICE OF GENERAL PRESIDENT

★ *International Union of Operating Engineers*

★ 1125 SEVENTEENTH STREET NORTHWEST ★ WASHINGTON, D.C. 20036



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



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Congressman St. Germain )  
Reelection Committee ) MUR 1640  
Fernand St. Germain, Treasurer )  
Engineers Political Education )  
Committee )  
Frank Hanley, Treasurer : )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the  
Federal Election Commission executive session of December 4,  
1984, do hereby certify that the Commission took the  
following actions in MUR 1640:

1. Decided by a vote of 4-0 to reduce the  
proposed civil penalty in the conciliation  
agreement with the Congressman St. Germain  
Reelection Committee from one thousand  
dollars (\$1,000) to three hundred dollars  
(\$300).

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

2. Decided by a vote of 4-0 to:
  - a) Enter into conciliation with the  
Congressman St. Germain Reelection  
Committee and Fernand St. Germain, as  
treasurer, and the Engineers Political  
Education Committee and Frank Hanley,  
as treasurer, prior to a finding of  
probable cause to believe.

(continued)

8 5 0 4 0 5 2 0 6 2 1

- b) Approve the proposed conciliation agreements attached to the General Counsel's report dated November 16, 1984, subject to reduction of the civil penalty in the agreement with the Congressman St. Germain Reelection Committee as noted above.
- c) Approve and send the letters attached to the General Counsel's report dated November 16, 1984.

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

Attest:

12-4-84

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

85040520622



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 5, 1984

Michael R. Fanning, Esquire  
1125 Seventeenth Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Engineers Political Education  
Committee  
Frank Hanley, Treasurer

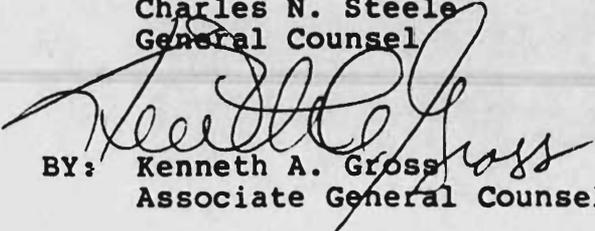
Dear Mr. Fanning:

On May 22, 1984, the Commission found reason to believe that your clients violated 2 U.S.C. § 441a(a)(2)(A). At your request, the Commission determined on December 4, 1984, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

BY:   
Kenneth A. Gross  
Associate General Counsel

Enclosure

85040520623



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 5, 1984

Robert O. Tiernan, Esquire  
Suite 299  
1800 M Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Congressman St. Germain Reelection  
Committee  
Fernand J. St. Germain, Treasurer

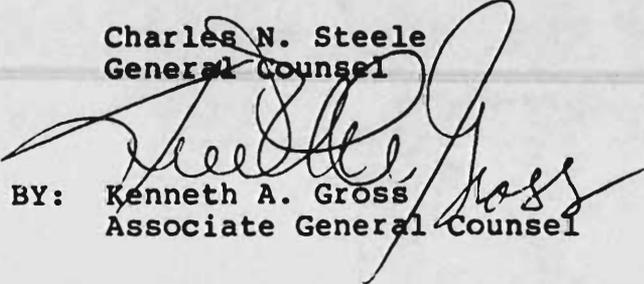
Dear Mr. Tiernan:

On May 22, 1984, the Commission found reason to believe that your clients violated 2 U.S.C. § 441a(f). At your request, the Commission determined on December 4, 1984, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

BY:   
Kenneth A. Gross  
Associate General Counsel

Enclosure

85040520624



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

*CM*

Robert O. Tiernan, Esquire  
Suite 299  
1800 M Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Congressman St. Germain Reelection  
Committee  
Fernand J. St. Germain, Treasurer

Dear Mr. Tiernan:

On May 22, 1984, the Commission found reason to believe that your clients violated 2 U.S.C. § 441a(f). At your request, the Commission determined on December 4, 1984, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

BY: Kenneth A. Gross  
Associate General Counsel

Enclosure

85040520625



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

*PRR*

Michael R. Fanning, Esquire  
1125 Seventeenth Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Engineers Political Education  
Committee  
Frank Hanley, Treasurer

Dear Mr. Fanning:

On May 22, 1984, the Commission found reason to believe that your clients violated 2 U.S.C. § 441a(a)(2)(A). At your request, the Commission determined on December 4, 1984, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

BY: Kenneth A. Gross  
Associate General Counsel

Enclosure

85040520626



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE  
GENERAL COUNSEL *MWC*

FROM: MARJORIE W. EMMONS/JODY C. RANSOM *JCR*

DATE: NOVEMBER 26, 1984

SUBJECT: MUR 1640 - General Counsel's Report  
signed November 16, 1984

You were previously notified that the above-captioned matter was approved on November 21, 1984 by a vote of 5-0. However, Commissioner McDonald submitted an objection to the General Counsel's Report this morning.

Commissioner McDonald's Executive Assistant, Walter Moore, conferred with the docket room and was informed that the letters in this matter have not yet been mailed. It is therefore the request of Commissioner McDonald's office that this matter be placed on the Executive Session agenda for Tuesday, December 4, 1984. It is our understanding that your office has no problem with this.

85040520627



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary  
FROM: Office of General Counsel *CW*  
DATE: November 16, 1984  
SUBJECT: MUR 1640 - 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]	Audit Matters	[ ]
Non-Sensitive	[ ]	Litigation	[ ]
24 Hour No Objection	[ ]	Closed MUR Letters	[ ]
Sensitive	[ ]	Status Sheets	[ ]
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Information	[ ]	Other (see distribution below)	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]		
Other	[ ]		

85040520628

**CONFIDENTIAL**

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
THE FEC  
SECRETARY

In the Matter of )  
 )  
Congressman St. Germain Reelection )  
Committee )  
Fernand St. Germain, Treasurer )  
Engineers Political Education )  
Committee )  
Frank Hanley, Treasurer )

84 NOV 16 P 3:47

MUR 1640

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

On May 22, 1984, the Commission found that there was reason to believe that the Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE" or "EPEC"), and Frank Hanley, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution in connection with the September 14, 1982, Rhode Island primary election. The Commission also found reason to believe that the Congressman St. Germain Reelection Committee and Fernand J. St. Germain, as treasurer, violated 2 U.S.C. § 441a(f) by accepting that contribution.

Both the St. Germain Committee and EPEC responded to the Commission's reason to believe notification. On June 6, 1984, counsel for St. Germain Committee responded. In that letter counsel requested a meeting with the General Counsel's Office to discuss the issues of the case.

This Office and respondent's counsel met on June 12, 1984. At that meeting counsel and staff discussed the necessity for providing a written, contemporaneous authorization for

85040520629

8 5 0 4 0 5 2 0 6 3 0

designation of the \$5,000 contribution received from EPEC as partially for the 1982 primary election and partially for the 1982 general election. Counsel indicated that he would see what was available and that perhaps he would be able to get an affidavit from Congressman St. Germain. On June 29, 1984, an affidavit from Congressman St. Germain and cover letter from counsel were received by the Commission (Attachment I). Counsel for EPEC, in response to the Commission's reason to believe notification, forwarded on July 11, 1984, an affidavit from Mr. John J. Brown, Director of Legislation, which set forth facts surrounding the making of the contribution.

The Office of General Counsel does not believe that the responses to the reason to believe notification vitiate the violation. Accordingly, pursuant to the request of EPEC in its June 11, 1984, letter in which it stated that it wished to "settle this matter through conciliation prior to a finding of probable cause", and pursuant to the request of the St. Germain Committee "to explore the possibility for a mutually satisfactory resolution of this compliance action prior to the statutory steps antecedent to a finding of probable cause", the Office of General Counsel recommends that the Commission enter into pre-probable cause conciliation with the respondents.

## II. LEGAL ANALYSIS

Section 441a(f) of Title 2, United States Code, prohibits candidates and committees from accepting illegal contributions.

Section 441a(a)(2)(A) of Title 2, United States Code, limits multicandidate committee contributions to \$5,000 with respect to any election.

Section 110.1(a)(2) of Title 11, Code of Federal Regulations, provides that contributions not designated in writing by a contributor for a particular election are attributable to the primary election if made on or before the date of the primary election and for the general election if made after the date of the primary election.

Based on reports on file with the Commission, the chart below demonstrates that all of the EPEC/IUOE contributions were made before the September 14, 1982, primary election in Rhode Island.

<u>Amount</u>	<u>Date Reported Made</u>	<u>Donor's Elec. Desig.</u>	<u>Recip. Rec'd</u>	<u>Recip. Desig.</u>
\$1,000	7/22/81	P	8/26/81	P
\$2,000	3/9/82	P	3/24/82	P & G
\$5,000	7/16/82	None	7/26/82	\$2,000 P \$3,000 G

EPEC, in its response to the complaint, contended that no violation of the Act occurred because its transmittal letter accompanying the \$5,000 contribution carried a statement that

"If this check together with any other contributions from our Local Unions exceeds the amount provided by Federal Law, please advise."

EPEC explained that prior to January 1983, it included this statement in each of its contribution transmittal letters "to assure that each recipient committee would allocate contributions

85040520631

from EPEC/IUOE and its affiliated committees in compliance with the . . . Act, or return any amounts which could not properly be accepted."

EPEC further explained that it has revised its administrative procedures to avoid confusion in the future.

8 5 0 4 0 5 2 0 6 3 2  
The St. Germain Committee's response to notice of the complaint essentially said that, since they could have accepted a total of \$10,000 -- \$5,000 for the 1982 primary and \$5,000 for the general election -- at any time prior to the September 14, 1982, primary, the receipt of a total of \$8,000 prior to the primary was well within the limitations of the Act. It is the Committee's contention that EPEC/IUOE made a proper designation for the primary and general election with their \$5,000 check on July 26, 1982, because the phrase quoted above from EPEC's transmittal letters was understood by it "...to be a designation in writing from the contributor, EPEC/IUOE, to allocate all contributions from EPEC/IUOE and its affiliated local committees in compliance with the Act. . . ." The Committee further explained that it reviewed its records and allocated the \$5,000 contribution "...so as to abide by applicable contribution limitations. . . ."

In sum, the Committee contended that no violation by it occurred because "...their actions in accepting, recording and reporting the July 26, 1982, contribution from EPEC/IUOE were in accord with the contributor's written instructions and grant of authority. . . ."

Subsequent to the Commission's finding reason to believe a violation occurred in this matter, both respondents have submitted affidavits as evidence of EPEC's consent for the St. Germain Committee to redesignate the \$5,000 contribution for the primary and general election. For several reasons this Office believes that these mutually corroborative affidavits should be accepted by the Commission in mitigation of the violation of 2 U.S.C. § 441a(a)(2)(A) and 2 U.S.C. § 441a(f). The General Counsel believes, however, that these affidavits do not serve to fulfill the requirement for a written, contemporaneous designation of the EPEC contribution.

The July 1, 1982, contribution was received before the September 14, 1982 primary election and obviously breached the limit of \$5,000 set forth at 2 U.S.C. § 441a. The St. Germain Committee seemed to realize that. The Committee response to notification of the complaint says the Committee relied upon what it perceived as EPEC's stated instructions to allocate in accordance with the limits contained in the EPEC boilerplate cited above. The affidavit submitted by Congressman St. Germain further indicates that on the date he received the \$5,000 check from EPEC, EPEC's total contributions to his campaign was \$8,000. He explains that, "[s]hortly, thereafter, [he] had a conversation with Mr. John J. Brown, Director of Legislation for EPEC/IUOE, in which he indicated that two thousand dollars was for the primary election, bringing their total contributions for the primary to five thousand dollars; and the remaining three thousand dollars

85040520633

was intended as a contribution to the general election." This conversation arguably may be seen as the response that EPEC sought when its boilerplate directed recipients to "please advise" if this contribution exceeded the limits.

Mr. Brown's affidavit asserts that he is the person at EPEC responsible for maintaining running tabulations of all contributions from EPEC. His authority to consent to the St. Germain Committee's redesignation of this contribution is apparent. On the basis of the affidavits, it appears that the St. Germain Committee felt it had oral consent to redesignate. The regulations, however, require a written designation.

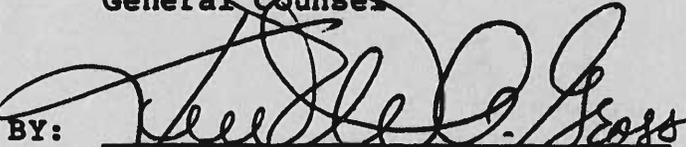
III. DISCUSSION OF CONCILIATION  
PROVISIONS AND CIVIL PENALTY

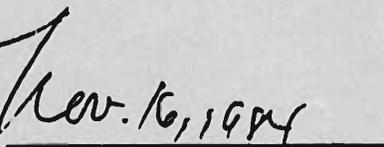
85040520634

IV. RECOMMENDATIONS

1. Enter into conciliation with the Congressman St. Germain Reelection Committee and Fernand St. Germain, as treasurer, and the Engineers Political Education Committee and Frank Hanley, as treasurer, prior to a finding of probable cause to believe.
2. Approve the attached proposed conciliation agreements.
3. Approve and send the attached letters.

Charles N. Steele  
General Counsel

BY:   
 Kenneth A. Gross  
 Associate General Counsel

  
 Date

85040520635

Attachments

- Proposed Conciliation Agreements
- Letters (2)
- Congressman St. Germain Relection Committee's RTB response
- EPEC/IUOE's RTB response



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Robert O. Tiernan, Esquire  
Suite 299  
1800 M Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Congressman St. Germain Reelection  
Committee  
Fernand J. St. Germain, Treasurer

Dear Mr. Tiernan:

On May 22, 1984, the Commission found reason to believe that your clients violated 2 U.S.C. § 441a(f). At your request, the Commission determined on \_\_\_\_\_, 1984, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

BY: Kenneth A. Gross  
Associate General Counsel

Enclosure

ATTACHMENT 2

9

85040520636



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Michael R. Fanning, Esquire  
1125 Seventeenth Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Engineers Political Education  
Committee  
Frank Hanley, Treasurer

Dear Mr. Fanning:

On May 22, 1984, the Commission found reason to believe that your clients violated 2 U.S.C. § 441a(a)(2)(A). At your request, the Commission determined on \_\_\_\_\_, 1984, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

BY: Kenneth A. Gross  
Associate General Counsel

Enclosure

85040520637

600 # 3441  
Reyes

LAW OFFICES  
ROBERT O. TIERNAN  
SUITE 200  
1800 M STREET, N.W.  
WASHINGTON, D.C. 20036  
(202) 638-6617

June 5, 1984

JUN 6 AM 10:16

DELIVERED BY HAND

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

Re: MUR 1640  
Congressman Fernand  
St. Germain et al

Dear Mr. Gross:

I am in receipt of your letter of May 25, 1984 notifying me of the Commission's determination and finding of reason to believe that my clients in the above referenced matter have violated 2 U.S.C. §441a(f), a provision of the Federal Election Campaign Act of 1971, as amended. Your May 25, 1984 notification letter was postmarked May 29, 1984 and received in this office on May 30, 1984.

