



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

9-21-87

THE FOLLOWING MATERIAL IS BEING ADDED TO THE  
PUBLIC FILE OF CLOSED MUR 1720

87040654046

LAUTENBERG FOR U.S. SENATE 1982

3582

MARCH 23 1987

55-1/212

PAY TO THE ORDER OF

TREASURER OF THE UNITED STATES

\$ 500.00

THE SUM 500 DOLS 00 CTS

DOLLARS

MIDLANTIC

Midlantic National Bank  
Brick Church Office, East Orange, N.J. 07018

*Debra A. Reed*

FOR FEC MUR 1720

⑆003582⑆ ⑆021200012⑆ ⑆0585-15354⑆

MEMORANDUM

CCC3742

TO: Debra A. Reed <sup>Trimiew</sup>

TO: *Cecilia Lieb*

FROM: *Cecilia Lieb*

FROM: Debra A. Reed <sup>Trimiew</sup>

87 JUN 29 P 2

GENERAL INVESTIGATIVE DIVISION

CHECK NO. 3582

(a copy of which is attached) RELATING

TO MUR 1720 (Andersen) AND NAME Lautenberg for Senate Cmte. and Abraham H. Nechemie, as treas.

WAS RECEIVED ON 6/29/87. PLEASE INDICATE THE ACCOUNT INTO

WHICH IT SHOULD BE DEPOSITED:

BUDGET CLEARING ACCOUNT (#95F3875.16)

CIVIL PENALTIES ACCOUNT (#95-1099.160)

OTHER

SIGNATURE Debra A. Simpson

DATE 6/29/87

CCC 3742  
RECEIVED AT THE FEC

MANATT, PHELPS, ROTHENBERG & EVANS  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATION(S)  
ATTORNEYS AT LAW

07 JUN 29 09:23

1200 NEW HAMPSHIRE AVENUE, N.W.  
SUITE 500  
WASHINGTON, D.C. 20039  
TELEPHONE (202) 462-4300

LOS ANGELES  
1335 WEST OLYMPIC BOULEVARD  
LOS ANGELES, CALIFORNIA 90004  
(213) 212-6000

June 26, 1987

07 JUN 29 12:43

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

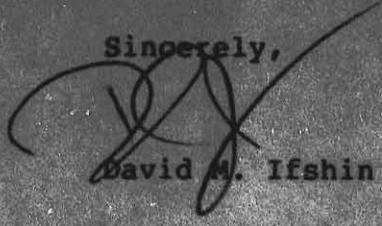
Mr. Lawrence M. Noble  
Acting General Counsel  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 1720  
Lautenberg for Senate Committee  
Abraham Hechemie, as treasurer

Dear Mr. Noble:

Enclosed is a check issued by the Lautenberg for 1982  
Senate Committee, pursuant to the conciliation agreement in MUR  
1720 accepted by the Commission on June 2, 1987.

Sincerely,



David M. Ifshin

DMI:jb  
enc.

cc: Al Nechemie w/enc.  
Eve Lubalin "

87040554048



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1720

DATE FILMED 3/28/88 CAMERA NO. 4

CAMERAMAN GPC

83040690002

GCC# 3394

1910:54

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

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

v. )

Complaint  
MUR No. 1720

Frank R. Lautenberg; Lautenberg )  
for U.S. Senate Committee; )  
Engineers Political Education )  
Committee/International Union )  
of Operating Engineers and its )  
affiliated separate segregated )  
funds, International Union )  
of Operating Engineers Local )  
825 Political Action and Education )  
Committee and International )  
Union of Operating Engineers )  
Local 68 Political Action Committee; )  
International Ladies Garment Workers )  
Union Campaign Committee and all )  
the Committees' treasurers, )  
Respondents. )

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I. INTRODUCTION

1. Pursuant to 2 U.S.C. §437g(a)(1) James Edward Antosh brings this complaint against former candidate for federal public office, Frank R. Lautenberg; Lautenberg for U.S. Senate Committee; Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE") and its affiliated separate segregated funds ("SSFs"), International Union of Operating Engineers Local 825 Political Action and Education Committee ("IUOE Local 825 P.A.E.C.") and International Union of Operating Engineers Local 68 Political Action Committee ("IUOE Local 68 PAC"); International Ladies Garment Workers Union Campaign Committee ("ILGWUCC"), 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. Frank R. Lautenberg, 33 Evergreen Place, East Orange, New Jersey 07018; 495 Franklin Avenue, Nutley, New Jersey 07110 and P.O. Box 495, Nutley, New Jersey 07110.

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b. Abraham H. Nechemic, individually and in his capacity as treasurer of Lautenberg for U.S. Senate Committee, 33 Evergreen Place, East Orange, New Jersey 07018; 495 Franklin Avenue, Nutley, New Jersey 07110 and P.O. Box 495, Nutley, New Jersey 07110.

c. Lautenberg for U.S. Senate Committee, 33 Evergreen Place, East Orange, New Jersey 07018; 495 Franklin Avenue, Nutley, New Jersey 07110 and P.O. Box 495, Nutley, New Jersey 07110.

d. Frank Hanley, individually and in his capacity as treasurer of Engineers Political Education Committee/International Union of Operating Engineers, 1125 17th Street, N.W., Washington, D.C. 20036.

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

f. John Eichele, individually and in his capacity as treasurer of International Union of Operating Engineers Local 825 Political Action and Education Committee, Route 46 (east), Little Falls, New Jersey 07425.

g. International Union of Operating Engineers Local 825 Political Action and Education Committee, Route 46 (east), Little Falls, New Jersey 07425.

h. Vincent J. Giblin, individually and in his capacity as treasurer of International Union of Operating Engineers Local

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68 Political Action Committee, 11 Fairfield Place, West Caldwell,  
New Jersey 07006.

i. International Union of Operating Engineers Local 68  
Political Action Committee, 11 Fairfield Place, West Caldwell,  
New Jersey 07006.

j. Lawrence Dock, individually and in his capacity as  
treasurer of International Ladies Garment Workers Union Campaign  
Committee, 1710 Broadway, New York, New York 10019.

k. International Ladies Garment Workers Union Campaign  
Committee, 1710 Broadway, New York, New York 10019.

### III. LIABILITY

3. Liability may be imposed upon the candidate, Frank R. Lautenberg;  
Lautenberg for U.S. Senate Committee; EPEC/IUOE and its affiliated  
SSFs, IUOE Local 825 P.A.E.C. and IUOE Local 68 PAC; and ILGWUCC  
pursuant to 2 U.S.C. §441a(a) which establishes the \$5,000.00  
(FIVE THOUSAND DOLLAR) maximum contribution ceiling and 2 U.S.C.  
§441a(f) which proscribes a candidate or political committee  
from accepting any contributions in excess of \$5,000.00 (FIVE  
THOUSAND DOLLARS).

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

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5. For purposes of this complaint, contributions made by EPEC/IUOE and its affiliated SSFs, IUOE Local 825 P.A.E.C. and IUOE Local 68 PAC, are treated as contributions made from a single committee in accordance with 2 U.S.C. §441a(a)(5) as implemented through 11 C.F.R. §100.5(g)(i)(B).

#### IV. OVERVIEW

6. Based on Complainant's information and belief, Respondents have contributed or received an aggregate in excess of \$5,000.00 (FIVE THOUSAND DOLLARS) for the 1982 federal general election in which Frank R. Lautenberg was a candidate for public office. Complainant bases his belief on review of the Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" which Frank R. Lautenberg; Lautenberg for U.S. Senate Committee; EPEC/IUOE and its affiliated SSFs, IUOE Local 825 P.A.E.C. and IUOE Local 68 PAC; and ILGWUCC filed for the 1982 federal general election.

7. For the 1982 federal general election, excessive funds were contributed to Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer by EPEC/IUOE and its treasurer; IUOE Local 825 P.A.E.C. and its treasurer; IUOE Local 68 PAC and its treasurer; and ILGWUCC and its treasurer.

8. These unlawful contributions constitute a violation of the Federal Election Campaign Act, 2 U.S.C. §441a(a)(2)(A), which

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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  
LAUTENBERG FOR U. S. SENATE COMMITTEE  
IN THE  
1982 FEDERAL GENERAL ELECTION**

9. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal general election from EPEC/IUOE and its affiliated SSFs, IUOE Local 825 P.A.E.C. and IUOE Local 68 PAC, in the amount of \$8,500.00 (EIGHT THOUSAND FIVE HUNDRED DOLLARS).