I am interested in arranging a meeting with you and appropriate members of the General Counsel's staff at your earliest convenience to discuss several issues in this matter which are raised in your letter, and to explore the possibility for a mutually satisfactory resolution of this compliance action prior to the statutory steps which are a necessary antecedent to a finding of probable cause. David E. Osterhout, an attorney in this office, will be in touch with you to arrange an agreeable time for such a meeting.

Thanking you for your attention in this matter, I am,

Sincerely yours,

*Robert O. Tiernan*  
ROBERT O. TIERNAN

ROT/deo

ATTACHMENT 3

85040520638

LAW OFFICES  
ROBERT O. TIERNAN  
SUITE 800  
1800 M STREET, N.W.  
WASHINGTON, D.C. 20036  
(202) 608-6617  
June 28, 1984

Reyes  
JUN 28 1984 12:23  
JUN 28 1984 1:59

Mr. Paul Reyes  
Office of General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Re: MUR 1640

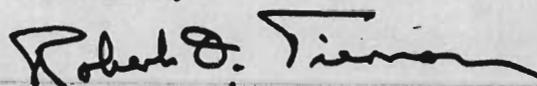
Dear Paul:

This letter follows up on our meeting with Tom Whitehead and you on June 12, 1984. At that time we discussed the Commission's notification letter of May 25, 1984 in MUR 1640 and our subsequent response of June 5, 1984 seeking a mutually satisfactory resolution of this compliance action prior to the statutory steps which must precede any probable cause finding.

Based upon our discussion of the Commission's finding at this meeting, it is our understanding that the sole question in this matter is the technical issue whether EPEC/IUOE made a proper designation for the Primary and General election when they made a contribution totalling \$5,000.00 to Respondent in July 1982. In further amplification of the circumstances in which this July 1982 contribution from EPEC/IUOE was received and reported by Respondent, we are providing the attached affidavit from Respondent describing a conversation he had with an official of EPEC/IUOE concerning the appropriate allocation of this contribution to Respondent's 1982 Primary and General elections.

After you have reviewed this additional material in support of the proper designation and allocation of EPEC/IUOE's July 1982 contribution for the Primary and General election on Respondent's FEC Form 3 reports for that period, we would be pleased to meet again to discuss a timely resolution to this matter.

Sincerely,



ROBERT O. TIERNAN

ROT/deo  
Attachment

85040520639

District of Columbia :  
City of Washington : SS:

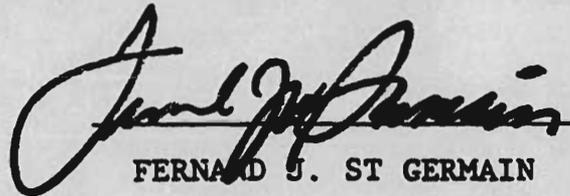
AFFIDAVIT OF CONGRESSMAN FERNAND J. ST GERMAIN

I, Fernand J. St Germain, being duly sworn according to law, desposes and says:

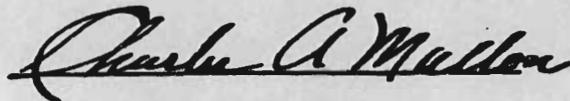
That, on July 27, 1982, I received a check in the amount of Five Thousand (\$5,000.00) Dollars as a contribution to the "Congressman St Germain Re-election Committee" from the Engineers Political Education Committee (EPEC). The total contributions received from EPEC at that date was Eight Thousand (\$8,000.00) Dollars.

Shortly thereafter, I had a conversation with Mr. John J. Brown, Director of Legislation for EPEC/IUOE, in which he indicated Two Thousand (\$2,000.00) Dollars was intended for the Primary election, bringing their total contributions for the Primary to Five Thousand (\$5,000.00) Dollars; and the remaining Three Thousand (\$3,000.00) Dollars was intended as a contribution to the General Election.

As a result of this conversation with Mr. Brown, I reported Two Thousand (\$2,000.00) Dollars as a contribution to the Primary election and Three Thousand (\$3,000.00) Dollars for the General election in my Federal Election Commission filing.

  
FERNAND J. ST GERMAIN

Subscribed and sworn to before me on June 27, 1984

  
NOTARY PUBLIC  
Charles A. Mallon  
Notary Public, Dist. of Columbia  
Commission Expires, Sept. 30, 1984

85040520640



RECEIVED THE FEC  
IUP  
*International Union of Operating Engineers*

1125 SEVENTEENTH STREET NORTHWEST \* WASHINGTON, D. C. 20036  
AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

OFFICE OF GENERAL PRESIDENT • (202) 429-9100

June 8, 1984

JUN 11 11:10:35 AM '84

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

Re: MUR 1640

Dear Mr. Steele:

In response to the May 25, 1984 letter of Chairman Elliott, received on May 30, please be advised that EPEC/IUOE wishes to settle this matter through conciliation prior to a finding of probable cause.

I will await further information from your office concerning conciliation.

Sincerely,

*Michael R. Fanning*  
Michael R. Fanning  
Counsel

MRF/jlw

85040520641

ATTACHMENT 4



★  
★  
★  
★  
★  
★  
★  
★  
★  
★  
★

# International Union of Operating Engineers

1125 SEVENTEENTH STREET NORTHWEST \* WASHINGTON, D. C. 20036  
AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

OFFICE OF GENERAL PRESIDENT • (202) 429-9100

JUL 11 AM 11:57

July 11, 1984

85040520642

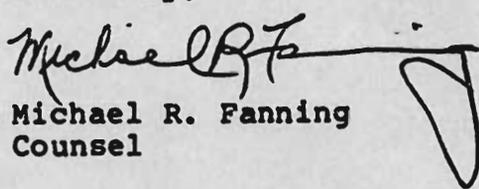
Mr. Paul Reyes  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Re: MUR 1640

Dear Mr. Reyes:

Enclosed is an affidavit of John J. Brown, Director of Legislation of the International Union of Operating Engineers, submitted in connection with the above-captioned matter.

Sincerely,

  
Michael R. Fanning  
Counsel

MRF/jlw

Enclosure

AFFIDAVIT OF JOHN J. BROWN

I John J. Brown being first duly sworn depose and state that:

1. I am the Director of Legislation of the International Union of Operating Engineers and have held that position since 1976.

2. Among other duties, as Director of Legislation, I initiate requests to the Engineers Political Education Committee of the International Union of Operating Engineers (EPEC/IUOE) for contributions to be made to candidates for federal office. I am also responsible for maintaining running tabulations of all contributions made by EPEC/IUOE to federal candidates.

3. Upon my recommendation on July 16, 1983 EPEC/IUOE contributed \$5,000 to the Congressman St. Germain Campaign Committee.

4. Prior to July 16, 1983 EPEC/IUOE had, upon my recommendation made two previous contributions to the St. Germain Committee totaling \$3,000 in connection with Congressman St. Germain's reelection campaign.

85040520643

5. The transmittal letter which accompanied the July 16 contribution, drafted in my office for the signatures of the Chairman and Treasurer of EPEC/IUOE, explicitly advised the St. Germain Committee of EPEC/IUOE's connection with the International Union of Operating Engineers and its local unions, and directed that the contribution be allocated in compliance with applicable federal law.

6. In addition to the written instruction of the transmittal letter I orally advised Congressman St. Germain shortly after the July 16 contribution that his campaign committee should allocate \$2,000 of the contribution to his primary election campaign and \$3,000 to the general election campaign in compliance with applicable federal law.

John J. Brown  
John J. Brown

Subscribed and sworn to before me  
this 10th day of July 1984.

Adele D. Hazel  
Notary Public

My Commission Expires September 30, 1986

(17)

85040520644

Case # 4009



★  
★  
★  
★  
★  
★  
★  
★  
★  
★  
★

# International Union of Operating Engineers

1125 SEVENTEENTH STREET NORTHWEST ★ WASHINGTON, D. C. 20036  
AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

OFFICE OF GENERAL PRESIDENT • (202) 429-9100

JUL 11 AM 11:57

July 11, 1984

85040520643

Mr. Paul Reyes  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Re: MUR 1640

Dear Mr. Reyes:

Enclosed is an affidavit of John J. Brown, Director of Legislation of the International Union of Operating Engineers, submitted in connection with the above-captioned matter.

Sincerely,

*Michael R. Fanning*  
Michael R. Fanning  
Counsel

MRF/jlw

Enclosure

1477

AFFIDAVIT OF JOHN J. BROWN

I John J. Brown being first duly sworn depose and state that:

1. I am the Director of Legislation of the International Union of Operating Engineers and have held that position since 1976.

2. Among other duties, as Director of Legislation, I initiate requests to the Engineers Political Education Committee of the International Union of Operating Engineers (EPEC/IUOE) for contributions to be made to candidates for federal office. I am also responsible for maintaining running tabulations of all contributions made by EPEC/IUOE to federal candidates.

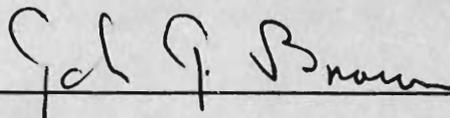
3. Upon my recommendation on July 16, 1983 EPEC/IUOE contributed \$5,000 to the Congressman St. Germain Campaign Committee.

4. Prior to July 16, 1983 EPEC/IUOE had, upon my recommendation made two previous contributions to the St. Germain Committee totaling \$3,000 in connection with Congressman St. Germain's reelection campaign.

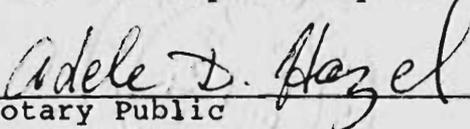
85040520646

5. The transmittal letter which accompanied the July 16 contribution, drafted in my office for the signatures of the Chairman and Treasurer of EPEC/IUOE, explicitly advised the St. Germain Committee of EPEC/IUOE's connection with the International Union of Operating Engineers and its local unions, and directed that the contribution be allocated in compliance with applicable federal law.

6. In addition to the written instruction of the transmittal letter I orally advised Congressman St. Germain shortly after the July 16 contribution that his campaign committee should allocate \$2,000 of the contribution to his primary election campaign and \$3,000 to the general election campaign in compliance with applicable federal law.

  
\_\_\_\_\_  
John J. Brown

Subscribed and sworn to before me  
this 10th day of July 1984.

  
\_\_\_\_\_  
Notary Public

My Commission Expires September 30, 1986

85040520647



★  
★ OFFICE OF GENERAL PRESIDENT

★  
★ *International Union of Operating Engineers*

★ 1125 SEVENTEENTH STREET NORTHWEST ★ WASHINGTON, D.C. 20036

★

8 5 0 4 0 5 2 0 6

Mr. Paul Reyes  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463



Conf 3578  
RECEIVED AT THE FEC

84 JUN 29 12:23  
MUN 20  
11:59

LAW OFFICES  
ROBERT O. TIERNAN  
SUITE 200  
1300 M STREET, N.W.  
WASHINGTON, D.C. 20036  
(202) 638-6617  
June 28, 1984

Mr. Paul Reyes  
Office of General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Re: MUR 1640

Dear Paul:

This letter follows up on our meeting with Tom Whitehead and you on June 12, 1984. At that time we discussed the Commission's notification letter of May 25, 1984 in MUR 1640 and our subsequent response of June 5, 1984 seeking a mutually satisfactory resolution of this compliance action prior to the statutory steps which must precede any probable cause finding.

Based upon our discussion of the Commission's finding at this meeting, it is our understanding that the sole question in this matter is the technical issue whether EPEC/IUOE made a proper designation for the Primary and General election when they made a contribution totalling \$5,000.00 to Respondent in July 1982. In further amplification of the circumstances in which this July 1982 contribution from EPEC/IUOE was received and reported by Respondent, we are providing the attached affidavit from Respondent describing a conversation he had with an official of EPEC/IUOE concerning the appropriate allocation of this contribution to Respondent's 1982 Primary and General elections.

After you have reviewed this additional material in support of the proper designation and allocation of EPEC/IUOE's July 1982 contribution for the Primary and General election on Respondent's FEC Form 3 reports for that period, we would be pleased to meet again to discuss a timely resolution to this matter.

Sincerely,

*Robert O. Tiernan*  
ROBERT O. TIERNAN

ROT/deo  
Attachment

85040520649

District of Columbia :  
City of Washington : SS:

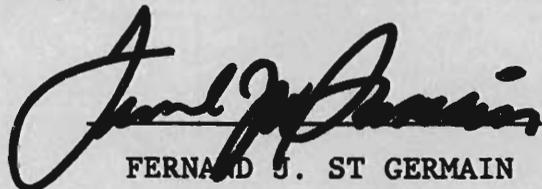
AFFIDAVIT OF CONGRESSMAN FERNAND J. ST GERMAIN

I, Fernand J. St Germain, being duly sworn according to law, desposes and says:

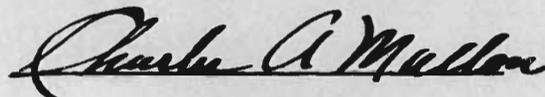
That, on July 27, 1982, I received a check in the amount of Five Thousand (\$5,000.00) Dollars as a contribution to the "Congressman St Germain Re-election Committee" from the Engineers Political Education Committee (EPEC). The total contributions received from EPEC at that date was Eight Thousand (\$8,000.00) Dollars.

Shortly thereafter, I had a conversation with Mr. John J. Brown, Director of Legislation for EPEC/IUOE, in which he indicated Two Thousand (\$2,000.00) Dollars was intended for the Primary election, bringing their total contributions for the Primary to Five Thousand (\$5,000.00) Dollars; and the remaining Three Thousand (\$3,000.00) Dollars was intended as a contribution to the General Election.

As a result of this conversation with Mr. Brown, I reported Two Thousand (\$2,000.00) Dollars as a contribution to the Primary election and Three Thousand (\$3,000.00) Dollars for the General election in my Federal Election Commission filing.