10. Candidate Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer, for the 1982 federal general election, accepted contributions from EPEC/IUOE and its affiliated SSFs, IUOE Local 825 P.A.E.C. and IUOE Local 68 PAC, in the following amounts:

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<u>Date Received</u>	<u>Amount</u>	<u>Contributor</u>	<u>F.E.C. Microfilm Location</u>
8/16/82	\$5,000.00	EPEC/IUOE	83020022506
10/21/82	\$1,500.00	EPEC/IUOE	82020172795
9/30/82	\$ 400.00	IUOE Local 825 P.A.E.C.	83020022509
10/21/82	\$1,500.00	IUOE Local 825 P.A.E.C.	82020172795
10/14/82	<u>\$ 100.00</u>	IUOE Local 68 PAC	82020172795
Total	\$8,500.00		

11. A running total of contributions from EPEC/IUOE and its affiliated SSFs, IUOE Local 825 P.A.E.C. and IUOE Local 68 PAC, would have put on notice Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer that they had received \$5,000.00 (FIVE THOUSAND DOLLARS) on August 16, 1982. On that date, Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer could no longer lawfully accept any contributions from EPEC/IUOE and its affiliated SSFs, IUOE Local 825 P.A.E.C. and IUOE Local 68 PAC. In violation of 2 U.S.C. §441a(f), Lautenberg for U.S. Senate Committee and its treasurer accepted additional contributions from this contributor totalling \$3,500.00 (THREE THOUSAND FIVE HUNDRED DOLLARS). This amount exceeded the statutory monetary ceiling by \$3,500.00 (THREE THOUSAND FIVE HUNDRED DOLLARS).

12. Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer failed to accurately report the \$1,500.00

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(ONE THOUSAND FIVE HUNDRED DOLLAR) contribution of October 7, 1982 which was designated by EPEC/IUOE as a contribution for the general election. (See F.E.C. Microfilm #82032520933). In violation of 11 C.F.R. §104.14(d), Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer reported it as a contribution for the primary election. (See F.E.C. Microfilm #82020172795). 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." Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer knowingly misreported the contribution in order to accept contributions in excess of the statutory limit.

13. Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer failed to accurately report the \$1,500.00 (ONE THOUSAND FIVE HUNDRED DOLLAR) contribution of October 13, 1982 which was designated by IUOE Local 825 P.A.E.C. as a contribution for the general election. (See F.E.C. Microfilm #82032552174). In violation of 11 C.F.R. §104.14(d), Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer reported it as a contribution for the primary election. (See F.E.C. Microfilm #82020172795). 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

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contained therein." Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer knowingly misreported the contribution in order to accept contributions in excess of the statutory limit.

14. Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer failed to accurately report the \$100.00 (ONE HUNDRED DOLLAR) contribution of October 9, 1982 which was designated by IUOE Local 68 PAC as a contribution for the general election. (See F.E.C. Microfilm #82032484487). Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer reported it as a contribution for the primary election. (See F.E.C. Microfilm #82020172795). 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." Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer knowingly misreported the contribution in order to accept contributions in excess of the statutory limit.

15. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly

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accepted contributions for the 1982 federal general election from ILGWUCC in the amount of \$10,000.00 (TEN THOUSAND DOLLARS).

16. Candidate Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer, for the 1982 federal general election, accepted contributions from ILGWUCC in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>F.E.C. Microfilm Location</u>
8/16/82	\$5,000.00	83020022506
10/19/82	<u>\$5,000.00</u>	82020172796
Total	\$10,000.00	

17. A running total of contributions from ILGWUCC would have put on notice Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer that they had received \$5,000.00 (FIVE THOUSAND DOLLARS) on August 16, 1982. On that date, Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer could no longer lawfully accept any contributions from ILGWUCC. In violation of 2 U.S.C. §441a(f), Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer accepted a contribution from this contributor in the amount of \$5,000.00 (FIVE THOUSAND DOLLARS). This amount exceeded the statutory monetary ceiling by \$5,000.00.

18. Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer failed to accurately report the \$5,000.00 (FIVE THOUSAND DOLLAR) contribution of October 6, 1982 which

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was designated by ILGWUCC as a contribution for the general election. (See F.E.C. Microfilm #82032500142). In violation of 11 C.F.R. §104.14(d), Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer reported it as a contribution for the primary election. (See F.E.C. Microfilm #82020172796). 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." Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer knowingly misreported the contribution in order to accept contributions in excess of the statutory limit.

**VI. VIOLATIONS OF THE F.E.C.A.  
BY  
EPEC/IUOE, IUOE LOCAL 825 P.A.E.C. AND  
IUOE LOCAL 68 PAC  
IN THE  
1982 FEDERAL GENERAL ELECTION**

19. 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 and its affiliated SSFs, IUOE Local 825 P.A.E.C. and IUOE Local 68 PAC, for the 1982 federal general election contributed to candidate Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer a total of \$8,500.00 (EIGHT THOUSAND FIVE HUNDRED DOLLARS).

20. EPEC/IUOE, IUOE Local 825 P.A.E.C. and IUOE Local 68 PAC contributed the following amounts:

a. On August 2, 1982, EPEC/IUOE contributed \$5,000.00 (FIVE THOUSAND DOLLARS). (See F.E.C. Microfilm #82032440319).

b. On October 7, 1982, EPEC/IUOE contributed \$1,500.00 (ONE THOUSAND FIVE HUNDRED DOLLARS). (See F.E.C. Microfilm #82032520933).

c. On September 27, 1982, IUOE Local 825 P.A.E.C. contributed \$400.00 (FOUR HUNDRED DOLLARS). (See F.E.C. Microfilm #82032483654).

d. On October 13, 1982, IUOE Local 825 P.A.E.C. contributed \$1,500.00 (ONE THOUSAND FIVE HUNDRED DOLLARS). (See F.E.C. Microfilm #82032552174).

e. On October 9, 1982, IUOE Local 68 PAC contributed \$100.00 (ONE HUNDRED DOLLARS). (See F.E.C. Microfilm #82032484487).

21. A running total of the amount contributed to Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer by EPEC/IUOE and its affiliated SSFs would have put them on notice that as of August 2, 1982, they had contributed \$5,000.00 (FIVE THOUSAND DOLLARS). In violation of 2 U.S.C. §441a(a)(2)(A), EPEC/IUOE and its affiliated SSFs made a \$400.00 (FOUR HUNDRED DOLLAR) contribution on September 27, 1982, a \$1,500.00 (ONE THOUSAND FIVE HUNDRED DOLLAR) contribution on October 7, 1982, a \$100.00 (ONE HUNDRED DOLLAR) contribution on October 9, 1982, and a \$1,500.00 (ONE THOUSAND FIVE HUNDRED DOLLAR) contribution

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on October 13, 1982, which exceeded the \$5,000.00 (FIVE THOUSAND DOLLAR) ceiling by \$3,500.00 (THREE THOUSAND FIVE HUNDRED DOLLARS).

**VII. VIOLATIONS OF THE F.E.C.A. BY  
ILGWUCC  
IN THE 1982 FEDERAL GENERAL ELECTION**

22. 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 ILGWUCC, for the 1982 federal general election contributed to candidate Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer a total of \$10,000.00 (TEN THOUSAND DOLLARS).

23. ILGWUCC contributed the following amounts:

a. On August 11, 1982, ILGWUCC contributed \$5,000.00 (FIVE THOUSAND DOLLARS). (See F.E.C. Microfilm #82032435056).

b. On October 6, 1982, ILGWUCC contributed \$5,000.00 (FIVE THOUSAND DOLLARS). (See F.E.C. Microfilm #82032500142).

24. A running total of the amount contributed to Frank R. Lautenberg, Lautenberg for U.S. Senate Committee and its treasurer by ILGWUCC would have put it on notice that as of August 11, 1982, it had contributed \$5,000.00 (FIVE THOUSAND DOLLARS). In violation of 2 U.S.C. §441a(a)(2)(A), ILGWUCC made a \$5,000.00 (FIVE THOUSAND DOLLAR) contribution on October 6, 1982, which

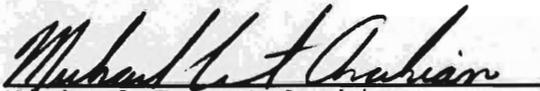
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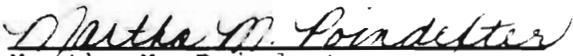
exceeded the \$5,000.00 (FIVE THOUSAND DOLLAR) ceiling by \$5,000.00 (FIVE THOUSAND DOLLARS).

**VIII. CONCLUSION**

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

26. 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

June 1, 1984

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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 31<sup>st</sup> day of May 1984.

*James K. Almon*  
Notary Public

My Commission expires:  
My Commission Expires Sept. 17, 1986

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DESIGNATION OF COUNSEL

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

May 21, 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

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**SENSITIVE**

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

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

84 JUL 3 P 5: 16

**FIRST GENERAL COUNSEL'S REPORT**

DATE AND TIME OF TRANSMITTAL MUR 1720  
BY OGC TO THE COMMISSION: <sup>7/3/84-5:17</sup> DATE COMPLAINT RECEIVED BY OGC  
June 1, 1984  
DATE OF NOTIFICATION TO RESPONDENT:  
June 6, 1984  
STAFF MEMBER: Marty Romney

**COMPLAINANT'S NAME:** James Edward Antosh

**RESPONDENTS' NAMES:** Frank R. Lautenberg  
Lautenberg for U.S. Senate Committee and  
its treasurer, Abraham H. Nechemic  
Engineers Political Education Committee/  
International Union of Operating Engineers,  
and its treasurer, Frank Hanley  
International Union of Operating Engineers  
Local 825 Political Action and Education  
Committee, and its treasurer, John Eichele  
International Union of Operating Engineers  
Local 68 Political Action Committee and  
its treasurer, Vincent Giblin  
International Ladies Garment Workers  
Union Campaign Committee and its  
treasurer, Lawrence Dock

**RELEVANT STATUTES:** 2 U.S.C. §441a(a)(2)(A)  
2 U.S.C. § 441a(f)  
11 C.F.R. § 110.1(a)(2)

**INTERNAL REPORTS CHECKED:** None

**FEDERAL AGENCIES CHECKED:** None

**SUMMARY OF ALLEGATIONS**

First, James Edward Antosh ("Complainant"), alleges that the following affiliated committees violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to the Lautenberg for U.S. Senate Committee during the 1982 general election:

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- a. Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE")
- b. International Union of Operating Engineers Local 825 Political Action and Education Committee ("IUOE Local 825 P.A.E.C.")
- c. International Union of Operating Engineers Local 68 Political Action Committee ("IUOE Local 68 PAC")

Complainant alleges that Lautenberg for U.S. Senate Committee and its treasurer violated 2 U.S.C. § 441a(f) for the receipt of contributions in excess of limitations at 2 U.S.C. § 441a(a)(2)(A) from the above-named committees.

In addition, Complainant alleges that Lautenberg for U.S. Senate Committee failed to accurately report several contributions. The contributions at issue are EPEC/IUOE's October 7, 1982, \$1,500 contribution, IUOE Local 825 P.A.E.C.'s October 13, 1982 \$1,500 contribution, and IUOE Local 68 PAC's October 9, 1982, \$100 contribution.

Second, Complainant alleges that the International Ladies Garment Worker's Union Campaign Committee ("ILGWUCC") violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to the Lautenberg for U.S. Senate Committee during the 1982 general election.

Complainant alleges that Lautenberg for U.S. Senate Committee and its treasurer violated 2 U.S.C. § 441a(f) for receipt of contributions in excess of limitations at 2 U.S.C. § 441a(a)(2)(A) from the above named committees.

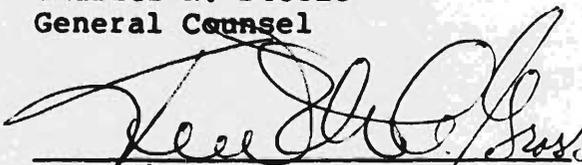
In addition, Complainant alleges that Lautenberg for U.S. Senate Committee failed to accurately report ILGWUCC's October 6, 1982, \$5,000 contribution.

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Notification letters were sent to Respondents on June 6, 1984. EPEC/IUOE, IUOE Local 825 P.A.E.C. and the Lautenberg Committee each have requested an extension of time to respond to the complaint. The responses are due July 9, 10, and 11, 1984 respectively. A General Counsel's Report will be submitted shortly thereafter.

Charles N. Steele  
General Counsel

July 3, 1984  
Date

  
By: Kenneth A. Gross  
Associate General Counsel

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE  
GENERAL COUNSEL

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

DATE: JULY 6, 1984

SUBJECT: MUR 1720 - FIRST GENERAL COUNSEL'S  
REPORT signed July 3, 1984

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 11:00 on July 5, 1984.

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

88040640022



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 6, 1984

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

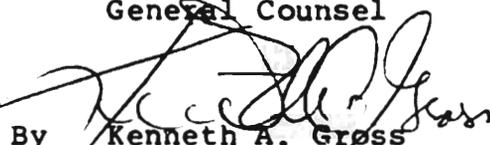
Dear Mr. Avakian and Ms. Poindexter:

9 8 0 4 0 6 9 0 0 2 5  
This letter is to acknowledge receipt of the complaint of your client, James Edward Antosh, which we received on May 31, 1984, against Frank R. Lautenberg; Laurenberg for U.S. Senate Committee; Abraham H. Nechemic; Engineers Political Education Committee/International Union of Operating Engineers; Frank Hanley; International Union of Operating Engineers Local 825 Political Action and Education Committee; John Eichel; International Union of Operating Engineers Local 68 Political Action Committee, Vincent J. Giblin; International Ladies Garment Workers Union Campaign Committee and Lawrence Dock, which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent 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 Barbara A. Johnson at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

By   
Kenneth A. Gross  
Associate General Counsel

Enclosure



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 6, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Frank R. Lautenberg  
354 Eisenhower Parkway  
Livingston, NJ 07039

Re: MUR 1720

Dear Mr. Lautenberg:

98040690024  
This letter is to notify you that on May 31, 1984 the Federal Election Commission received a complaint which alleges that you, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1720. Please refer to this number in all future correspondence.

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

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

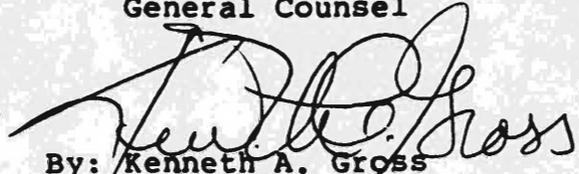
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

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

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

83040640025



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 6, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

John Eichele, Treasurer  
International Union of  
Operating Engineers  
Local 825 Political  
Action and Education  
Committee  
Route 46 East  
Little Falls, NJ 07425

Re: MUR 1720

Dear Mr. Eichele:

This letter is to notify you that on May 31, 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 1720. 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.

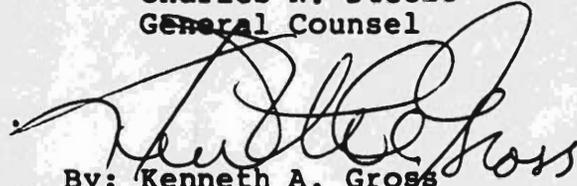
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

3 3 0 4 0 5 9 0 0 2 6

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

83040590027



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 6, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Lawrence Dock, Treasurer  
International Ladies Garment  
Workers Union Campaign Committee  
1710 Broadway  
New York, NY 10019

Re: MUR 1720

Dear Mr. Dock:

This letter is to notify you that on May 31, 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 1720. 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.

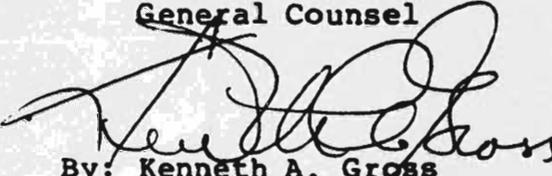
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

93040690028

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

89040690029



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 6, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Vincent J. Giblin, Treasurer  
International Union of Operating  
Engineers Local 68 Political  
Action Committee  
11 Fairfield Place  
West Caldwell, NJ 07006

Re: MUR 1720

Dear Mr. Giblin:

This letter is to notify you that on May 31, 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 1720. 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.

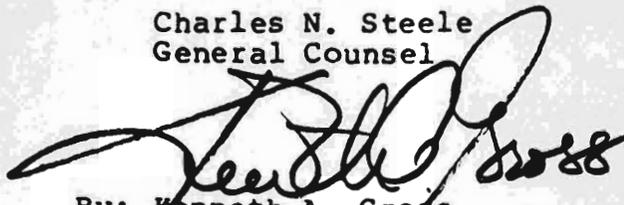
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

38040690030

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

98040670031



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 6, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

Re: MUR 1720

Dear Mr. Hanley:

This letter is to notify you that on May 31, 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 1720. 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.

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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.

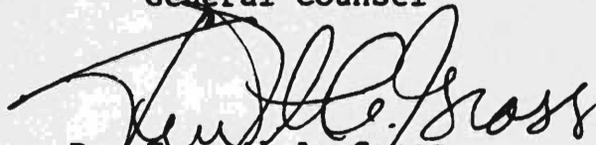
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

9 9 0 4 0 6 7 0 0 3 2

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

83040690033



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 6, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Abraham H. Nechemic, Treasurer  
Lautenberg for U.S. Senate Committee  
354 Eisenhower Parkway  
Livingston, NJ 07039

Re: MUR 1720

Dear Mr. Nechemic:

This letter is to notify you that on May 31, 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 1720. 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.

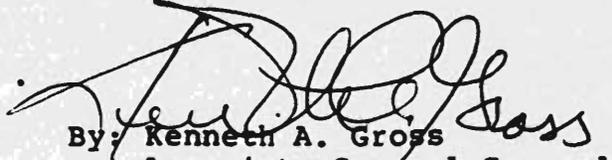
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

83040670034

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

38040690035

RECEIVED THE FEC  
Call 3756  
31 JUN 25 10:49



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# 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 21, 1984

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

Re: MUR 1720

Dear Mr. Steele:

I have been designated to represent the Engineers Political Education Committee/International Union of Operating Engineers (EPEC/IUOE). Enclosed please find a duly executed Designation of Counsel form.

In a telephone conversation today with Martha Romney of your staff, I confirmed that, while EPEC/IUOE was served a copy of the Complaint in this matter on June 8, 1984, neither of the two Local affiliated committees of EPEC/IUOE, i.e., International Union of Operating Engineers Local 825 Political Action and Education Committee and International Union of Operating Engineers Local 68 Political Action Committee, has yet been served.

Accordingly, in order that EPEC/IUOE and its affiliated committees be permitted adequate time within which to gather all pertinent information in connection with the filing of responses to the Complaint, I request an extension of time within which to file EPEC/IUOE's reponse in this matter, which would otherwise be due on June 25, until July 9, 1984.