  
FERNAND J. ST GERMAIN

Subscribed and sworn to before me on June 27, 1984

  
NOTARY PUBLIC  
Charles A. Mallon  
Notary Public, Dist. of Columbia  
Commission Expires, Sept. 30, 1984

85040520650

85040520651

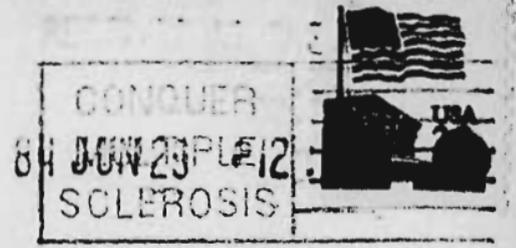
LAW OFFICES

ROBERT O. TIERNAN

SUITE 299

1800 M STREET, N.W.

WASHINGTON, D. C. 20036



Mr. Paul Reyes  
Office of General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20436



★  
★  
★  
★  
★  
★  
★  
★  
★  
★

Conf 3560  
RECEIVED AT THE FEC

# International Union of Operating Engineers

1125 SEVENTEENTH STREET NORTHWEST \* WASHINGTON, D. C. 20036  
AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

OFFICE OF GENERAL PRESIDENT • (202) 429-9100

JUN 11 11 41 AM '84 A10:35

June 8, 1984

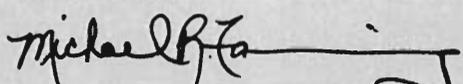
Charles N. Steele, Esq.  
General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Re: MUR 1640

Dear Mr. Steele:

In response to the May 25, 1984 letter of Chairman Elliott, received on May 30, please be advised that EPEC/IUOE wishes to settle this matter through conciliation prior to a finding of probable cause.

I will await further information from your office concerning conciliation.

Sincerely,  
  
Michael R. Fanning  
Counsel

MRF/jlw

85040520652



★  
★  
★  
★  
★  
★

OFFICE OF GENERAL PRESIDENT

*International Union of Operating Engineers*

★ 1125 SEVENTEENTH STREET NORTHWEST ★ WASHINGTON, D.C. 20036

504052063

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



GCC # 3491  
Page 1

LAW OFFICES  
ROBERT O. TIERNAN  
SUITE 200  
1800 M STREET, N.W.  
WASHINGTON, D.C. 20036  
(202) 638-6617

June 5, 1984

JUN 6 AM 11:16

DELIVERED BY HAND

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

Re: MUR 1640  
Congressman Fernand  
St. Germain et al

Dear Mr. Gross:

I am in receipt of your letter of May 25, 1984 notifying me of the Commission's determination and finding of reason to believe that my clients in the above referenced matter have violated 2 U.S.C. §441a(f), a provision of the Federal Election Campaign Act of 1971, as amended. Your May 25, 1984 notification letter was postmarked May 29, 1984 and received in this office on May 30, 1984.

I am interested in arranging a meeting with you and appropriate members of the General Counsel's staff at your earliest convenience to discuss several issues in this matter which are raised in your letter, and to explore the possibility for a mutually satisfactory resolution of this compliance action prior to the statutory steps which are a necessary antecedent to a finding of probable cause. David E. Osterhout, an attorney in this office, will be in touch with you to arrange an agreeable time for such a meeting.

Thanking you for your attention in this matter, I am,

Sincerely yours,

*Robert O. Tiernan*  
ROBERT O. TIERNAN

ROT/deo

85040520654





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE  
GENERAL COUNSEL

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

DATE: AUGUST 3, 1984

SUBJECT: MUR 1640 - COMPREHENSIVE INVESTIGATIVE  
REPORT #1 signed August 1, 1984

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 4:00 on August 2, 1984.

There were no objections to the Report at the time of the deadline.

85040520656



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary  
FROM: Office of General Counsel *CW*  
DATE: August 2, 1984  
SUBJECT: MUR 1640 - Comprehensive Investigative Report #1

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

Open Session \_\_\_\_\_

Closed Session \_\_\_\_\_

CIRCULATIONS

DISTRIBUTION

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

85040520657

BEFORE THE FEDERAL ELECTION COMMISSION OFFICE OF THE COMMISSION SECRETARY

84 AUG 2 AIO : 23

In the Matter of )  
 )  
Congressman St. Germain Reelection )  
Committee )  
Fernand St. Germain, Treasurer )  
Engineers Political Education )  
Committee )  
Frank Hanley, Treasurer )

MUR 1640

**SENSITIVE**

COMPREHENSIVE INVESTIGATIVE REPORT #1

8  
5  
6  
0  
2  
5  
4  
0  
5  
0  
4  
5  
8

On May 22, 1984, the Federal Election Commission found reason to believe that the Engineers Political Education Committee (EPEC) and Frank Hanley, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) of the Federal Election Campaign Act of 1971, as amended. The Commission also found that the Congressman St. Germain Reelection Committee (the "Committee" or "St. Germain Committee") violated 2 U.S.C. § 441a(f) by accepting contributions from EPEC which were made in violation of 2 U.S.C. § 441a(a)(2)(A). Respondents were notified by letter dated May 25, 1984, of this determination. Apparently the Commission's letter to counsel for the St. Germain Committee was not postmarked until May 29, 1984, and not received by counsel until May 30, 1984.

In his response to the Commission's notification, counsel for the St. Germain Committee requested a meeting with the General Counsel's Office to discuss the issues and "to explore the possibility for a mutually satisfactory resolution of this compliance action prior to the statutory steps antecedent to a finding of probable cause." This Office and respondent's

counsel met on June 12, 1984. At that meeting counsel and staff discussed the necessity for providing a written, contemporaneous authorization for the St. Germain Committee to redesignate a \$5,000 contribution received from EPEC as partially for the 1982 primary election and partially for the 1982 general election, where EPEC had designated (i.e., "checked off" on FEC Form 3x, Schedule B) the contribution for the primary election. Counsel indicated that he would see what was available and that perhaps they would be able to get an affidavit from Congressman St. Germain indicating his belief that they had the consent of EPEC to designate the contribution as they had. An affidavit and cover letter from respondent's counsel were received on June 29, 1984, by the Commission. The affidavit indicates that contemporaneous with the transmission of the contribution from EPEC, Congressman St. Germain "had a conversation with Mr. John J. Brown, Director of Legislation for EPEC in which he indicated Two Thousand Dollars (\$2,000) was intended for the primary election . . . and the remaining Three Thousand Dollars was intended as a contribution for the general election." Upon further inquiry, counsel has indicated that they will not be able to come up with any physical evidence of consent to redesignate.

On June 11, 1984, the Commission received a response to the Commission's notification of its reason to believe finding from EPEC's counsel. That brief response, dated June 8, 1984, simply indicated that EPEC wished to "settle this matter through

85040520659

conciliation prior to a finding of probable cause." At a later time, counsel for EPEC forwarded an affidavit from Mr. Brown corroborating the contentions of Congressman St. Germain that Mr. Brown intended that the contribution be designated as it was by the St. Germain Committee.

This Office is attempting to determine if the St. Germain Committee deposited the EPEC check into separate primary and general election accounts or separated the amounts in its book. When this information is received, a further report will be forthcoming.

Charles N. Steele  
General Counsel

August 1, 1984  
Date

BY:

Kenneth A. Gross  
Associate General Counsel

85040520660



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 25, 1984

Robert O. Tiernan, Esquire  
Suite 299  
1800 M Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Congressman Fernand J.  
St. Germain  
Congressman St. Germain Re-  
election Committee  
Congressman St. Germain  
Campaign Committee

Dear Mr. Tiernan:

The Federal Election Commission notified your clients on March 8, 1984, of a complaint alleging violations of certain sections 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.

Upon further review of the allegations contained in the complaint, and information supplied by your clients, the Commission, on May 22, 1984, determined that there is reason to believe that your clients have violated 2 U.S.C. § 441a(f), a provision of the Act. Specifically, it appears that your clients have accepted a contribution in excess of the limitations of the Act.

Your clients' response to the Commission's initial notification of this complaint did not provide complete information regarding the matter in question. You may submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Please file any such response within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. However, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2, of the enclosed procedures.

85040520661

Robert O. Tiernan, Esquire  
Page 2

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 have any questions, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,



Lee Ann Elliott  
Chairman

Enclosures  
Procedures

85040520662



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

PRR 5/24

Robert O. Tiernan, Esquire  
Suite 299  
1800 M Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Congressman Fernand J.  
St. Germain  
Congressman St. Germain Re-  
election Committee  
Congressman St. Germain  
Campaign Committee

Dear Mr. Tiernan:

The Federal Election Commission notified your clients on March 8, 1984, of a complaint alleging violations of certain sections 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.

Upon further review of the allegations contained in the complaint, and information supplied by your clients, the Commission, on , 1984, determined that there is reason to believe that your clients have violated 2 U.S.C. § 441a(f), a provision of the Act. Specifically, it appears that your clients have accepted a contribution in excess of the limitations of the Act.

Your clients' response to the Commission's initial notification of this complaint did not provide complete information regarding the matter in question. You may submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Please file any such response within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. However, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2, of the enclosed procedures.

85040520663

Robert O. Tiernan, Esquire  
Page 2

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 have any questions, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Enclosures  
Procedures

85040520664



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

PRR 5/24

Robert O. Tiernan, Esquire  
Suite 299  
1800 M Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Congressman Fernand J.  
St. Germain  
Congressman St. Germain Re-  
election Committee  
Congressman St. Germain  
Campaign Committee

Dear Mr. Tiernan:

The Federal Election Commission notified your clients on March 8, 1984, of a complaint alleging violations of certain sections 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.

Upon further review of the allegations contained in the complaint, and information supplied by your clients, the Commission, on , 1984, determined that there is reason to believe that your clients have violated 2 U.S.C. § 441a(f), a provision of the Act. Specifically, it appears that your clients have accepted a contribution in excess of the limitations of the Act.

Your clients' response to the Commission's initial notification of this complaint did not provide complete information regarding the matter in question. You may submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Please file any such response within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. However, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2, of the enclosed procedures.

85040520665

Robert O. Tiernan, Esquire  
Page 2

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 have any questions, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Enclosures  
Procedures

85040520666



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 25, 1984

Michael R. Fanning, Esquire  
International Union of Operating  
Engineers  
Engineers Political Education  
Committee  
1125 Seventeenth Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Engineers Political Education  
Committee  
Frank Hanley, Treasurer

Dear Mr. Fanning:

The Federal Election Commission notified your client on March 8, 1984, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by your client, the Commission, on May 22, 1984, determined that there is reason to believe that your client has violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that your client has made a contribution in excess of the limitations of the Act.

Your client's response to the Commission's initial notification of this complaint did not provide complete information regarding the matter in question. You may submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Please file any such response within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. However, in the absence of any information which demonstrates that no further action should be taken against your client, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2, of the enclosed procedures.

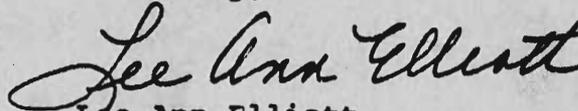
85040520667

Michael R. Fanning, Esquire  
Page 2

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 have any questions, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,



Lee Ann Elliott  
Chairman

Enclosures  
Procedures

85040520668



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Michael R. Fanning, Esquire  
International Union of Operating  
Engineers  
Engineers Political Education  
Committee  
1125 Seventeenth Street, N.W.  
Washington, D.C. 20036

*PR 5/24*

RE: MUR 1640  
Engineers Political Education  
Committee  
Frank Hanley, Treasurer

Dear Mr. Fanning:

The Federal Election Commission notified your client on March 8, 1984, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by your client, the Commission, on , 1984, determined that there is reason to believe that your client has violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that your client has made a contribution in excess of the limitations of the Act.

Your client's response to the Commission's initial notification of this complaint did not provide complete information regarding the matter in question. You may submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Please file any such response within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. However, in the absence of any information which demonstrates that no further action should be taken against your client, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2, of the enclosed procedures.

85040520669

Michael R. Fanning, Esquire  
Page 2

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 have any questions, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Enclosures  
Procedures

85040520670



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

*PRR 5/24*

Michael R. Fanning, Esquire  
International Union of Operating  
Engineers  
Engineers Political Education  
Committee  
1125 Seventeenth Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Engineers Political Education  
Committee  
Frank Hanley, Treasurer

Dear Mr. Fanning:

The Federal Election Commission notified your client on March 8, 1984, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by your client, the Commission, on , 1984, determined that there is reason to believe that your client has violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that your client has made a contribution in excess of the limitations of the Act.

Your client's response to the Commission's initial notification of this complaint did not provide complete information regarding the matter in question. You may submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Please file any such response within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. However, in the absence of any information which demonstrates that no further action should be taken against your client, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2, of the enclosed procedures.

8 5 0 4 0 5 2 0 6 7 1

Michael R. Fanning, Esquire  
Page 2

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 have any questions, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Enclosures  
Procedures

85040520672

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Fernand J. St. Germain, ) MUR 1640  
 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 5-0 to take the following actions in MUR 1640:

1. Find reason to believe that the Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) of the Federal Election Campaign Act of 1971, as amended.
2. Find reason to believe that the Congressman St. Germain Re-election Committee and Fernand J. St. Germain, as treasurer, violated 2 U.S.C. § 441a(f) of the Federal Election Campaign Act of 1971, as amended.
3. Approve the letters attached to the General Counsel's report dated May 14, 1984.

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

Attest:

5-24-84

Date

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

85040520673



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL  
FROM: MARJORIE W. EMMONS/JODY C. RANSOM *JCR*  
DATE: MAY 16, 1984  
SUBJECT: OBJECTION - MUR 1640 First General  
Counsel's Report dated May 14, 1984

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

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

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

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

85040520674



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary  
 FROM: Office of General Counsel *CA*  
 DATE: May 14, 1984  
 SUBJECT: MUR 1640 - First General Counsel's Report

The attached is submitted as an Agenda document  
 for the Commission Meeting of \_\_\_\_\_  
 Open Session \_\_\_\_\_  
 Closed Session \_\_\_\_\_

85040520675

CIRCULATIONS

DISTRIBUTION

48 Hour Tally Vote	<input checked="" type="checkbox"/>	Compliance	<input checked="" type="checkbox"/>
Sensitive	<input checked="" type="checkbox"/>	Audit Matters	<input type="checkbox"/>
Non-Sensitive	<input type="checkbox"/>	Litigation	<input type="checkbox"/>
24 Hour No Objection	<input type="checkbox"/>	Closed MUR Letters	<input type="checkbox"/>
Sensitive	<input type="checkbox"/>	Status Sheets	<input type="checkbox"/>
Non-Sensitive	<input type="checkbox"/>	Advisory Opinions	<input type="checkbox"/>
Information	<input type="checkbox"/>	Other (see distribution below)	<input type="checkbox"/>
Sensitive	<input type="checkbox"/>		
Non-Sensitive	<input type="checkbox"/>		
Other	<input type="checkbox"/>		

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SENSITIVE**

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

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT **14 P 3: 45**

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

MUR NO. 1640  
DATE COMPLAINT RECEIVED  
BY OGC 3/1/84  
DATE OF NOTIFICATION TO  
RESPONDENT 3/8/84  
STAFF MEMBER  
Paul Reyes

COMPLAINANT'S NAME: Mr. James Edward Antosh

RESPONDENTS' NAMES: Fernand J. St. Germain, individually and  
as treasurer of Congressman St. Germain  
Campaign Committee  
Congressman St. Germain Campaign Committee  
Congressman St. Germain Re-election  
Committee  
Engineers Political Education Committee/  
International Union of Operating  
Engineers  
Frank Hanley, treasurer of EPEC

RELEVANT STATUTE: 2 U.S.C. §§ 441a(f) and 441a(a)(2)(A)  
11 C.F.R. § 104.14(d)

INTERNAL REPORTS  
CHECKED: Committee Reports

FEDERAL AGENCIES  
CHECKED: None

**SUMMARY OF ALLEGATIONS**

Mr. Antosh alleges that respondents have contributed or received an aggregate in excess of \$5,000 for the 1982 federal primary election in which Mr. Fernand J. St. Germain was a candidate for office. The St. Germain Campaign Committee, its treasurer and Fernand J. St. Germain are alleged to have knowingly misreported the EPEC/IUOE contributions in order to accept contributions from EPEC/IUOE in excess of the multicandidate committee limit.