Sincerely,

*Michael R. Fanning*  
Michael R. Fanning  
Counsel

MRF/jlw

Attachment

33040690030

01 JUN 25 1984

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1720

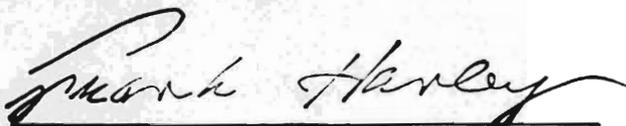
NAME OF COUNSEL: Michael R. Fanning

ADDRESS: International Union of Operating Engineers  
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.

June 21, 1984  
Date

  
Signature

RESPONDENT'S NAME: Frank Hanley, Treasurer, Engineers Political Education Committee

ADDRESS: International Union of Operating Engineers  
1125 17th Street, N.W.  
Washington, D.C. 20036

HOME PHONE: -----

BUSINESS PHONE: (202) 429-9100

83040690037

MANATT, PHELPS, ROTHENBERG & TUNNEY

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

1200 NEW HAMPSHIRE AVENUE, N.W.

SUITE 200

WASHINGTON, D.C. 20036

TELEPHONE (202) 463-4300

June 21, 1984

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

BY HAND

RE: MUR 1720

Dear Mr. Steele,

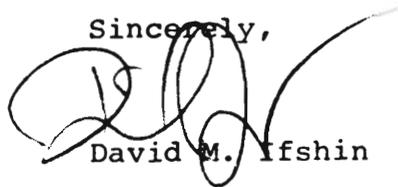
I represent Senator Frank Lautenberg and the Lautenberg for U.S. Senate Committee and its treasurer. A designation of counsel is enclosed. On June 11, 1984, my clients received a copy of the complaint in MUR 1720. The response to the complaint is due June 26.

The complaint reached our office on June 15. After reviewing the allegations, we believe that we will be able to provide documentation demonstrating that there is no reason to believe a violation of the Act occurred. However, the materials necessary to support this submission are located in New Jersey. In order to provide adequate time to obtain and review these records, the Committee respectfully requests an extension of time of 15 days, moving the response due date from June 26 to July 11.

It is my understanding from the Assistant General Counsel assigned to MUR 1720 that this extension of time would be acceptable to the Commission's Office of General Counsel.

Thank you for your assistance in this matter.

Sincerely,



David M. Lifshin

DMI/jhl  
Enclosure

CENTURY CITY OFFICE  
1888 CENTURY PARK EAST  
SUITE 2100  
LOS ANGELES, CALIFORNIA 90067  
TELEPHONE (213) 858-1500

SAN FRANCISCO OFFICE  
100 BUSH STREET  
SUITE 2314  
SAN FRANCISCO, CA 94104  
TELEPHONE (415) 981-7540

LOS ANGELES OFFICE  
811 WEST SEVENTH STREET  
TWELFTH FLOOR  
LOS ANGELES, CALIFORNIA 90017  
TELEPHONE (213) 879-4414

93740640038

GCC #3706

RECEIVED AT THE FEC

STATEMENT OF DESIGNATION OF COUNSEL

84 JUN 21 10:47

MUR 1720

NAME OF COUNSEL: David M. Ifshin  
Manatt, Phelps, Rothenberg & Tunney  
 ADDRESS: 1200 New Hampshire Avenue, N.W.  
Suite 200  
Washington, DC 20036

TELEPHONE: 202-463-4300

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.

June 18, 1984  
Date

  
Signature

RESPONDENT'S NAME: Lautenberg for U.S. Senate Committee  
 ADDRESS: c/o Abraham H. Nechemie, Treasurer  
354 Eisenhower Parkway  
Livingston, New Jersey 07039

HOME PHONE: 201-239-6924

BUSINESS PHONE: 201-994-9400

88040590039

6cc# 3787

# INTERNATIONAL LADIES' GARMENT WORKERS UNION 35

AFL-CIO

1710 BROADWAY • NEW YORK, N.Y. 10019

CABLE ADDRESS: ILGWU—NEW YORK • PHONE: 212-265-7000

LEGAL DEPARTMENT

MAX ZIMNY  
General Counsel

CERTIFIED MAIL, R.R.R.

June 22, 1984

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

Re: MUR 1720  
Attention: Martha Romney

Dear Sir:

Enclosed is the response to the complaint in the captioned case filed on behalf of the ILGWU Campaign Committee and its Treasurer.

Also enclosed is a designation of the undersigned as counsel.

Sincerely yours,

*Max Zimny*  
Max Zimny  
General Counsel

MZ:cs  
Enclosure

39040690040

11:00

STATE OF NEW YORK )  
 : ss.:  
COUNTY OF NEW YORK )

Evelyn Dubrow, being duly sworn, deposes and  
says:

1. I am Executive Secretary of the International Ladies' Garment Workers' Union Campaign Committee ("ILGWU Campaign Committee"). I also occupied that position in 1982. I am fully familiar with all of the facts and circumstances concerning the event set forth in the complaint in MUR 1720.

2. My principal office is in Washington, D.C. Checks for political contributions from the ILGWU Campaign Committee issue from the Campaign Committee office in New York City. I regularly instruct the clerical employees of the Campaign Committee in New York by phone from my office in Washington regarding political contributions.

3. In 1982, I issued instructions by phone to Carol Friedman, an inexperienced clerical employee in New York, regarding contributions to Lautenberg for U.S. Senate 1982. In August 1982, I instructed Ms. Friedman by phone from Washington to make a \$5,000 contribution from the Campaign Committee to Lautenberg for U.S. Senate 1982 for the general election, and she did so on August 11, 1982. In early October 1982, I

89040690041

received an appeal from the Lautenberg Campaign for a contribution to defray its primary deficit, and I instructed Ms. Friedman by phone to make a primary election contribution to Lautenberg from the ILGWU Campaign Committee. She sent the contribution on October 6, 1982, but entered it in her records, erroneously, as a contribution to the general election. The FEC report filed from New York for the month of October 1982 also reflected the error.

4. My instructions to Ms. Friedman to make a \$5,000 primary election contribution to Lautenberg in October 1982 is reflected in my records which I independently maintain in my Washington office. Attached hereto as Exhibit "A" is a copy of my record of contributions to Lautenberg in 1982. As can be seen, it indicates that the October 1982 contribution to Lautenberg was for the primary election. On June 12, 1984, the ILGWU Campaign Committee filed an amended report with the Federal Election Commission for the month of October 1982 which corrected the aforesaid error and correctly lists the October 1982 contribution to Lautenberg for the primary election.

5. I respectfully submit that the ILGWU Campaign Committee contributions to Lautenberg in 1982 for the primary

99740590042

and general elections did not exceed the separate \$5,000  
limits provided by law.

*Evelyn Dubrow*  
Evelyn Dubrow

Sworn to before me  
this 22nd day of June 1984

*Max Zimny*  
Notary Public

**MAX ZIMNY**  
Notary Public, State of New York  
No. 30-4392588  
Qualified in Nassau County  
Certificate filed in New York County  
Commission Expires March 30, 1985

33040670043

PRIMARY, JUNE 8

NEW JERSEY

5/14/82

\* denotes COPE encorsement

SENATE

DEMOCRATS

\* Andy Maguire  
 Donald-Cresitello  
 Richard D.-McAleer  
 Joseph-LaFante  
 Angelo Bianchi  
 Howard-Rosen  
 Cyril Yannarelli  
 \* Frank Lautenberg  
 Barbara-Boggs-Sigmund  
 Frank Forst

REPUBLICANS

Millicent Fenwick  
 Jeffrey Beil

CONTRIBUTIONS

P \$2,500 4/20/82 straight  
~~1,000 (10/1/82)~~  
 +1,000 (10/1/82) - Deficit

REMARKS

5,000 (8/82) - straight  
 5,000 (10/6/82) "  
 Corrections  
 8/11/82  
 10/6/82  
 General CK # 5037 500  
 Penny CK # 5376 500  
 Defining

HOUSE OF REPRESENTATIVES

DISTRICT DEMOCRATS

1st \* James Florio (Inc.)

REPUBLICANS

John Dramesi  
 Scott-Sibert

CONTRIBUTIONS

\$ 1,000 (8/82) - straight  
 13

REMARKS

2nd \* William Hughes (Inc.)

John Mahoney

P \$400 8/26/81 - tickets  
 \$ 600 (8/82) - straight  
 + 500 (10/1/82) - straight  
 P \$500 8/26/81 + kts.  
 \$ 300 (8/2/82) - "  
 \$ 200 (8/82) - straight

\$ 250 (9/27/82) - ticket  
 500 10/7/82 - straight  
 750 10/26/82 - "  
 500 (10/7/82) - straight  
 500 (10/10/82) ticket

3rd ✓ \* James Howard (Inc.)

Marie Muhler  
 Ir-Richard-Ringold

P \$350 (6/2/82) - straight  
 \$ 650 (8/82) - "  
 + 500 (10/1/82) "

+ 500  
 10/15/82 - straight

4th ✓ \* Joe Merlino  
 Craig-Yates

Christopher Smith (Inc.)

5th Ray-Rollinson  
 Fritz Cammerzell

Marge Roukema (TMO.)  
 John P. Scello

\$ 500 (8/82) - straight  
 + 500 (10/1/82) - "

Inc. Millicent Fenwick is run-  
 for Senator

6th \* Bernard Dwyer (Inc.)