8  
5  
0  
4  
0  
5  
2  
0  
6  
7  
6

EPEC/IUOE, the St. Germain committee and their treasurers are alleged to have violated 11 C.F.R. § 104.14(d) by failing to accurately report contributions.

Mr. Antosh alleges that records on file with the Commission from the Congressman St. Germain Campaign Committee and EPEC/IUOE demonstrate that excessive contributions were made, received and reported incorrectly in violation of the FECA. He alleges that EPEC/IUOE's making an undesignated contribution (i.e., not checking off an election box on Schedule B) of \$5,000 in July, 1982, before the September 14, 1982, Rhode Island primary election indicates that the entire amount was intended by EPEC/IUOE for that primary election. The undesignated amount plus two prior contributions of \$1,000 and \$2,000 marked for the primary by EPEC/IUOE are alleged to constitute an excessive contribution of \$3,000 made by EPEC/IUOE and accepted by the St. Germain Campaign Committee.

Commission notification of the receipt of these complaints was mailed to respondents on March 8, 1984. On March 14, 1984, the St. Germain Committee requested an extension of time in which to file its response and a ten day extension was granted extending the Committee's response time to April 6, 1984. The Engineers Political Education Committee of the International Union of Operating Engineers (EPEC) responded in writing on March 23, 1984.

FACTUAL AND LEGAL ANALYSIS

Section 441a(f) of Title 2, United States Code, prohibits candidates and committees from accepting illegal contributions.

85040520677

Section 441a(a)(2)(A) of Title 2, United States Code, limits multicandidate committee contributions to \$5,000 with respect to any election. Commission Regulations at 11 C.F.R. § 104.14(d) make treasurers personally responsible for the timely and complete filing of reports or statements and the accuracy of any information contained in the reports or statements.

Commission regulations regarding contribution limits at 11 C.F.R. § 110.1(a)(1)(2)(i), (ii) and § 110.2(a)(1) contemplate the receipt of "designated" and "undesignated" contributions by candidates. The phrase, "with respect to any election" means, in the case of a contribution designated in writing for a particular election, the election so designated. In the case of an undesignated contribution it means a primary election if made on or before the date of that election or a general election if made after the date of the primary election. Review of the reports of both committees shows that the two smaller contributions were marked as alleged; the \$5,000 contribution was undesignated by the contributor.

Commission regulations at 11 C.F.R. § 102.9(e) state that candidates and their authorized committees which receive contributions prior to the date of the primary election, which are designated by the candidate or committee for use in connection with the general election, must use an acceptable accounting method to distinguish between the contributions received for the primary and general elections.

Mr. Antosh contends that EPEC/IUOE and the Congressman St. Germain Campaign Committee violated 11 C.F.R. § 104.14(d).

85040520673

As to EPEC/IUOE, the failure to designate which election the \$5,000 contribution was for on its FEC filings is a violation; and that by splitting the \$5,000 contribution and each of the two smaller contributions (\$1,000 and \$2,000) between the primary and general elections the St. Germain Committee knowingly misreported the contributions.

Review of the St. Germain Committee records on file shows that only one of the two smaller contributions (\$2,000) was reported as received for both elections. The other was reported by the Committee as being for the primary election. The St. Germain Committee reports show the \$5,000 contribution received as \$2,000 for the primary and \$3,000 for the general as alleged.

EPEC contends that no violation of the Act occurred because the transmittal letter accompanying the \$5,000 contribution carried a statement that

"If this check together with any other contributions from our Local Unions exceeds the amount provided by Federal Law, please advise."

EPEC explains that prior to January 1983, it included this statement in each of its contribution transmittal letters "to assure that each recipient committee would allocate contributions from EPEC/IUOE and its affiliated committees in compliance with the . . . Act, or return any amounts which could not properly be accepted."

EPEC points out that violations similar to the ones alleged in this complaint were also made in ongoing MUR 1488 and closed MUR 1492, also involving EPEC. EPEC explains that because of

85040520679

this it determined that a revision in its administrative procedures would be necessary to avoid confusion in the future.

Based on the complaint, response and Committee reports on file, the chart below demonstrates that all of the EPEC/IUOE contributions were made before the September 14, 1982, primary election in Rhode Island.

<u>Amount</u>	<u>Date Reported Made</u>	<u>Donor's Elec. Desig.</u>	<u>Recip. Rec'd</u>	<u>Recip. Desig.</u>
\$1,000	7/22/81	P	8/26/81	P
\$2,000	3/9/82	P	3/24/82	P & G
\$5,000	7/16/82	None	7/26/82	\$2,000 P \$3,000 G

8 5 0 4 0 5 2 0 6 8 0

The St. Germain Committee responds by saying essentially that, since they could have accepted a total of \$10,000 -- \$5,000 for the 1982 primary and \$5,000 for the general election -- at any time prior to the September 14, 1982, primary, the receipt of a total of \$8,000 prior to the primary was well within the limitations of the Act. It is the Committee's contention that EPEC/IUOE made a proper designation for the primary and general election with their \$5,000 check on July 26, 1982, because the phrase quoted above from EPEC's transmittal letters was understood by it "...to be a designation in writing from the contributor, EPEC/IUOE, to allocate all contributions from EPEC/IUOE and its affiliated local committees in compliance with the Act. . . ." The Committee further explains that it reviewed its records and allocated the \$5,000 contribution "...so as to abide by applicable contribution limitations. . . ."

In sum, the Committee contends that no violation by it occurred because "...their actions in accepting, recording and

reporting the July 26, 1982, contribution from EPEC/IUOE were in accord with the contributor's written instructions and grant of authority. . . ."

The Committee's response that it could have accepted \$10,000 prior to the 1982 primary ignores the fact that 11 C.F.R. § 110.1(a)(1) and (2) require that such early contributions be designated for a particular election or if undesignated be attributed to the next occurring election. This regulation should only be read as meaning that the donor must "designate" to which election the contribution pertains. This position regarding pre-primary undesignated contributions was strictly adhered to by this Office in ongoing MUR 1488 although 11 C.F.R. § 102.9(e) may imply that a recipient candidate may accept contributions before the primary election and designate them for use in the general election by separately accounting for them seemingly without regard to whether the donor has designated an election. (General Counsel's Probable Cause to Believe Brief at 6, MUR 1488). In the General Counsel's view, the recipient committee, under section 102.9(e) must obtain the contributor's consent before deciding for which election a contribution will be used. To permit the recipient committee to independently make a designation would be inconsistent with the rules for designated and undesignated contributions set forth at 11 C.F.R. § 110.1(a)(2). (MUR 1488, General Counsel's Report at 8, January 21, 1983, fn.13). Thus, the St. Germain Committee may not split the undesignated contribution of \$5,000 without obtaining

85040520681

the explicit consent of EPEC. Nor may it split the contribution of \$2,000 as it did without consent or a redesignation, evidenced by a writing, from the contributor. The Committee has failed to explain why it split that March 9, 1982, contribution, designated by EPEC for the 1982 primary. EPEC's response makes no mention of their intent in this regard.

EPEC's transmittal letters examined in MUR 1488 apparently contained the same statement quoted above. In that case, this Office considered that boilerplate language standing alone as insufficient evidence of EPEC's efforts to make sure that an excessive contribution would not result. (General Counsel's Report, MUR 1488 at 8, January 21, 1983).

In the instant MUR, EPEC states that this boilerplate language was "...intended to assure that each recipient committee would allocate contributions from EPEC/IUOE and its affiliated committees in compliance with the Act, or return any amounts which could not properly be accepted. . . ."

Consistent with the Commission's findings in MUR 1488, the General Counsel believes that EPEC has failed to demonstrate that a designation for the general election was communicated at the time of its pre-primary contributions. Therefore, EPEC exceeded the contribution limit for the 1982 primary election of Fernand J. St. Germain by \$3,000. The contention of the St. Germain Committee that the boilerplate language of EPEC's transmittal letter granted it the authority to receive part of

85040520682

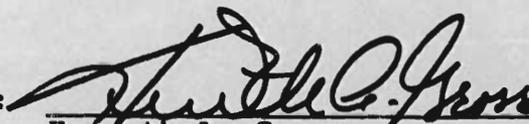
an undesignated contribution before the September primary for the general election cannot stand. Since the Committee did not set up an acceptable accounting method, it can take no solace in 11 C.F.R. § 102.9(e). The Committee has also failed to demonstrate that it either obtained the consent of EPEC to make this election designation or that it ever notified EPEC of splitting its March 9th or July 16th contributions. By acceptance of the July 16th excessive contribution, therefore, the Committee has violated 2 U.S.C. § 441a(f).

RECOMMENDATIONS

1. Find reason to believe that the Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) of the Federal Election Campaign Act of 1971, as amended.
2. Find reason to believe that the Congressman St. Germain Re-election Committee and Fernand J. St. Germain, as treasurer, violated 2 U.S.C. § 441a(f) of the Federal Election Campaign Act of 1971, as amended.
3. Approve the attached letters.

Charles N. Steele  
General Counsel

May 14, 1981  
Date

BY:   
Kenneth A. Gross  
Associate General Counsel

Attachments  
Letters (2)  
Complaint  
St. Germain Committee Response  
EPEC/IUOE Response

85040520683



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Michael R. Fanning, Esquire  
International Union of Operating  
Engineers  
Engineers Political Education  
Committee  
1125 Seventeenth Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Engineers Political Education  
Committee  
Frank Hanley, Treasurer

Dear Mr. Fanning:

The Federal Election Commission notified your client on March 8, 1984, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by your client, the Commission, on , 1984, determined that there is reason to believe that your client has violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that your client has made a contribution in excess of the limitations of the Act.

Your client's response to the Commission's initial notification of this complaint did not provide complete information regarding the matter in question. You may submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Please file any such response within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. However, in the absence of any information which demonstrates that no further action should be taken against your client, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2, of the enclosed procedures.

85040520684

Michael R. Fanning, Esquire  
Page 2

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 have any questions, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Enclosures  
Procedures

85040520685



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Robert O. Tiernan, Esquire  
Suite 299  
1800 M Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640  
Congressman Fernand J.  
St. Germain  
Congressman St. Germain Re-  
election Committee  
Congressman St. Germain  
Campaign Committee

Dear Mr. Tiernan:

The Federal Election Commission notified your clients on March 8, 1984, of a complaint alleging violations of certain sections 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.

Upon further review of the allegations contained in the complaint, and information supplied by your clients, the Commission, on , 1984, determined that there is reason to believe that your clients have violated 2 U.S.C. § 441a(f), a provision of the Act. Specifically, it appears that your clients have accepted a contribution in excess of the limitations of the Act.

Your clients' response to the Commission's initial notification of this complaint did not provide complete information regarding the matter in question. You may submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Please file any such response within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. However, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2, of the enclosed procedures.

85040520685

Robert O. Tiernan, Esquire  
Page 2

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 have any questions, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Enclosures  
Procedures

85040520687

MARK I P 2: 46

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

8 5 0 4 0 5 2 0 6 8 8

James Edward Antosh )  
13 Gilpin )  
Shawnee, Oklahoma 74801 )  
Complainant, )  
v. )  
Fernand J. St. Germain and )  
the Engineers Political Education )  
Committee/International Union of )  
Operating Engineers, et. al., )  
Respondents. )

Complaint  
MUR No. 1640

I. INTRODUCTION

1. Pursuant to 2 U.S.C. §437g(a)(1) James Edward Antosh brings this complaint against candidate for federal public office, Fernand J. St. Germain, Congressman St. Germain Campaign Committee, the Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE"), 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. Fernand J. St. Germain, 121 Woodland Road, Woonsocket, Rhode Island 02895.

b. Honorable Fernand J. St. Germain, individually and in his capacity as treasurer of Congressman St. Germain Campaign Committee, 121 Woodland Road, Woonsocket, Rhode Island 02895.

c. Congressman St. Germain Campaign Committee, 121 Woodland

85040520689

Road, Woonsocket, Rhode Island 20895.

d. Congressman St. Germain Re-election Committee, Post Office Box 37213, Washington, D.C. 20013.

e. Frank Hanley, individually and in his capacity as treasurer of EPEC/IUOE, 1125 17th Street, N.W., Washington, D.C. 20036.

f. EPEC/IUOE, 1125 17th Street, N.W., Washington, D.C. 20036.

### III. LIABILITY

3. Liability may be imposed upon the candidate, Fernand J. St. Germain, Congressman St. Germain Campaign Committee, and EPEC/IUOE pursuant to 2 U.S.C. §441a(a) which establishes the \$5,000.00 (FIVE THOUSAND DOLLARS) 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).

### IV. OVERVIEW

5. 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 primary election in which Fernand J. St. Germain was a candidate for public office.

85040520690

Complainant bases his belief on review of the Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" which Fernand J. St. Germain; Congressman St. Germain Campaign Committee and its treasurer; and EPEC/IUOE and its treasurer filed for the 1982 federal primary election.

6. For the 1982 federal primary election, excessive funds were contributed to Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer by EPEC/IUOE and its treasurer.

7. 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. VIOLATIONS OF THE F.E.C.A.  
BY  
CONGRESSMAN ST. GERMAIN CAMPAIGN COMMITTEE  
IN THE  
1982 FEDERAL PRIMARY ELECTION

8. 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, Fernand J. St. Germain, Congressman St. Germain Campaign Committee

85040520691

and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal primary election from EPEC/IUOE in the amount of \$8,000.00 (EIGHT THOUSAND DOLLARS).

9. Candidate Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer, for the 1982 federal primary election, accepted contributions from EPEC/IUOE in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>F.E.C. Microfilm Locations</u>
8/26/81	\$1,000.00	82012080550
3/24/82	\$2,000.00	82012123666
7/26/82	<u>\$5,000.00</u>	82012251819
Total =	\$8,000.00	

10. A running total of the amount of contributions received from EPEC/IUOE would have put on notice Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer that they had received \$3,000.00 (THREE THOUSAND DOLLARS) on March 24, 1982. On that date, Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer were only permitted to accept an additional contribution of \$2,000.00 (TWO THOUSAND 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.

85040520692

11. Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer failed to accurately report the \$1,000.00 (ONE THOUSAND DOLLARS) contribution of July 22, 1981 and the \$2,000.00 (TWO THOUSAND DOLLARS) contribution of March 9, 1982 which were designated by EPEC/IUOE as contributions for the primary election. (See F.E.C. Microfilm #s 82032145380 and 82032290015.) In violation of 11 C.F.R. §104.14(d), Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer reported them as contributions for both the primary and general elections, which clearly they were not.

(See F.E.C. Microfilm #s 82012080550 and 82012123666.)

12. EPEC/IUOE and its treasurer failed to designate whether the \$5,000.00 (FIVE THOUSAND DOLLARS) contribution made on July 16, 1982 was intended for the primary or the general election. (See F.E.C. Microfilm # 8203241519.) However, the contribution was made two months before the Rhode Island Congressional primary election which was held on September 14, 1982. This indicates that the \$5,000.00 (FIVE THOUSAND DOLLARS) contribution of July 16, 1982 was intended by EPEC/IUOE for the primary election. In violation of 11 C.F.R. §104.14(d), Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer split the \$5,000.00 (FIVE THOUSAND DOLLARS) single contribution in two parts. They reported \$3,000.00 (THREE THOUSAND DOLLARS) for the general election and \$2,000.00 (TWO THOUSAND DOLLARS) for the primary election on F.E.C. Form 3, Schedule A. (See

85040520693

F.E.C. Microfilm # 82012251819.) F.E.C. regulation, 11 C.F.R. §104.14(d), provides that a treasurer "shall be personally responsible for the timely and complete filing of the report or statement and for the accuracy of any information or statement contained therein." Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer by the activities described above, knowingly misreported the EPEC/IUOE contributions in order to accept contributions from EPEC/IUOE in excess of the statutory limit.

V. VIOLATIONS OF THE F.E.C.A.  
BY  
EPEC/IUOE  
IN THE  
1982 FEDERAL PRIMARY ELECTION

13. 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 EPEC/IUOE for the 1982 federal primary election contributed to candidate Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer a total of \$8,000.00 (EIGHT THOUSAND DOLLARS).

14. EPEC/IUOE contributed the following amounts:

a. On July 22, 1981, EPEC/IUOE contributed \$1,000.00 (ONE THOUSAND DOLLARS). (See F.E.C. Microfilm #82032145380.)

b. On March 9, 1982, EPEC/IUOE contributed \$2,000.00

85040520694

(TWO THOUSAND DOLLARS). (See F.E.C. Microfilm #82032290015.)

c. On July 16, 1982, EPEC/IUOE contributed \$5,000.00 (FIVE THOUSAND DOLLARS). (See F.E.C. Microfilm #82032411519.)

15. A running total of contributions made to Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer would have put on notice EPEC/IUOE that as of March 9, 1982, it had contributed \$3,000.00 (THREE THOUSAND DOLLARS) and that it could only contribute an additional \$2,000.00 (TWO THOUSAND DOLLARS) if it wished to meet the mandates of the law. In violation of 2 U.S.C. §441a(a)(2)(A), a \$5,000.00 (FIVE THOUSAND DOLLARS) contribution was made to Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer. This amount exceeded the statutory monetary ceiling by \$3,000.00 (THREE THOUSAND DOLLARS).

16. EPEC/IUOE and its treasurer failed to accurately report the \$5,000.00 (FIVE THOUSAND DOLLARS) contribution made to Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer on July 16, 1982. In violation of 11 C.F.R. §104.14(d), EPEC/IUOE and its treasurer failed to designate whether the contribution was intended for the primary or the general election. (See F.E.C. microfilm #82032411519.)

85040520695

VII. CONCLUSION

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

18. 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*

Michael Ernest Avakian  
Center on National Labor Policy

*Martha M. Poindexter*

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

Attorneys for Complainant

March 1, 1984

85040520696

85040520697



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.

Feb. 29 1984  
Date

James Edward Antosh  
Complainant

DESIGNATED COUNSEL

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

85040520699

LAW OFFICES  
ROBERT O. TIERNAN  
SUITE 800  
1800 M STREET, N.W.  
WASHINGTON, D.C. 20036  
(202) 638-6817

April 5, 1984

MUR 1640  
Reyes  
APR 5 9:32

DELIVERED BY HAND

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

Re: MUR 1640  
Congressman Fernand J.  
St. Germain  
Congressman St. Germain  
Re-election Committee  
Congressman St. Germain  
Campaign Committee

Dear Mr. Gross:

This letter is in response to the General Counsel's notice of March 8, 1984 that a complaint had been filed with the Federal Election Commission ("FEC") which alleges that there may have been violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"), or FEC regulations issued pursuant to the Act. Respondents appreciate this opportunity to demonstrate, in writing, that no action should be taken on the basis of the complaint filed in the above-captioned matter, and wish to set forth their reasons, both legal and factual, why the FEC should take no action against them in connection with this matter.

Complainant alleges "that candidate for public office, Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer, in violation of 2 U.S.C §441a(f), knowingly accepted contributions for the 1982 federal primary election" (emphasis in the original) from the Engineers Political Education Committee of the International Union of Operating Engineers ("EPEC/IUOE") "in the amount of \$8,000.00 (EIGHT THOUSAND DOLLARS)", an amount which it is alleged would exceed the limits permitted by 2 U.S.C. §441a(a)(2)(A) to be contributed by a multi-candidate committee to any candidate and his authorized political committee with respect to any election for federal office. Furthermore, the Complainant alleges that Respondents violated FEC regulations, specifically 11 CFR 104.14(d), by knowingly misreporting the contributions from EPEC/IUOE.

85040520700

In particular, the Complainant alleges that Respondents receipt of a check from EPEC/IUOE in the amount of \$5,000.00 on July 26, 1982 was a knowing acceptance of a contribution in excess of the 1982 primary limit of \$5,000.00 from a multi-candidate committee since 1) the contribution was made before the primary election held in Rhode Island on September 14, 1982, and 2) previous contributions from EPEC/IUOE to Respondents on August 26, 1981 and March 24, 1982 amounted to \$3,000.00 at the time of the last contribution in July 1982. Furthermore, the Complainant specifically alleges that the July 26, 1982 check for \$5,000.00 was improperly reported by Respondents as a \$2,000.00 contribution from EPEC/IUOE for the 1982 primary election in September and a \$3,000.00 contribution for the 1982 general election in November.

Respondents respectfully submit that with regard to the contributions cited in the Complaint from EPEC/IUOE, there has been no violation of the Act or FEC regulations. Complainant is incorrect in his statement and application of the relevant statutory and regulatory provisions. In addition, Complainant is in error as to the facts in this matter.

Contrary to the allegations of the Complainant, a multi-candidate committee could have made contributions in the 1982 Congressional campaigns up to the statutory limits of 2 U.S.C. §441a(a)(2)(A), or up to \$5,000.00, with respect to each of two elections: 1) the primary election; and 2) the general election to Federal office. Thus, with respect to the 1982 Rhode Island Congressional elections and before the date of the Rhode Island primary on September 14, 1982, EPEC/IUOE was permitted to contribute up to \$5,000.00 to Respondents for the primary election as well as up to \$5,000.00 for the general election in November 1982. (Certain contribution limitations, which are not applicable in this matter, would apply to any contributions made after the September 14, 1982 primary date.) Pursuant to the statutory limitations, Respondents could have accepted up to a total of \$10,000.00 from EPEC/IUOE before September 14, 1982 for the two elections to be held that year, the primary and the general elections. Acceptance of a total of \$8,000.00 from EPEC/IUOE before September 14, 1982, therefore, was well within the statutory ceiling of \$10,000.00 designated by law for the two elections for Federal office taken together.

The sole issue in this matter, is whether EPEC/IUOE made a proper designation for the primary and general election with their \$5,000.00 check on July 26, 1982. Attached you will find a copy of a letter dated July 20, 1982 addressed to the St. Germain Committee fro J.C. Turner, Chairman, and Frank Hanley, Treasurer of EPEC/IUOE, which letter accompanied the \$5,000.00 contribution in question. The final paragraph of this letter instructed Respondents how to allocate this contribution: "If this check together with any other contributions from our Local Unions exceeds the amount provided by Federal Law, please advise."

85040520701

In accordance with EPEC/IUOE's written instructions, which Respondents understood to be a designation in writing from the contributor, EPEC/IUOE, to allocate all contributions from EPEC/IUOE and its affiliated local committees in compliance with the Act, or to return such contributions which could not be legally retained, Respondents reviewed and totalled its previous contributions from EPEC/IUOE. With \$3,000.00 in contributions prior to July 26, 1982, Respondents allocated the \$5,000.00 received on that date so as to abide by the applicable contribution ceilings and applied \$2,000.00 to the 1982 primary election and \$3,000.00 to the 1982 general election. Appropriate entries were made in Respondents' records, and the allocated contributions were dutifully reported to the FEC in the reports for this election period. (See Twelfth Day Report Preceding Primary - 82HSE/225/1819).

It is Respondents contention that there was an appropriate allocation of the July 26, 1982 contribution from EPEC/IUOE in compliance with the written instructions and designated authority contained in the accompanying transmittal letter. Likewise, Respondents contend that having properly allocated this contribution so as to abide by all contribution limits, they also accurately reported their actions with regard to the July 26, 1982 contribution on Schedule A and the 1982 Pre-Primary Report to the FEC. On the basis of these facts, therefore, Respondent treasurer did fulfill his responsibilities under 11 CFR 104.14(d) and accurately reported exactly what occurred with the EPEC/IUOE contribution of July 26, 1982.

As a parenthetical notation, it should be stated that regardless of the facts in this matter, 11 CFR 104.14(d) is solely a jurisdictional provision which merely assigns personal responsibility upon each treasurer of a political committee. By itself, 11 CFR 104.14(d) establishes no standard or measure, the breach of which would be a violation. The Complainant, therefore, cites a regulation, 11 CFR 104.14(d), which is not violable.

Respondents are aware that similar technical issues involving the manner in which EPEC/IUOE makes and transmits contributions to candidates for Federal office have been before the FEC previously in MURs 1488 and 1492. As a result of these other actions, it is Respondents' understanding that EPEC/IUOE has revised its administrative procedures and since early 1983 the cover letter which accompanies each EPEC/IUOE contribution contains a more explicit designation for which election the contribution is intended rather than the previous method of granting the authority to make a proper allocation to stay within contribution ceilings to the recipient candidate or committee. While acknowledging that the method now used by EPEC/IUOE is more direct and precise, Respondents would reiterate that their actions in accepting, recording and reporting the July 26, 1982 contribution from EPEC/IUOE were

85040520702

in accord with the contributor's written instructions and grant of authority, and that no violation of the Act or FEC regulations occurred.

Respondents appreciate this opportunity to demonstrate that no action should be taken against them on the basis of this Complaint titled MUR 1640. On the basis of the items set forth in the Complaint and the rejoinders in this response, Respondents believe that the General Counsel should now forward to the Commission a recommendation that the FEC finds no reason to believe that any of the Respondents in this matter (MUR 1640) have committed, or is about to commit, a violation of statutes or regulations over which the Commission has jurisdiction. 11 CFR 111.7

Should there be any further questions with regard to this matter, Respondents would be ready to answer the FEC's inquiries through their designated Counsel.

Sincerely yours,

  
ROBERT O. TIERNAN

ROT/deo  
Attachment

85040520703

ENGINEERS POLITICAL  
EDUCATION  
Committee

July 20, 1982



CONGRESSMAN ST. GERMAIN  
RE-ELECTION COMMITTEE  
& F. J. St. Germain  
P. O. Box 37213  
Washington, D.C. 20013

Attention: Treasurer

Dear Sir:

Attached hereto is our check #000765 in the amount of \$5,000 as a contribution from the Engineers Political Education Committee of the International Union of Operating Engineers for Congressman St. Germain's re-election campaign.

If this check together with any other contributions from our Local Unions exceeds the amount provided by Federal Law, please advise.

Sincerely,

*J. C. Turner*  
J. C. Turner  
CHAIRMAN

*Frank Hanley*  
Frank Hanley  
TREASURER

JCT:FH/kmg

Enc. (1 ck.)

85040520704



please find a copy of a letter dated July 20, 1982, addressed to the St. Germain Committee from J. C. Turner, Chairman, and Frank Hanley, Treasurer of EPEC/IUOE, which letter accompanied the \$5,000.00 contribution in question. Note that the final paragraph of the letter states:

"If this check together with any other contributions from our Local Unions exceeds the amount provided by Federal Law, please advise."

Prior to January 1983, the quoted paragraph was included in all transmittal letters accompanying EPEC/IUOE contributions. It was intended to assure that each recipient committee would allocate contributions from EPEC/IUOE and its affiliated committees in compliance with the requirements of the Act, or return any amounts which could not properly be accepted. Upon information and belief, the St. Germain Committee did properly allocate the \$5,000.00 contribution in question, applying \$2,000.00 to the primary election and \$3,000.00 to the general election. Accordingly, no violation of 2 U.S.C. §441a(a)(2)(A) occurred.

We feel it important to point out that, in October of 1982, EPEC/IUOE was cited in two Complaints filed by the same counsel representing the Complainant herein, i.e., MUR's 1488 and 1492. Those Complaints alleged technical violations similar to the ones herein. In connection with responding to those Complaints, EPEC/IUOE determined that a revision in its administrative procedures would be necessary to avoid confusion in the future. Since that time, EPEC/IUOE includes in each cover letter an explicit designation of whether the contribution is intended for the primary or general election and, thereafter, such designation is reflected in the appropriate box on FEC Form 3.

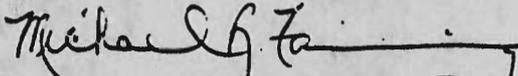
In summary, while we concede that a more concise cover letter and explicit designation on Form 3 would have clarified this matter, the evidence establishes that no violation of the Act occurred. We reiterate that, since early 1983, EPEC/IUOE's administrative practices have been modified in both respects.