Bertram Buckler

P \$300 11/23/81 + kts.  
 P \$300 3/4/82 + kts.  
 \$ 250 (8/12/82) "  
 \$ 150 (8/82) - straight

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1720

NAME OF COUNSEL: MAX ZIMNY

ADDRESS: 1710 Broadway

New York, N.Y. 10019

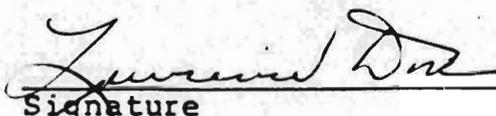
(212) 265-7000

TELEPHONE: \_\_\_\_\_

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.

June 22, 1984

Date



Signature

Acting Treasurer  
ILGWU Campaign Committee

RESPONDENT'S NAME: ILGWU Campaign Committee and Lawrence Dock

ADDRESS: Acting Treasurer

1710 Broadway

New York, N.Y. 10019

HOME PHONE: (212) 225-7244

BUSINESS PHONE: (212) 265-7000

98040690042



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 27, 1984

Michael R. Fanning, Esquire.  
Counsel  
International Union of Operating Engineers  
1125 17th Street, N.W.  
Washington, D.C. 20036

Re: MUR 1720

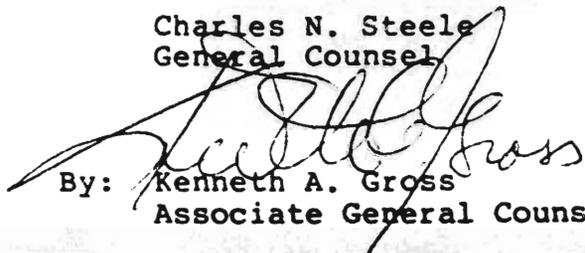
Dear Mr. Fanning:

This is to inform you that the Office of General Counsel has determined to grant you your requested extension until July 9, 1984, in which to submit a response on behalf of the Engineers Political Education Committee/International Union of Operating Engineers (EPEC/IUOE), in the above referenced matter.

If you have any questions, please direct them to Marty Romney, the staff member assigned to this matter at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

38040590046



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 27, 1984

John J. Mooney, Esquire  
17 Battery Place  
Suite 2245  
New York, New York 10004

Re: MUR 1720

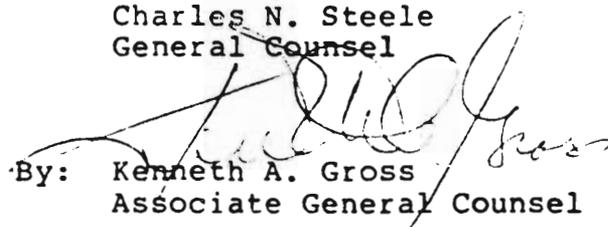
Dear Mr. Mooney:

This is to inform you that the Office of General Counsel has determined to grant you your requested extension until July 10, 1984, in which to submit a response on behalf of the International Union of Operating Engineers, Local 825 Political Action and Education Committee and its treasurer, in the above referenced matter.

If you have any questions, please direct them to Marty Romney, the staff member assigned to this matter at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

88040490047



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 27, 1984

David M. Ifshin  
Mondale for President  
2201 Wisconsin Avenue, N.W.  
Washington, D.C. 20007

Re: MUR 1720

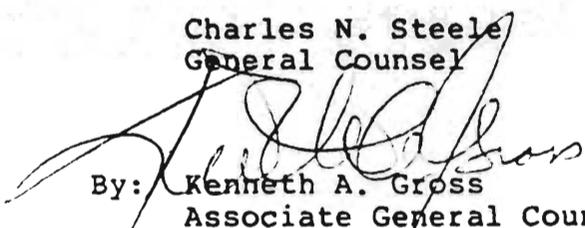
Dear Mr. Ifshin:

This is to inform you that the Office of General Counsel has determined to grant you your requested extension until July 11, 1984, in which to submit a response on behalf of Senator Frank Lautenberg and the Lautenberg for U.S. Senate Committee and its treasurer, in the above referenced matter.

If you have any questions, please direct them to Marty Romney, the staff member assigned to this matter at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

By:   
Kenneth A. Gross  
Associate General Counsel

9 9 7 4 0 6 4 0 0 4 8

*John J. Mooney, P. C.*

*Attorney at Law*

*17 Battery Place*

*Suite 2245*

*New York, N.Y. 10004*

*(212) 422-1831*

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REC'D  
3968  
84 JUL 9 9:20

July 6th 1984

Charles N. Steele, Esq.  
General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20453

RE: MUR 1720

Dear Mr. Steele:

I am the attorney in the above captioned matter for respondents, John Eichele, individually and as Treasurer of the International Union of Operating Engineers Local 825 Political Action and Education Committee and of the International Union of Operating Engineers Local 825 Political Action and Education Committee (hereinafter Local 825 PAC).

I attach herewith duly executed authorization from the respondents for me to represent them in this proceeding and to receive any notifications and other communications from the Commission.

This response is submitted in reply to the complaint that was filed by James Edward Antosh with the Commission on May 31, 1984. Time to respond was heretofore extended by the Commission to July 10, 1984.

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#2:

The complaint alleges that the Local 825 PAC made excessive campaign contribution in respect to the 1982 Federal General Election, in which Frank R. Lautenberg was a candidate, by making certain contributions to the Lautenberg for U.S. Senate Committee, which when taken in conjunction with the contributions made by Engineers Political Education Committee (hereinafter EPEC), and the International Union of Operating Engineers Local 68 Political Action Committee (hereinafter Local 68 PAC), exceeded the \$5,000. Limitation.

Total contributions to the Lautenberg Committee by Local 825 PAC and its affilitates in the 1982 election process were made as follows:

<u>Date Received</u>	<u>Amount</u>	<u>Contributor</u>
8/16/82	\$5,000.	EPEC/IUOE
9/30/82	400.	IUOE Local 825 P.A.E.C.
10/14/82	100.	IUOE Local 68 PAC
10/21/82	1,500.	EPEC/IUOE
10/21/82	<u>1,500.</u>	IUOE Local 825 P.A.E.C.
Total:	\$8,500.	

While the total amount contributed is less then the \$10,000. which could have been contributed for the primary and general election combined, the complaint contends the entire sum of \$8,500. was contributed only for the general election and thus exceeded the permissible limit by \$3,500. The facts are otherwise.

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#3.

The contribution of \$1,500. that Local 825 PAC gave to the candidate's committee on October 21, 1982 was specifically designated for the primary debt of the candidate and accepted by his committee for that purpose. Attached hereto and made a part hereof is a xerox copy of the check which contains a notation on the face thereof "For debt from Primary Election June 8, 1982". The receipt from the candidate's committee, a copy of which is also attached hereto, states "This will verify receipt of \$1,500. as a direct contribution towards Primary debt June 8, 1982"

Local 825 PAC on its Federal Election Report through a typing error incorrectly designated this contribution as for the General Election rather than the Primary. The Lautenberg Committee correctly designated the contribution as being for the Primary and the intention of the donor as expressly stated on the check.

The only other contribution made by Local 825 PAC was in the sum of \$400. on September 30, 1982. Local 825 PAC made no designation on this check as to whether it was for the Primary or the General Election but did indicate on its Federal Election Report that it was for the General Election. Pursuant to its customary practice Local 825 PAC advised the candidate's committee on a form sent with the check that "if this check together with any other contributions from our Local Unions exceeds the amount provided by Federal Law, Please Advise".

The purpose of this notice to the candidate is to avoid a violation of contribution limitations of the Federal Election

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#4.

Campaign Act. The Local 825 PAC received no response from the candidate's committee and it assumed that this contribution was allocated in compliance with the Federal Election Law.

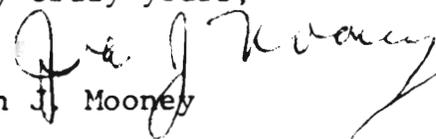
The reply of EPEC in this proceeding states that part of its contribution to the candidate's committee in fact was designated for the Primary and not the General Election and the EPEC analysis of the contributions made by it and its affiliates, including the Local 825 PAC, is adopted herein and urged by the Local 825 PAC in support of its contention that the total amount contributed was so allocated between the Primary and the General Election as to comply with the Federal Election Campaign Act.

If the Commission believes that in order to clarify this matter the Local 825 PAC should amend its report to change the election designation of any contribution or contributions, we will undertake immediate compliance.

Based on the response herein of the Local 825 PAC and that of its affiliated funds it is respectfully submitted that the Commission should find that there has been no violation of the Act and the complaint should be dismissed.