Should the General Counsel believe that the information provided herein is not adequate to resolve the issues

85040520706

raised, it is respectfully requested that EPEC/IUOE be granted the opportunity to meet with the General Counsel, or appropriate staff members, to address such issues prior to submission of this matter to the Commission.

Sincerely,

  
Michael R. Fanning  
Counsel

MRF/jlw

Attachment

85040520707

Engineers  
Political  
Education  
Committee



July 20, 1982

CONGRESSMAN ST. GERMAIN  
RE-ELECTION COMMITTEE  
8 F. J. St. Germain  
P. O. Box 37213  
Washington, D.C. 20013

Attention: Treasurer

Dear Sir:

Attached hereto is our check #000765 in the amount of \$5,000 as a contribution from the Engineers Political Education Committee of the International Union of Operating Engineers for Congressman St. Germain's re-election campaign.

If this check together with any other contributions from our Local Unions exceeds the amount provided by Federal Law, please advise.

Sincerely,

*J. C. Turner*  
J. C. Turner  
CHAIRMAN

*Frank Hanley*  
Frank Hanley  
TREASURER

JCT:EH/kmg

Enc. (1 ck.)

85040520708



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 27, 1984

Robert O. Tiernan, Esquire  
Suite 299  
1800 M Street, N.W.  
Washington, D.C. 20036

RE: MUR 1640

Dear Mr. Tiernan:

This is in response to your client's letter of March 14, 1984, which was received at the Federal Election Commission on March 19, 1984, which requests an extension of time to file a response in MUR 1640.

In view of the fact that your client has submitted a request for an extension of time to respond to this complaint, the Commission hereby grants an additional ten days from the original due date of March 27, 1984, in which to file a response in MUR 1640. We will, therefore, expect your response by April 6, 1984.

Sincerely,

Charles N. Steele  
General Counsel

BY:

*Kenneth A. Gross (by 297)*  
Kenneth A. Gross  
Associate General Counsel

85040520709



Congressman St Germain Re-election Committee

P.O. Box 1980, Providence, Rhode Island 02901

RECEIVED AT THE FEC  
600#1902  
84 MAR 19 P12:56

MUR 1640  
Reyes

March 14, 1984

re MUR 1640

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

14 MAR 19 P 1:29

Dear Mr. Gross:

Your letter of March 8 regarding MUR 1640 was received on March 12, 1984. I request that I be given an extension of ten additional days to respond to this complaint.

I do intend to be represented by counsel in this matter and have completed the required designation form authorizing Mr. Robert Tiernan to that position. He should receive all notifications and other communication from the Commission regarding this matter.

Sincerely,

*[Signature]*  
Fernand J. St Germain  
Treasurer

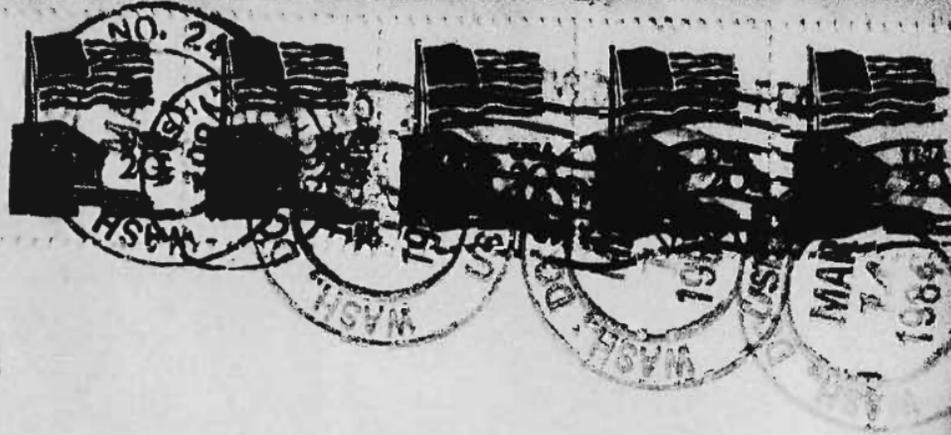
enclosure

85040520710

P.O. Box 37213, Washington, D.C. 20013

P.O. Box 1980

Providence, Rhode Island 02901



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

4032071

**CERTIFIED**  
377 943 556  
**MAIL**

600# 2003

LAW OFFICES  
ROBERT O. TIERNAN  
SUITE 200  
1800 M STREET, N.W.  
WASHINGTON, D.C. 20036

(202) 638-6617  
April 5, 1984

MUR 1640  
Reyes  
APR 5 9:32

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

Re: MUR 1640  
Congressman Fernand J.  
St. Germain  
Congressman St. Germain  
Re-election Committee  
Congressman St. Germain  
Campaign Committee

Dear Mr. Gross:

This letter is in response to the General Counsel's notice of March 8, 1984 that a complaint had been filed with the Federal Election Commission ("FEC") which alleges that there may have been violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"), or FEC regulations issued pursuant to the Act. Respondents appreciate this opportunity to demonstrate, in writing, that no action should be taken on the basis of the complaint filed in the above-captioned matter, and wish to set forth their reasons, both legal and factual, why the FEC should take no action against them in connection with this matter.

Complainant alleges "that candidate for public office, Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer, in violation of 2 U.S.C §441a(f), knowingly accepted contributions for the 1982 federal primary election" (emphasis in the original) from the Engineers Political Education Committee of the International Union of Operating Engineers ("EPEC/IUOE") "in the amount of \$8,000.00 (EIGHT THOUSAND DOLLARS)", an amount which it is alleged would exceed the limits permitted by 2 U.S.C. §441a(a)(2)(A) to be contributed by a multi-candidate committee to any candidate and his authorized political committee with respect to any election for federal office. Furthermore, the Complainant alleges that Respondents violated FEC regulations, specifically 11 CFR 104.14(d), by knowingly misreporting the contributions from EPEC/IUOE.

85040520712

In particular, the Complainant alleges that Respondents receipt of a check from EPEC/IUOE in the amount of \$5,000.00 on July 26, 1982 was a knowing acceptance of a contribution in excess of the 1982 primary limit of \$5,000.00 from a multi-candidate committee since 1) the contribution was made before the primary election held in Rhode Island on September 14, 1982, and 2) previous contributions from EPEC/IUOE to Respondents on August 26, 1981 and March 24, 1982 amounted to \$3,000.00 at the time of the last contribution in July 1982. Furthermore, the Complainant specifically alleges that the July 26, 1982 check for \$5,000.00 was improperly reported by Respondents as a \$2,000.00 contribution from EPEC/IUOE for the 1982 primary election in September and a \$3,000.00 contribution for the 1982 general election in November.

Respondents respectfully submit that with regard to the contributions cited in the Complaint from EPEC/IUOE, there has been no violation of the Act or FEC regulations. Complainant is incorrect in his statement and application of the relevant statutory and regulatory provisions. In addition, Complainant is in error as to the facts in this matter.

Contrary to the allegations of the Complainant, a multi-candidate committee could have made contributions in the 1982 Congressional campaigns up to the statutory limits of 2 U.S.C. §441a(a)(2)(A), or up to \$5,000.00, with respect to each of two elections: 1) the primary election; and 2) the general election to Federal office. Thus, with respect to the 1982 Rhode Island Congressional elections and before the date of the Rhode Island primary on September 14, 1982, EPEC/IUOE was permitted to contribute up to \$5,000.00 to Respondents for the primary election as well as up to \$5,000.00 for the general election in November 1982. (Certain contribution limitations, which are not applicable in this matter, would apply to any contributions made after the September 14, 1982 primary date.) Pursuant to the statutory limitations, Respondents could have accepted up to a total of \$10,000.00 from EPEC/IUOE before September 14, 1982 for the two elections to be held that year, the primary and the general elections. Acceptance of a total of \$8,000.00 from EPEC/IUOE before September 14, 1982, therefore, was well within the statutory ceiling of \$10,000.00 designated by law for the two elections for Federal office taken together.

The sole issue in this matter, is whether EPEC/IUOE made a proper designation for the primary and general election with their \$5,000.00 check on July 26, 1982. Attached you will find a copy of a letter dated July 20, 1982 addressed to the St. Germain Committee fro J.C. Turner, Chairman, and Frank Hanley, Treasurer of EPEC/IUOE, which letter accompanied the \$5,000.00 contribution in question. The final paragraph of this letter instructed Respondents how to allocate this contribution: "If this check together with any other contributions from our Local Unions exceeds the amount provided by Federal Law, please advise."

85040520713

In accordance with EPEC/IUOE's written instructions, which Respondents understood to be a designation in writing from the contributor, EPEC/IUOE, to allocate all contributions from EPEC/IUOE and its affiliated local committees in compliance with the Act, or to return such contributions which could not be legally retained, Respondents reviewed and totalled its previous contributions from EPEC/IUOE. With \$3,000.00 in contributions prior to July 26, 1982, Respondents allocated the \$5,000.00 received on that date so as to abide by the applicable contribution ceilings and applied \$2,000.00 to the 1982 primary election and \$3,000.00 to the 1982 general election. Appropriate entries were made in Respondents' records, and the allocated contributions were dutifully reported to the FEC in the reports for this election period. (See Twelfth Day Report Preceding Primary - 82HSE/225/1819).

It is Respondents contention that there was an appropriate allocation of the July 26, 1982 contribution from EPEC/IUOE in compliance with the written instructions and designated authority contained in the accompanying transmittal letter. Likewise, Respondents contend that having properly allocated this contribution so as to abide by all contribution limits, they also accurately reported their actions with regard to the July 26, 1982 contribution on Schedule A and the 1982 Pre-Primary Report to the FEC. On the basis of these facts, therefore, Respondent treasurer did fulfill his responsibilities under 11 CFR 104.14(d) and accurately reported exactly what occurred with the EPEC/IUOE contribution of July 26, 1982.

As a parenthetical notation, it should be stated that regardless of the facts in this matter, 11 CFR 104.14(d) is solely a jurisdictional provision which merely assigns personal responsibility upon each treasurer of a political committee. By itself, 11 CFR 104.14(d) establishes no standard or measure, the breach of which would be a violation. The Complainant, therefore, cites a regulation, 11 CFR 104.14(d), which is not violable.

Respondents are aware that similar technical issues involving the manner in which EPEC/IUOE makes and transmits contributions to candidates for Federal office have been before the FEC previously in MURs 1488 and 1492. As a result of these other actions, it is Respondents' understanding that EPEC/IUOE has revised its administrative procedures and since early 1983 the cover letter which accompanies each EPEC/IUOE contribution contains a more explicit designation for which election the contribution is intended rather than the previous method of granting the authority to make a proper allocation to stay within contribution ceilings to the recipient candidate or committee. While acknowledging that the method now used by EPEC/IUOE is more direct and precise, Respondents would reiterate that their actions in accepting, recording and reporting the July 26, 1982 contribution from EPEC/IUOE were

85040520714

in accord with the contributor's written instructions and grant of authority, and that no violation of the Act or FEC regulations occurred.

Respondents appreciate this opportunity to demonstrate that no action should be taken against them on the basis of this Complaint titled MUR 1640. On the basis of the items set forth in the Complaint and the rejoinders in this response, Respondents believe that the General Counsel should now forward to the Commission a recommendation that the FEC finds no reason to believe that any of the Respondents in this matter (MUR 1640) have committed, or is about to commit, a violation of statutes or regulations over which the Commission has jurisdiction.  
11 CFR 111.7

Should there be any further questions with regard to this matter, Respondents would be ready to answer the FEC's inquiries through their designated Counsel.

Sincerely yours,



ROBERT O. TIERNAN

ROT/deo  
Attachment

85040520715

1117 S. ... Street N.W.  
Washington, D.C. 20004  
202-462-1100

# Engineers Political Education Committee



July 20, 1982

CONGRESSMAN ST. GERMAIN  
RE-ELECTION COMMITTEE  
8 F. J. St. Germain  
P. O. Box 37213  
Washington, D.C. 20013

Attention: Treasurer

Dear Sir:

Attached hereto is our check #000765 in the amount of \$5,000 as a contribution from the Engineers Political Education Committee of the International Union of Operating Engineers for Congressman St. Germain's re-election campaign.

If this check together with any other contributions from our Local Unions exceeds the amount provided by Federal Law, please advise.

Sincerely,

*J.C. Turner*  
J. C. Turner  
CHAIRMAN

*Frank Hanley*  
Frank Hanley  
TREASURER

JCT:FH/kmg

Enc. (1 ck.)

85040520716

LAW OFFICES -  
ROBERT O. TIERNAN  
300 M Street, N.W.  
Suite 299  
Washington, D.C. 20036

8 5 0 4 0 5 2 0 7 1 7

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

DELIVERED BY HAND

6 Oct 1979



★  
★  
★  
★  
★  
★  
★  
★  
★  
★  
★  
★

# International Union of Operating Engineers

1125 SEVENTEENTH STREET NORTHWEST ★ WASHINGTON, D. C. 20036  
AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

OFFICE OF GENERAL PRESIDENT • (202) 429-9100

MAR 23 1984  
P 3:17

March 23, 1984

*MUR*  
*1640*  
*Reyes*

DELIVERED BY HAND

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

Re: MUR 1640

Dear Mr. Steele:

This statement is submitted on behalf of the Engineers Political Education Committee of the International Union of Operating Engineers (EPEC/IUOE) and its Treasurer, Frank Hanley, in response to the Complaint filed in the above-captioned matter.

The Complaint alleges two violations of the Federal Election Campaign Act. Paragraph 15 alleges that EPEC/IUOE violated 2 U.S.C. §441a(a)(2)(A) in contributing \$5,000.00 to the Congressman St. Germain Campaign Committee (the St. Germain Committee) on July 16, 1982. Paragraph 16 of the Complaint alleges that EPEC/IUOE violated 11 C.F.R. §104.14(d) by failing to designate on its FEC Form 3 whether the July 16, 1982 contribution to the St. Germain Campaign Committee was intended for the primary or general election.

The gravamen of the Complaint is that prior to July 16, 1982, EPEC/IUOE had contributed a total of \$3,000.00 to the St. Germain Committee and, since the primary election was not to be held until after July 16, the \$5,000.00 contribution on July 16 resulted in a total of \$8,000.00 being contributed to the St. Germain Committee for the primary. Thereafter, EPEC/IUOE failed to check a box on its FEC Form 3 designating whether the contribution was for the primary or general election.

Contrary to the allegations of the Complaint, no violation of the Federal Election Campaign Act (the Act) occurred in connection with the cited contribution. Attached hereto,

85040520718

please find a copy of a letter dated July 20, 1982, addressed to the St. Germain Committee from J. C. Turner, Chairman, and Frank Hanley, Treasurer of EPEC/IUOE, which letter accompanied the \$5,000.00 contribution in question. Note that the final paragraph of the letter states:

"If this check together with any other contributions from our Local Unions exceeds the amount provided by Federal Law, please advise."

Prior to January 1983, the quoted paragraph was included in all transmittal letters accompanying EPEC/IUOE contributions. It was intended to assure that each recipient committee would allocate contributions from EPEC/IUOE and its affiliated committees in compliance with the requirements of the Act, or return any amounts which could not properly be accepted. Upon information and belief, the St. Germain Committee did properly allocate the \$5,000.00 contribution in question, applying \$2,000.00 to the primary election and \$3,000.00 to the general election. Accordingly, no violation of 2 U.S.C. §441a(a)(2)(A) occurred.

We feel it important to point out that, in October of 1982, EPEC/IUOE was cited in two Complaints filed by the same counsel representing the Complainant herein, i.e., MUR's 1488 and 1492. Those Complaints alleged technical violations similar to the ones herein. In connection with responding to those Complaints, EPEC/IUOE determined that a revision in its administrative procedures would be necessary to avoid confusion in the future. Since that time, EPEC/IUOE includes in each cover letter an explicit designation of whether the contribution is intended for the primary or general election and, thereafter, such designation is reflected in the appropriate box on FEC Form 3.

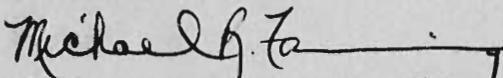
In summary, while we concede that a more concise cover letter and explicit designation on Form 3 would have clarified this matter, the evidence establishes that no violation of the Act occurred. We reiterate that, since early 1983, EPEC/IUOE's administrative practices have been modified in both respects.

Should the General Counsel believe that the information provided herein is not adequate to resolve the issues

85040520719

raised, it is respectfully requested that EPEC/IUOE be granted the opportunity to meet with the General Counsel, or appropriate staff members, to address such issues prior to submission of this matter to the Commission.

Sincerely,

  
Michael R. Fanning  
Counsel

MRF/jlw

Attachment

85040520720

J. C. TURNER  
Chairman

FRANK HANLEY  
Treasurer

1125 Seventeenth Street, N.W.  
Washington, D.C. 20036  
202-425-9100

# Engineers Political Education Committee



July 20, 1982

85040520721

CONGRESSMAN ST. GERMAIN  
RE-ELECTION COMMITTEE  
F. J. St. Germain  
P. O. Box 37213  
Washington, D.C. 20013

Attention: Treasurer

Dear Sir:

Attached hereto is our check #000765 in the amount of \$5,000 as a contribution from the Engineers Political Education Committee of the International Union of Operating Engineers for Congressman St. Germain's re-election campaign.

If this check together with any other contributions from our Local Unions exceeds the amount provided by Federal Law, please advise.

Sincerely,

*J. C. Turner*  
J. C. Turner  
CHAIRMAN

*Frank Hanley*  
Frank Hanley  
TREASURER

JCT:FH/kmg

Enc. (1 ck.)

ATIONAL UNION OF OPERATING ENGINEERS 5 0 4 0 5 2 0 7 2 2  
1125 SEVENTEENTH STREET, N.W.  
WASHINGTON, D. C. 20036



**INTERNATIONAL UNION OF OPERATING ENGINEERS**  
**1125 Seventeenth St., N.W., Washington, D.C. 20036**

ADDRESS CORRECTION REQUESTED

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

**FIRST CLASS**

BY HAND

STATEMENT OF DESIGNATION OF COUNSEL

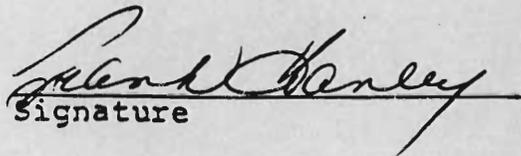
NAME OF COUNSEL: Michael R. Fanning, Esq. and J. Albert Woll, Esq.

ADDRESS: 1125 17th Street, N.W., Washington, D.C. 20036

TELEPHONE: (202) 429-9100 --

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.

March 23, 1984  
Date

  
Signature

NAME: Frank Hanley, Treasurer, Engineers Political Education  
Committee, International Union of Operating Engineers

ADDRESS: 1125 17th Street, N.W., Washington, D.C. 20036

HOME PHONE: --

BUSINESS PHONE: (202) 429-9100

85040520723

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: Robert Tiernan, Esq.

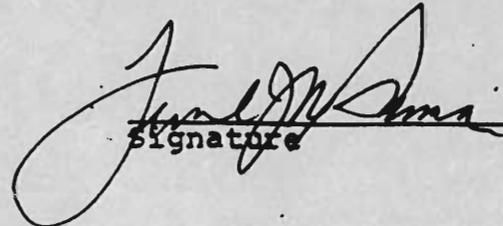
ADDRESS: 1800 M Street, N.W., Suite 299  
Washington, D.C. 20036

TELEPHONE: (202) 638-6617

MAR 19 11:34

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.

March 14, 1984  
Date

  
Signature

NAME: Fernand J. St Germain  
ADDRESS: 121 Woodland Road  
Woonsocket, Rhode Island 02895

HOME PHONE: (401) 762-3411

BUSINESS PHONE: (202) 225-4911

85040520724



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 8, 1984

Mr. James Edward Antosh  
13 Gilpin  
Shawnee, Oklahoma 74801

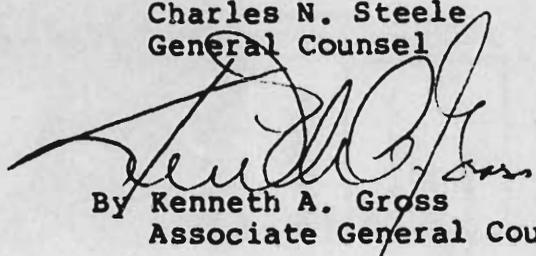
Dear Mr. Antosh:

This letter is to acknowledge receipt of your complaint which we received on March 1, 1984, against Fernand J. St. Germain and the Engineers Political Education Committee/International Union of Operating Engineers, et. al, 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

85040520725



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 8, 1984

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

Honorable Fernand J. St. Germain  
121 Woodland Road  
Woonsocket, Rhode Island 02895

Re: MUR 1640

Dear Congressman St. Germain:

This letter is to notify you that on March 1, 1984 the Federal Election Commission received a complaint which alleges that you and your committee 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 1640. 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 and your committee 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.

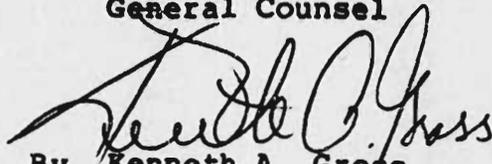
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

85040520726

If you have any questions, please contact Paul Reyes the staff member 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

Enclosures

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

cc: Congressman St. Germain Re-electi  
Congressman St. Germain Campaign

PS Form 3811, July 1982

3008 1640 0412

• **SENDER:** Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.

**(CONSULT POSTMASTER FOR FEES)**

1. The following service is requested (check one):

- Show to whom and date delivered .....
- Show to whom, date, and address of delivery .....

2.  **RESTRICTED DELIVERY** .....  
(The restricted delivery fee is charged in addition to the return receipt fee.)

**TOTAL** \_\_\_\_\_

3. **ARTICLE ADDRESSED TO:**  
Congressman St. Germain Campaign  
Fernand S. St. Germain, Treas  
121 Woodland Rd.  
Washington, D.C. 20545

4. **TYPE OF SERVICE:** **ARTICLE NUMBER**

<input type="checkbox"/> REGISTERED	<input type="checkbox"/> INSURED	943050
<input checked="" type="checkbox"/> CERTIFIED	<input type="checkbox"/> COD	
<input type="checkbox"/> EXPRESS MAIL		

(Always obtain signature of addressee or agent)

I have received the article described above.

**SIGNATURE:**  Addressee  Authorized agent

*[Signature]*

**DATE OF DELIVERY**  
MAR 14 1984

6. **ADDRESSEE'S ADDRESS** (only if requested)

7. **UNABLE TO DELIVER BECAUSE:**

7b. **EMPLOYEE'S INITIALS**

WASHINGTON, DC

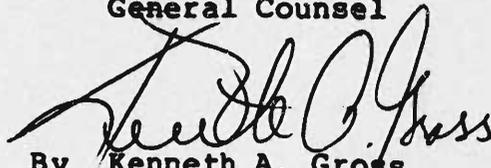
USPS

•GPO: 1982-370-500

If you have any questions, please contact Paul Reyes the staff member 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

85040520728

Enclosures

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

cc: Congressman St. Germain Re-electi  
Congressman St. Germain Campaign

PS Form 3811, July 1982

MUR 1649 Reyes

• **SENDER:** Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.

**(CONSULT POSTMASTER FOR FEES)**

1. The following service is requested (check one).

Show to whom and date delivered .....  
 Show to whom, date, and address of delivery ..  
 RESTRICTED DELIVERY .....  
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ \_\_\_\_\_

2. **ARTICLE ADDRESSED TO:**  
 Congressman St. Germain Campaign  
 Fernand St. St. Germain, Treas  
 121 Woodland Rd.  
 Warwick, Rhode Island 02885

4. **TYPE OF SERVICE:**  REGISTERED  INSURED  CERTIFIED  CBS  EXPRESS MAIL

ARTICLE NUMBER  
943050

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE  Addressee  Authorized agent  
  
 DATE OF DELIVERY  
 MAR 14 1984

6. ADDRESSEE'S ADDRESS (only if appropriate)

7. (INABLE TO DELIVER BECAUSE:)

7a. EMPLOYEE'S INITIALS

PROVIDENCE, RI  
 MAR 14 1984  
 USPS

RETURN RECEIPT

• GPO: 1983-378-003

RETURN RECEIPT

MNR 1640 Receipt

SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

- 1. The following service is requested (check one).
    - Show to whom and date delivered! .....
    - Show to whom, date, and address of delivery .....
  - 2.  RESTRICTED DELIVERY (The restricted delivery fee is charged in addition to the return receipt fee.)
- TOTAL \$ \_\_\_\_\_

3. ARTICLE ADDRESSED TO: Congressman St. Germain Re-elected Committee P.O. Box 37213 Wash, D.C. 20013

4. TYPE OF SERVICE:	ARTICLE NUMBER:
<input type="checkbox"/> REGISTERED <input type="checkbox"/> INSURED	943052
<input checked="" type="checkbox"/> CERTIFIED <input type="checkbox"/> COD	
<input type="checkbox"/> EXPRESS MAIL	

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY 3-4-84 POSTMARK MAR 9 1984

6. ADDRESSEE'S ADDRESS (only if requested)

7. UNABLE TO DELIVER BECAUSE: 7a. EMPLOYER'S INITIALS: GP

PS Form 3825, July 1982

MNR 1640 Receipt

SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

- 1. The following service is requested (check one).
    - Show to whom and date delivered! .....
    - Show to whom, date, and address of delivery .....
  - 2.  RESTRICTED DELIVERY (The restricted delivery fee is charged in addition to the return receipt fee.)
- TOTAL \$ \_\_\_\_\_

3. ARTICLE ADDRESSED TO: Congressman St. Germain Re-elected Committee 121 Woodland Road Woonsocket, Rhode Island 02895

4. TYPE OF SERVICE:	ARTICLE NUMBER:
<input type="checkbox"/> REGISTERED <input type="checkbox"/> INSURED	943051
<input checked="" type="checkbox"/> CERTIFIED <input type="checkbox"/> COD	
<input type="checkbox"/> EXPRESS MAIL	

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY MAR 14 1984 POSTMARK PROVIDENCE, RI MAR 14 1984

6. ADDRESSEE'S ADDRESS (only if requested)

7. UNABLE TO DELIVER BECAUSE: 7a. EMPLOYER'S INITIALS: [initials]

1170202073



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 8, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Frank Hanley, Treasurer  
Engineers Political Education  
Committee/International Union  
of Operating Engineers  
1125 17th Street, N.W.  
Washington, D.C. 20036

Re: MUR 1640

Dear Mr. Hanley:

This letter is to notify you that on March 1, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, individually and 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 1640. 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 and 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.

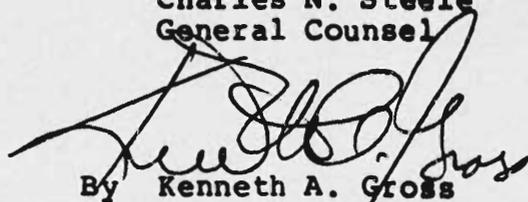
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

85040520730

If you have any questions, please contact Paul Reyes the staff member 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

85040520731

Enclosures

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

cc: Engineers Political Education Comm  
International Union of Operating  
Engineers (EPEC/IUOE)

PS Form 3811, July 1982

MA 1610 Reyes

● SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested: (check one).

Show to whom and date delivered .....  
 Show to whom, date, and address of delivery .....

2.  RESTRICTED DELIVERY .....  
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ \_\_\_\_\_

3. ARTICLE ADDRESSED TO:  
 Frank Reyes, Treas.  
 Engineers Pol. Educa. Comm/Int'l  
 Union of Operating Engineers  
 1125 17th St, N.W.  
 Wash, D.C. 20036

4. TYPE OF SERVICE:  REGISTERED  INSURED  
 CERTIFIED  COD  
 EXPRESS MAIL

ARTICLE NUMBER  
 943047

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE  Addressee  Authorized agent.  
 D. De Almeida

5. DATE OF DELIVERY  
 3/9/84

POSTMARK  
 (Only to be on reverse side)  
 MAR 9 1984

6. ADDRESSEE'S ADDRESS (only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

• GPO: 1982-376-083

6at 1786

14 MAR 1 P 2: 39

GENERAL INVESTIGATIVE DIVISION

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

85040520732

James Edward Antosh )  
13 Gilpin )  
Shawnee, Oklahoma 74801 )

Complainant, )

v. )

Fernand J. St. Germain and )  
the Engineers Political Education )  
Committee/International Union of )  
Operating Engineers, et. al., )

Respondents. )

Complaint  
MUR No. 1640

Troyan Bond  
24% COTTON FIBER

I. INTRODUCTION

1. Pursuant to 2 U.S.C. §437g(a)(1) James Edward Antosh brings this complaint against candidate for federal public office, Fernand J. St. Germain, Congressman St. Germain Campaign Committee, the Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE"), 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. Fernand J. St. Germain, 121 Woodland Road, Woonsocket, Rhode Island 02895.

b. Honorable Fernand J. St. Germain, individually and in his capacity as treasurer of Congressman St. Germain Campaign Committee, 121 Woodland Road, Woonsocket, Rhode Island 20895.

c. Congressman St. Germain Campaign Committee, 121 Woodland

85040520733

Road, Woonsocket, Rhode Island 20895.

d. Congressman St. Germain Re-election Committee, Post Office Box 37213, Washington, D.C. 20013.

e. Frank Hanley, individually and in his capacity as treasurer of EPEC/IUOE, 1125 17th Street, N.W., Washington, D.C. 20036.

f. EPEC/IUOE, 1125 17th Street, N.W., Washington, D.C. 20036.