Very truly yours,

John J. Mooney



JJM:jon

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OPERATING ENGINEERS LOCAL 825  
POLITICAL ACTION AND EDUCATION COMMITTEE

2360

ROUTE 16 EAST  
LITTLE FALLS NJ 07424

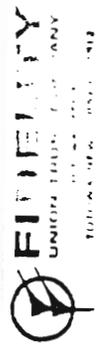
October 13, 19 82 <sup>95-9</sup> 212 18

PAY TO THE ORDER OF Committee to Elect Frank Lautenberg

\$ 1,500.00

One thousand five hundred dollars and 00 cents ----- DOLLARS

For debt from Primary Election June 8, 1982 Direct Contribution



*Greg Whittles*  
*Plus A. Larson*

⑆00012000096⑆ 200 329936 0⑈

OPERATING ENGINEERS LOCAL 825  
POLITICAL ACTION AND EDUCATION COMMITTEE  
ROUTE 46 EAST  
LITTLE FALLS, NJ 07424

2360

October 13, 19 82 <sup>55-2</sup>/<sub>212</sub> 18

PAY TO THE ORDER OF Committee to Elect Frank Lautenberg \$ 1,500.00

One thousand five hundred dollars and 00 cents ----- DOLLARS

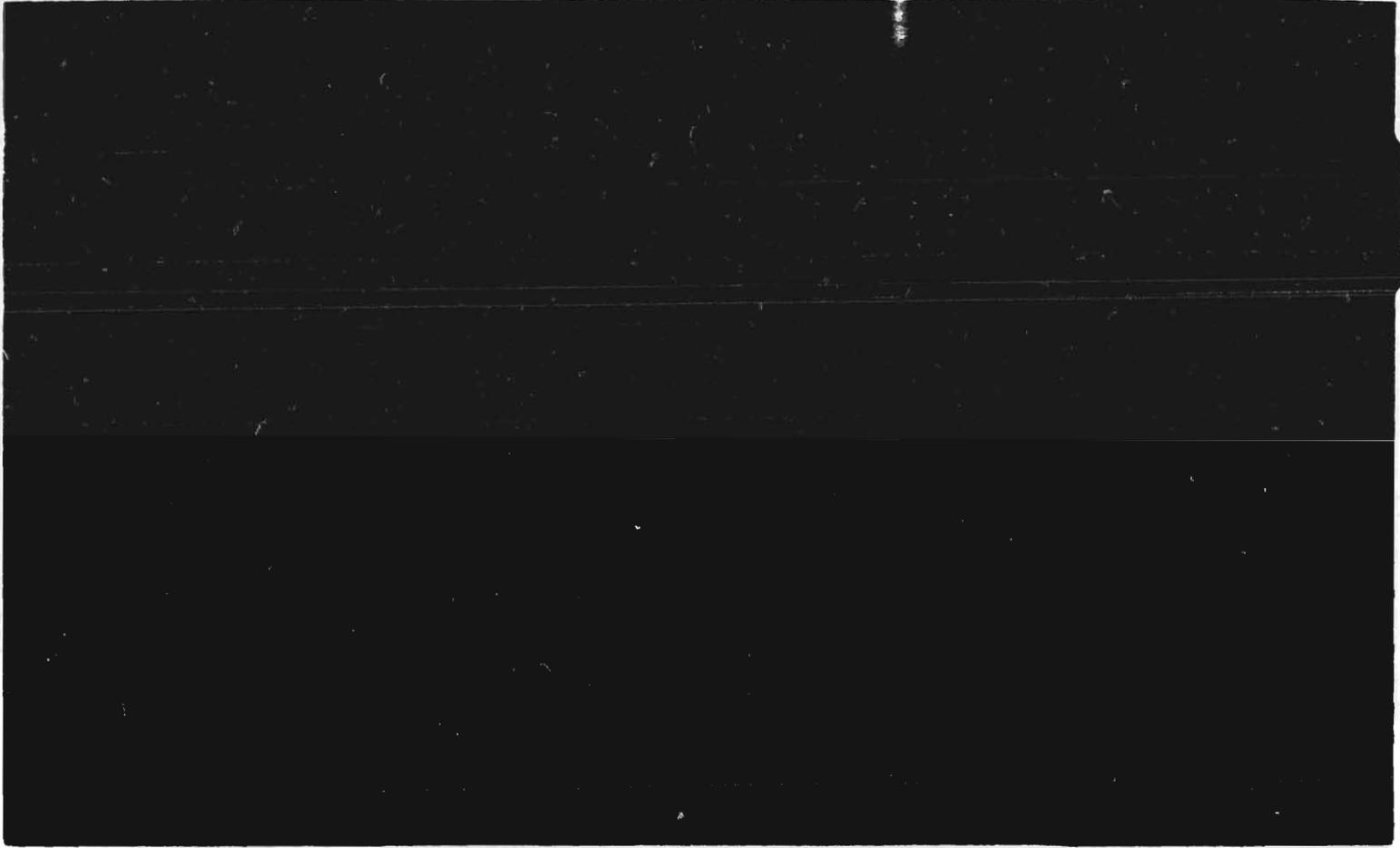
FOR debt from Primary Election June 8, 1982 Direct Contribution



Joe Whittle  
Plus L. Lawan

⑆021200096⑆ 200 329936 0⑈

590054



COMMITTEE TO ELECT FRANK LAUTENBERG

This will verify receipt of \$1,500.00 as a Direct Contribution  
towards Primary Debt June 8, 1982.

Authorized  
Signature

A.H. Dech

Address of Committee

33 Evergreen Place

East Orange, NJ 07018

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

38040690055

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1720

NAME OF COUNSEL: JOHN J. MOONEY, ESQ.

ADDRESS: 17 Battery Place

New York, N. Y. 10004

TELEPHONE: 212 422 1831

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.

July 2, 1984  
Date

  
Signature

RESPONDENT'S NAME: JOHN EICHELE, Individually and as Treasurer of

ADDRESS: International Union of Operating Engineers Local 825

Political Action and Education Committee and Inter-

national Union of Operating Engineers Local 825

~~HOME PHONE:~~ Political Action and Education Committee

Route 46 East, Little Falls, N.J. 07424

BUSINESS PHONE: 201-785-0500

83040590050

6a# 3987



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# 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

July 9, 1984

*Kanney*

JUL 9 04:47

DELIVERED BY HAND

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

Re: MUR 1720

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 that EPEC/IUOE and its two affiliated committees, International Union of Operating Engineers Local 825 Political Action and Education Committee, and International Union of Operating Engineers Local 68 Political Action Committee, violated 2 U.S.C. § 441a(a)(2)(A) by contributing a total of \$8,500 to the Lautenberg for U.S. Senate Committee in connection with the 1982 general election campaign of Senator Lautenberg.

Please be advised that this allegation is erroneous in that the August 2, 1982 \$5,000 contribution of EPEC/IUOE made to the Lautenberg Committee was intended, designated and allocated to retire the 1982 primary debt of candidate Lautenberg. Attached as Exhibit 1 please find an affidavit of John J. Brown, Director of Legislation for the International Union of Operating Engineers, in which Mr. Brown, who is responsible for initiating contribution requests to EPEC/IUOE and maintaining tabulations of contributions to federal candidates, recounts a July 14, 1982 meeting with representatives of the Lautenberg Committee in which they advised of a substantial primary debt and solicited contributions to retire that debt.

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Based upon that meeting, Mr. Brown initiated the recommendation which resulted in the August 2 contribution of \$5,000. Mr. Brown's affidavit states that it was the explicit understanding of EPEC/IUOE and the Lautenberg campaign that the contribution was intended to be used to retire the existing primary debt. Furthermore, attached as Exhibit 2 is a copy of the transmittal letter of August 4 which accompanied the August 2 contribution. The final paragraph of that letter states:

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

This language was intended to be a written designation and instruction to the Lautenberg campaign that the contribution be allocated by the campaign in accordance with applicable law. It is our understanding that the Lautenberg campaign did indeed allocate this contribution in accordance both with the explicit understanding between IUOE/EPEC and the Committee as well as the written designation in the cover letter.

While one may speculate over whether such written designation would, in all cases, be sufficiently clear and concise, the facts establish that in this case the written designation, together with the explicit understanding surrounding it, resulted in no violation of the Act.

Finally, in order to resolve any further doubts EPEC/IUOE has amended its FEC Form 3 report in connection with this matter to designate this contribution for the primary election. A copy of the amended report is attached as Exhibit 3. The original designation had indicated general, but this was merely an administrative oversight in connection with the filing of the report.

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Accordingly, based upon the above information, it is requested that the General Counsel find no reason to believe that the Act has been violated and recommend that the Federal Election Commission take no further action in this matter.

Sincerely,

  
Michael R. Fanning  
Counsel

MRF/jlw

Attachments

8 8 7 4 0 6 9 0 0 5 9

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. On July 14, 1982 I, along with my assistant, John Flynn, met with Mr. Jack Shaw Campaign Manager for the U.S. Senate Campaign of Frank Lautenberg. Also present at that meeting which was held in my office was Mr. Timothy Ridley, another official of the Lautenberg campaign.

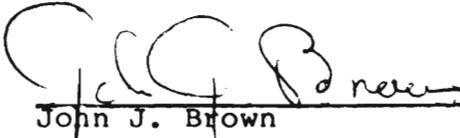
4. At that meeting Mr. Shaw advised that the Lautenberg campaign had a substantial debt remaining from its primary election campaign, and solicited a contribution from EPEC/IUOE to help retire that debt.