### III. LIABILITY

3. Liability may be imposed upon the candidate, Fernand J. St. Germain, Congressman St. Germain Campaign Committee, and EPEC/IUOE pursuant to 2 U.S.C. §441a(a) which establishes the \$5,000.00 (FIVE THOUSAND DOLLARS) 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).

### IV. OVERVIEW

5. 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 primary election in which Fernand J. St. Germain was a candidate for public office.

85040520734

Complainant bases his belief on review of the Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" which Fernand J. St. Germain; Congressman St. Germain Campaign Committee and its treasurer; and EPEC/IUOE and its treasurer filed for the 1982 federal primary election.

6. For the 1982 federal primary election, excessive funds were contributed to Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer by EPEC/IUOE and its treasurer.

7. 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. VIOLATIONS OF THE F.E.C.A.  
BY  
CONGRESSMAN ST. GERMAIN CAMPAIGN COMMITTEE  
IN THE  
1982 FEDERAL PRIMARY ELECTION

8. 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, Fernand J. St. Germain, Congressman St. Germain Campaign Committee

85040520733

and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal primary election from EPEC/IUOE in the amount of \$8,000.00 (EIGHT THOUSAND DOLLARS).

9. Candidate Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer, for the 1982 federal primary election, accepted contributions from EPEC/IUOE in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>F.E.C. Microfilm Locations</u>
8/26/81	\$1,000.00	82012080550
3/24/82	\$2,000.00	82012123666
7/26/82	<u>\$5,000.00</u>	82012251819
Total =	\$8,000.00	

10. A running total of the amount of contributions received from EPEC/IUOE would have put on notice Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer that they had received \$3,000.00 (THREE THOUSAND DOLLARS) on March 24, 1982. On that date, Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer were only permitted to accept an additional contribution of \$2,000.00 (TWO THOUSAND 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.

85040520736

8 5 0 4 0 5 2 0 7 3 7

11. Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer failed to accurately report the \$1,000.00 (ONE THOUSAND DOLLARS) contribution of July 22, 1981 and the \$2,000.00 (TWO THOUSAND DOLLARS) contribution of March 9, 1982 which were designated by EPEC/IUOE as contributions for the primary election. (See F.E.C. Microfilm #s 82032145380 and 82032290015.) In violation of 11 C.F.R. §104.14(d), Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer reported them as contributions for both the primary and general elections, which clearly they were not.

(See F.E.C. Microfilm #s 82012080550 and 82012123666.)

12. EPEC/IUOE and its treasurer failed to designate whether the \$5,000.00 (FIVE THOUSAND DOLLARS) contribution made on July 16, 1982 was intended for the primary or the general election. (See F.E.C. Microfilm # 8203241519.) However, the contribution was made two months before the Rhode Island Congressional primary election which was held on September 14, 1982. This indicates that the \$5,000.00 (FIVE THOUSAND DOLLARS) contribution of July 16, 1982 was intended by EPEC/IUOE for the primary election. In violation of 11 C.F.R. §104.14(d), Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer split the \$5,000.00 (FIVE THOUSAND DOLLARS) single contribution in two parts. They reported \$3,000.00 (THREE THOUSAND DOLLARS) for the general election and \$2,000.00 (TWO THOUSAND DOLLARS) for the primary election on F.E.C. Form 3, Schedule A. (See

F.E.C. Microfilm # 82012251819.) F.E.C. regulation, 11 C.F.R. §104.14(d), provides that a treasurer "shall be personally responsible for the timely and complete filing of the report or statement and for the accuracy of any information or statement contained therein." Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer by the activities described above, knowingly misreported the EPEC/IUOE contributions in order to accept contributions from EPEC/IUOE in excess of the statutory limit.

V. VIOLATIONS OF THE F.E.C.A.  
BY  
EPEC/IUOE  
IN THE  
1982 FEDERAL PRIMARY ELECTION

13. 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 EPEC/IUOE for the 1982 federal primary election contributed to candidate Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer a total of \$8,000.00 (EIGHT THOUSAND DOLLARS).

14. EPEC/IUOE contributed the following amounts:

- a. On July 22, 1981, EPEC/IUOE contributed \$1,000.00 (ONE THOUSAND DOLLARS). (See F.E.C. Microfilm #82032145380.)
- b. On March 9, 1982, EPEC/IUOE contributed \$2,000.00

(TWO THOUSAND DOLLARS). (See F.E.C. Microfilm #82032290015.)

c. On July 16, 1982, EPEC/IUOE contributed \$5,000.00 (FIVE THOUSAND DOLLARS). (See F.E.C. Microfilm #82032411519.)

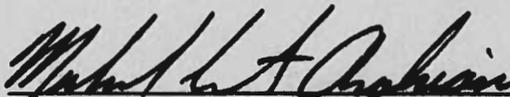
15. A running total of contributions made to Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer would have put on notice EPEC/IUOE that as of March 9, 1982, it had contributed \$3,000.00 (THREE THOUSAND DOLLARS) and that it could only contribute an additional \$2,000.00 (TWO THOUSAND DOLLARS) if it wished to meet the mandates of the law. In violation of 2 U.S.C. §441a(a)(2)(A), a \$5,000.00 (FIVE THOUSAND DOLLARS) contribution was made to Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer. This amount exceeded the statutory monetary ceiling by \$3,000.00 (THREE THOUSAND DOLLARS).

16. EPEC/IUOE and its treasurer failed to accurately report the \$5,000.00 (FIVE THOUSAND DOLLARS) contribution made to Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer on July 16, 1982. In violation of 11 C.F.R. §104.14(d), EPEC/IUOE and its treasurer failed to designate whether the contribution was intended for the primary or the general election. (See F.E.C. microfilm #82032411519.)

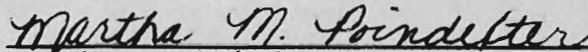
VII. CONCLUSION

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

18. 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

March 1, 1984

85040520740

VERIFICATION OF CITIZEN COMPLAINANT

Shawnee )  
 )  
State of Oklahoma ) ss.

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 Edward Antosh

Subscribed and sworn to before me this 29<sup>th</sup> day of February 1984.

Merise K. Almon  
Notary Public

My Commission expires:

Sept. 17, 1986

85040520741

107070 Bond  
5% COTTON FIBER

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.

Feb. 29, 1984  
Date

James Edward Antosh  
Complainant

DESIGNATED COUNSEL

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

85040520742

14 MAR 1 P 2:46

RECEIVED  
COMMUNICATIONS SECTION

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

85040520743

James Edward Antosh )  
13 Gilpin )  
Shawnee, Oklahoma 74801 )

Complainant, )

v. )

Fernand J. St. Germain and )  
the Engineers Political Education )  
Committee/International Union of )  
Operating Engineers, et. al., )

Respondents. )

Complaint  
MUR No. 1640

I. INTRODUCTION

1. Pursuant to 2 U.S.C. §437g(a)(1) James Edward Antosh brings this complaint against candidate for federal public office, Fernand J. St. Germain, Congressman St. Germain Campaign Committee, the Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE"), 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. Fernand J. St. Germain, 121 Woodland Road, Woonsocket, Rhode Island 02895.

b. Honorable Fernand J. St. Germain, individually and in his capacity as treasurer of Congressman St. Germain Campaign Committee, 121 Woodland Road, Woonsocket, Rhode Island 02895.

c. Congressman St. Germain Campaign Committee, 121 Woodland

85040520744

Road, Woonsocket, Rhode Island 20895.

d. Congressman St. Germain Re-election Committee, Post Office Box 37213, Washington, D.C. 20013.

e. Frank Hanley, individually and in his capacity as treasurer of EPEC/IUOE, 1125 17th Street, N.W., Washington, D.C. 20036.

f. EPEC/IUOE, 1125 17th Street, N.W., Washington, D.C. 20036.

### III. LIABILITY

3. Liability may be imposed upon the candidate, Fernand J. St. Germain, Congressman St. Germain Campaign Committee, and EPEC/IUOE pursuant to 2 U.S.C. §441a(a) which establishes the \$5,000.00 (FIVE THOUSAND DOLLARS) 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).

### IV. OVERVIEW

5. 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 primary election in which Fernand J. St. Germain was a candidate for public office.

85040520745

Complainant bases his belief on review of the Federal Election Commission Forms 3 and 3X, Sechedules "A" and "B" which Fernand J. St. Germain; Congressman St. Germain Campaign Committee and its treasurer; and EPEC/IUOE and its treasurer filed for the 1982 federal primary election.

6. For the 1982 federal primary election, excessive funds were contributed to Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer by EPEC/IUOE and its treasurer.

7. 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. VIOLATIONS OF THE F.E.C.A.  
BY  
CONGRESSMAN ST. GERMAIN CAMPAIGN COMMITTEE  
IN THE  
1982 FEDERAL PRIMARY ELECTION

8. 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, Fernand J. St. Germain, Congressman St. Germain Campaign Committee

85040520746

and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal primary election from EPEC/IUOE in the amount of \$8,000.00 (EIGHT THOUSAND DOLLARS).

9. Candidate Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer, for the 1982 federal primary election, accepted contributions from EPEC/IUOE in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>F.E.C. Microfilm Locations</u>
8/26/81	\$1,000.00	82012080550
3/24/82	\$2,000.00	82012123666
7/26/82	<u>\$5,000.00</u>	82012251819
Total =	\$8,000.00	

10. A running total of the amount of contributions received from EPEC/IUOE would have put on notice Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer that they had received \$3,000.00 (THREE THOUSAND DOLLARS) on March 24, 1982. On that date, Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer were only permitted to accept an additional contribution of \$2,000.00 (TWO THOUSAND 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.

85040520747

85040520748

11. Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer failed to accurately report the \$1,000.00 (ONE THOUSAND DOLLARS) contribution of July 22, 1981 and the \$2,000.00 (TWO THOUSAND DOLLARS) contribution of March 9, 1982 which were designated by EPEC/IUOE as contributions for the primary election. (See F.E.C. Microfilm #s 82032145380 and 82032290015.) In violation of 11 C.F.R. §104.14(d), Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer reported them as contributions for both the primary and general elections, which clearly they were not.

(See F.E.C. Microfilm #s 82012080550 and 82012123666.)

12. EPEC/IUOE and its treasurer failed to designate whether the \$5,000.00 (FIVE THOUSAND DOLLARS) contribution made on July 16, 1982 was intended for the primary or the general election. (See F.E.C. Microfilm # 8203241519.) However, the contribution was made two months before the Rhode Island Congressional primary election which was held on September 14, 1982. This indicates that the \$5,000.00 (FIVE THOUSAND DOLLARS) contribution of July 16, 1982 was intended by EPEC/IUOE for the primary election. In violation of 11 C.F.R. §104.14(d), Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer split the \$5,000.00 (FIVE THOUSAND DOLLARS) single contribution in two parts. They reported \$3,000.00 (THREE THOUSAND DOLLARS) for the general election and \$2,000.00 (TWO THOUSAND DOLLARS) for the primary election on F.E.C. Form 3, Schedule A. (See

F.E.C. Microfilm # 82012251819.) F.E.C. regulation, 11 C.F.R. §104.14(d), provides that a treasurer "shall be personally responsible for the timely and complete filing of the report or statement and for the accuracy of any information or statement contained therein." Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer by the activities described above, knowingly misreported the EPEC/IUOE contributions in order to accept contributions from EPEC/IUOE in excess of the statutory limit.

V. VIOLATIONS OF THE F.E.C.A.  
BY  
EPEC/IUOE  
IN THE  
1982 FEDERAL PRIMARY ELECTION

13. 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 EPEC/IUOE for the 1982 federal primary election contributed to candidate Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer a total of \$8,000.00 (EIGHT THOUSAND DOLLARS).

14. EPEC/IUOE contributed the following amounts:

- a. On July 22, 1981, EPEC/IUOE contributed \$1,000.00 (ONE THOUSAND DOLLARS). (See F.E.C. Microfilm #82032145380.)
- b. On March 9, 1982, EPEC/IUOE contributed \$2,000.00

85040520749

(TWO THOUSAND DOLLARS). (See F.E.C. Microfilm #82032290015.)

c. On July 16, 1982, EPEC/IUOE contributed \$5,000.00 (FIVE THOUSAND DOLLARS). (See F.E.C. Microfilm #82032411519.)

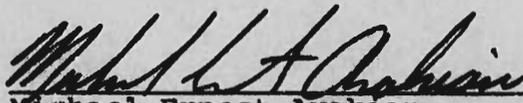
15. A running total of contributions made to Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer would have put on notice EPEC/IUOE that as of March 9, 1982, it had contributed \$3,000.00 (THREE THOUSAND DOLLARS) and that it could only contribute an additional \$2,000.00 (TWO THOUSAND DOLLARS) if it wished to meet the mandates of the law. In violation of 2 U.S.C. §441a(a)(2)(A), a \$5,000.00 (FIVE THOUSAND DOLLARS) contribution was made to Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer. This amount exceeded the statutory monetary ceiling by \$3,000.00 (THREE THOUSAND DOLLARS).

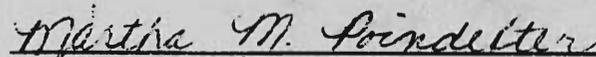
16. EPEC/IUOE and its treasurer failed to accurately report the \$5,000.00 (FIVE THOUSAND DOLLARS) contribution made to Fernand J. St. Germain, Congressman St. Germain Campaign Committee and its treasurer on July 16, 1982. In violation of 11 C.F.R. §104.14(d), EPEC/IUOE and its treasurer failed to designate whether the contribution was intended for the primary or the general election. (See F.E.C. microfilm #82032411519.)

VII. CONCLUSION

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

18. 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

March 1, 1984

85040520751

VERIFICATION OF CITIZEN COMPLAINANT

Shawnee )  
 )  
State of Oklahoma ) ss.

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 Edward Antosh

Subscribed and sworn to before me this 29<sup>th</sup> day of February 1984.

Melrose K. Almon  
Notary Public

My Commission expires:

Sept. 17, 1986

85040520752

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.

Feb. 29 1984  
Date

James Edward Antosh  
Complainant

DESIGNATED COUNSEL

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

85040520753



FEDERAL ELECTION COMMISSION

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

8504052075A

THIS IS THE BEGINNING OF MUR # 1640

Date Filmed 4/12/85 Camera No. --- 1

Cameraman A.S