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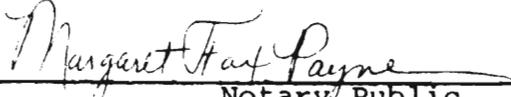
5. After considering Mr. Shaw's request, and in view of the fact that EPEC/IUOE had made no previous contributions to the Lautenberg campaign, I recommended that a \$5,000 contribution be made by EPEC/IUOE to the Lautenberg for U.S. Senate Committee. This contribution was made on August 2, 1982.

6. While the transmittal letter which accompanied the contribution, dated August 4, 1982, and prepared in my office for the signature of the Chairman and Treasurer of EPEC/IUOE, did not explicitly designate the election for which the contribution was intended, it did direct that the Lautenberg campaign allocate the contribution to assure compliance with federal law.

7. It was my explicit understanding with Mr. Shaw that the purpose of this contribution was to retire the primary election debt of candidate Lautenberg, and upon information and belief it was so allocated.

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

Subscribed and sworn to before me  
this 9th day of July 1984.

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

*My Commission expires June 30, 1987*

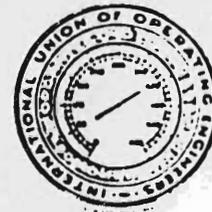
88040690061

J. C. TURNER  
Chairman

FRANK HANLEY  
Treasurer

1125 Seventeenth Street, N.W.  
Washington, D.C. 20036  
202-429-9100

# Engineers Political Education Committee



August 4, 1982

Mr. Al H. Nechemie, Treasurer  
LAUTENBERG FOR U. S. SENATE  
495 Franklin Avenue  
Nutley, New Jersey 07110

Dear Mr. Nechemie:

Attached hereto is our check #000781 in the amount of \$5,000 as a contribution from the Engineers Political Education Committee of the International Union of Operating Engineers for Mr. Lautenberg's campaign for the United States Senate.

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)

88040690062

**REPORT OF RECEIPTS AND DISBURSEMENTS**  
For a Political Committee Other Than an Authorized Committee

(Summary Page)

**1. Name of Committee (in Full)**  
Engineers Political Education  
Committee (EPEC)/International  
Union of Operating Engineers (IUOE)

---

**Address (Number and Street)**  
1125 17th Street, N. W.

---

**City, State and ZIP Code**  
Washington, D. C. 20036

---

Check if address is different than previously reported.

---

**2. FEC Identification Number**  
C-00029504

---

**3.  This committee qualified as a multicandidate committee during this Reporting Period on \_\_\_\_\_ (date)**

**4. TYPE OF REPORT (check appropriate boxes)**

(a)  April 15 Quarterly Report  
 July 15 Quarterly Report  
 October 15 Quarterly Report  
 January 31 Year End Report  
 July 31 Mid Year Report (Non-election Year Only)  
 Monthly Report for August, 1982  
 Twelfth day report preceding \_\_\_\_\_ (Type of Election) election on \_\_\_\_\_ in the State of \_\_\_\_\_  
 Thirtieth day report following the General Election on \_\_\_\_\_ in the State of \_\_\_\_\_  
 Termination Report

(b) Is this Report an Amendment?  
 YES       NO

**SUMMARY**

**5. Covering Period** 8/1/82 Through 8/31/82

**6. (a) Cash on Hand January 1, 19\_\_\_\_\_** .....

**(b) Cash on Hand at Beginning of Reporting Period** .....

**(c) Total Receipts (from Line 18)** .....

**(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B)** .....

**7. Total Disbursements (from Line 28)** .....

**8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d))** .....

**9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D)** .....

**10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)** .....

	Column A This Period	Column B Calendar Year-to-Date
		\$ 148,383.83
	\$ 168,939.48	
	\$ 71,672.73	\$ 399,632.46
	\$ 240,612.21	\$ 548,016.29
	\$ 106,659.02	\$ 414,063.10
	\$ 133,953.19	\$ 133,953.19
	\$ - 0 -	
	\$ - 0 -	

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

For further information, contact:

Federal Election Commission  
Toll Free 800-424-9530  
Local 202-623-4088

Frank Hanley  
Type or Print Name of Treasurer

Frank Hanley      7/9/84  
SIGNATURE OF TREASURER      Date

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

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

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FEC FORM 3X (3/80)

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**SCHEDULE B**

**ITEMIZED DISBURSEMENTS**

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

Name of Committee (in Full)			
<b>Engineers Political Education Committee (EPEC)/ International Union of Operating Engineers (IUOE)</b>			
<b>A. Full Name, Mailing Address and ZIP Code</b>	<b>Purpose of Disbursement</b>	<b>Date (month, day, year)</b>	<b>Amount of Each Disbursement This Period</b>
Friends of Joe Merlino P. O. Box 1197 Trenton, New Jersey 08606	Candidate Joe Merlino (D), 4th C.D., New Jersey	8/19/82	\$2,500.00
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify): \$2,500.00		
<b>B. Full Name, Mailing Address and ZIP Code</b>	<b>Purpose of Disbursement</b>	<b>Date (month, day, year)</b>	<b>Amount of Each Disbursement This Period</b>
Lautenberg for U. S. Senate 495 Franklin Avenue Nutley, New Jersey 07110	Candidate Frank Lautenberg (D), U.S. Senate, New Jersey	8/2/82	\$5,000.00
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify): \$5,000.00		
<b>C. Full Name, Mailing Address and ZIP Code</b>	<b>Purpose of Disbursement</b>	<b>Date (month, day, year)</b>	<b>Amount of Each Disbursement This Period</b>
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
<b>D. Full Name, Mailing Address and ZIP Code</b>	<b>Purpose of Disbursement</b>	<b>Date (month, day, year)</b>	<b>Amount of Each Disbursement This Period</b>
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
<b>E. Full Name, Mailing Address and ZIP Code</b>	<b>Purpose of Disbursement</b>	<b>Date (month, day, year)</b>	<b>Amount of Each Disbursement This Period</b>
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
<b>F. Full Name, Mailing Address and ZIP Code</b>	<b>Purpose of Disbursement</b>	<b>Date (month, day, year)</b>	<b>Amount of Each Disbursement This Period</b>
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
<b>G. Full Name, Mailing Address and ZIP Code</b>	<b>Purpose of Disbursement</b>	<b>Date (month, day, year)</b>	<b>Amount of Each Disbursement This Period</b>
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
<b>H. Full Name, Mailing Address and ZIP Code</b>	<b>Purpose of Disbursement</b>	<b>Date (month, day, year)</b>	<b>Amount of Each Disbursement This Period</b>
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
<b>I. Full Name, Mailing Address and ZIP Code</b>	<b>Purpose of Disbursement</b>	<b>Date (month, day, year)</b>	<b>Amount of Each Disbursement This Period</b>
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
<b>SUBTOTAL of Disbursements This Page (optional)</b> .....			
<b>TOTAL This Period (last page this line number only)</b> .....			

MANATT, PHELPS, ROTHENBERG & TUNNEY

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A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

1200 NEW HAMPSHIRE AVENUE, N.W.

SUITE 200

WASHINGTON, D.C. 20036

TELEPHONE (202) 463-4300

BCC #4085

CENTURY CITY OFFICE

1888 CENTURY PARK EAST

SUITE 2100

LOS ANGELES, CALIFORNIA 90067

TELEPHONE (213) 556-1500

SAN FRANCISCO OFFICE

100 BUSH STREET

SUITE 2314

SAN FRANCISCO, CA 94104

TELEPHONE (415) 981-7540

LOS ANGELES OFFICE

811 WEST SEVENTH STREET

TWELFTH FLOOR

LOS ANGELES, CALIFORNIA 90017

TELEPHONE (213) 879-4414

July 11, 1984

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

RE: MUR 1720

Dear Mr. Steele:

This letter constitutes the response of Senator Frank R. Lautenberg and the Lautenberg for Senate Committee (the "Committee") in the above-referenced matter. On May 31, 1984, James Edward Antosh ("complainant") filed this complaint against the Committee and the separate segregated funds of the International Union of Operating Engineers ("EPEC and its affiliates") and the International Ladies Garment Workers Union ("ILGWUCC"). The complaint alleges that the Committee accepted excessive contributions in violation of 2 U.S.C. Section 441a(f) and knowingly misreported these contributions in violation of 11 C.F.R. Section 104.14(d). For the reasons set forth below, the Commission should find no reason to believe that a violation of the Act has occurred and dismiss this complaint.

1. The contributions from EPEC and its affiliates and ILGWUCC were permissible under the Act and regulations.

2 U.S.C. Section 441a(a)(2)(A) provides that a multicandidate political committee may make contributions of up

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to \$5,000 to a candidate or his or her authorized committee.\*/  
2 U.S.C. Section 441a(a)(6) provides that the \$5,000 limit  
applies separately with respect to each election. Thus, a candi-  
date may receive \$5,000 from a multicandidate committee for a  
primary election and an additional \$5,000 for the general elec-  
tion. The regulations explicitly permit the making of primary  
contributions even after the date of the primary, where a candi-  
date's primary committee has outstanding debts. Such contribu-  
tions must be specifically designated for the primary. 11 C.F.R.  
Section 110.1(a)(2)(i). Candidates for office routinely solicit  
and accept contributions to retire primary debts after a general  
election contribution has been made. Neither Congress nor the  
Commission has ever even suggested that any prohibition be  
imposed on such activity.

a. Contributions from the EPEC and its affiliates

The 1982 New Jersey senatorial primary was held on August  
16, 1982. The Committee received a \$5,000 contribution for the  
general election from EPEC. On September 30, 1982, the Committee  
received a \$400 contribution from IUOE Local 825. This contribu-  
tion was mistakenly reported by the Committee as intended for the  
general election account. Instead, it should have been reported  
as for the primary. See Section 2 below. Four additional con-  
tributions were made by EPEC and its local affiliates for the  
primary and received on the following dates:

\*/ The separate segregated funds established by the IUOE and the  
ILGWU are qualified multicandidate committees.

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MANATT, PHELPS, ROTHENBERG & TUNNEY

Local 68	10/14	100
EPEC	10/21	1,500
Local 825	10/21	1,500
Local 68	10/21	1,500

These contributions, with the \$400 contribution incorrectly reported amount to \$5,000, the permissible contribution limit for the primary. Thus, the Committee received \$5,000 for the primary from the EPEC and its affiliates.

The complaint deliberately ignores the Committee's designation of these contributions and argues that the Committee knowingly received \$8500 for the general election from EPEC and its affiliates. This allegation is without factual support or legal merit.

b. Contributions from ILGWUCC.

On August 11, 1982, the Committee received a \$5,000 contribution from ILGWUCC for the general election. On October 6, 1982, the Committee received a \$5,000 contribution from ILGWUCC designated for the primary. Both contributions were permissible under the Act. The complaint contends that since ILGWUCC mistakenly reversed the elections in reporting these contributions, the Committee knowingly accepted an excessive general election contribution. This contention lacks any factual support and is without legal merit. For the foregoing reasons, the Commission should find no reason to believe that a violation of 2 U.S.C. Section 441a(f) occurred.

2. The Committee's reports correctly reflected the contributions from EPEC and its affiliates and ILGWUCC with the exception of one union reporting error which will be corrected by the filing of an amended report.

The complaint sets forth 5 discrepancies between the

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MANATT, PHELPS, ROTHENBERG & TUNNEY

committee's report showing receipt of the contributions from EPEC and its affiliates and ILGWUCC:

1. the Committee reported a \$400 contribution from Local 825 as relating to the general election which was in fact for the primary;

2. EPEC reported a \$1,500 contribution of Oct. 7, 1982, as for the general election which the Committee reported for the primary;

3. IUOE Local 825 PAEC reported a \$1,500 contribution of Oct. 13, 1982, as for the general election which the Committee reported for the primary;

4. IUOE Local 68 PAEC reported a \$100 contribution of Oct. 9, 1982, as for the general election which the Committee reported for the primary; and

5. The Committee reported a \$5,000 contribution received on August 11, 1982, and October 6, 1982, as for the general and primary, respectively, while ILGWUCC reported them as for the primary and general, respectively.

A review of the Committee's records and verification of the contributions with IUOE and ILGWU revealed that the Committee's reports correctly reflected these contributions with the exception of the \$400 contribution of September 30, 1982. The Committee will file an amended report to reflect the correct designation of this contribution as for the primary.

This inadvertent, minor reporting error which did not result in an excessive contribution does not provide reason to believe that a violation of 11 C.F.R. Section 104.14(d) occurred. The Committee has routinely exercised best efforts to ascertain the

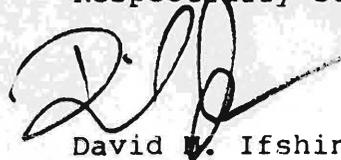
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permissibility of contributions and the accuracy of its reports.  
2 U.S.C. Section 432(i).

CONCLUSION

For the foregoing reasons, the Commission should find no reason to believe that a violation of the Act has occurred and should dismiss this complaint.

Respectfully submitted,



David W. Ifshin

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**ZAZZALI, ZAZZALI & KROLL**  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

ANDREW F. ZAZZALI (1925-1959)  
ANDREW F. ZAZZALI, JR.  
JAMES R. ZAZZALI (N.J. & D.C. BAR)  
ALBERT G. KROLL (N.J., PENN. & D.C. BAR)  
ROBERT A. FAGELLA (N.J. & N.Y. BAR)  
PAUL L. KLEINBAUM (N.J., PENN. & MICH. BAR)

GATEWAY I  
NEWARK, N.J. 07102  
(201) 623-1822

*GCC #4081*

July 13, 1984

Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20453

Re: MUR 1720

Gentlemen:

I was only yesterday served with a copy of the Complaint in the above-captioned matter by my client. I respectfully request an extension until July 24 for the filing of the answer.

Thank you for your kind attention.

Very truly yours,

ZAZZALI, ZAZZALI & KROLL

By:

*James R. Zazzali*  
James R. Zazzali

JRZ/ab

CC: John J. Mooney, Esq.  
Michael R. Fanning, Esq.

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**ZAZZALI, ZAZZALI & KROLL**  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

ANDREW F. ZAZZALI (1925-1969)  
ANDREW F. ZAZZALI, JR.  
JAMES R. ZAZZALI (N.J. & D.C. BAR)  
ALBERT G. KROLL (N.J., PENN. & D.C. BAR)  
ROBERT A. FAGELLA (N.J. & N.Y. BAR)  
PAUL L. KLEINBAUM (N.J., PENN. & MICH. BAR)  
Kenneth I. Nowak

GATEWAY I  
NEWARK, N.J. 07102  
(201) 623-1822

July 23, 1984

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

11/21 PM 1:37

Re: MUR 1720

Dear Mr. Steele:

This firm represents respondents International Union of Operating Engineers Local 68 Political Action Committee (Local 68 PAC) and Vincent J. Giblin, individually and as treasurer of Local 68 PAC. The executed authorization form is attached hereto.

The complaint alleges, in pertinent part, that Local 68 PAC, when viewed in conjunction with its affiliates, Engineers Political Education Committee of the International Union of Operating Engineers (EPEC/IUOE) and International Union of Operating Engineers Local 825 Political Action and Education Committee (Local 825 PAEC) contributed \$8,500.00 to the general election campaign of Frank Lautenberg in violation of the \$5,000.00 limit contained in 2 U.S.C. §441(a)(2)(A). Specifically, the complaint against Local 68 PAC and Mr. Giblin contends that when Local 68 PAC contributed \$100.00 to the Lautenberg general election on October 14, 1982, EPEC/IUOE and Local 825 PAEC had already contributed \$5,400.00. However, the facts in this matter show that less than \$5,000.00 was contributed to the Lautenberg general election by Local 68 PAC and its affiliates.

The complaint alleges that excessive payments were made to the Lautenberg general election on the basis of the following:

<u>Amount</u>	<u>Date Received</u>	<u>Contributor</u>
\$5,000.00	8/16/82	EPEC/IUOE
400.00	9/30/82	825 PAEC
100.00	10/14/82	68 PAC
1,500.00	10/21/82	EPEC/IUOE
1,500.00	10/21/82	825 PAEC

However, as the responding letter submitted on behalf of EPEC/IUOE indicates, the \$5,000.00 contribution of August 16, 1982 was to and for the primary

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Charles N. Steele, Esq.  
July 23, 1984  
Page Two

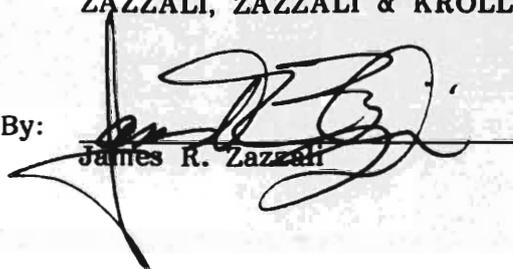
election, not the general election. Therefore, not only did Local 68 PAC and its affiliates not exceed the \$5,000.00 limit for the general election, at the time Local 68 PAC made its contribution to the general election, only \$400.00 had been contributed to that election.

For all of these reasons it is respectfully requested that the General Counsel find no reason to believe that the Act has been violated and recommend that the Federal Election Committee take no further action in this matter.

Respectfully submitted,

ZAZZALI, ZAZZALI & KROLL

By:

  
James R. Zazzali

JRZ:cm

Express Mail #B21604261

cc: Michael R. Fanning, Esq. (w/enc.)  
John J. Mooney, Esq. (w/enc.)  
Mr. Vincent J. Giblin, Bus. Mgr.  
Local 68, I.U.O.E. (w/enc.)

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STATEMENT OF DESIGNATION OF COUNSEL

11 JUL 24 11:37

MUR 1720

NAME OF COUNSEL: ZAZZALI, ZAZZALI & KROLL

ADDRESS: GATEWAY ONE

NEWARK, NEW JERSEY 07102

TELEPHONE: (201) 623-1822

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.

July, 1984  
Date

*Vincent J. Giblin*  
Signature

RESPONDENT'S NAME: Vincent J. Giblin

ADDRESS: Local 68 P.A.C.

11 Fairfield Place

West Caldwell, New Jersey 07006

HOME PHONE: \_\_\_\_\_

BUSINESS PHONE: (201) 227-0600

3 3 0 4 0 6 9 0 0 7 3

John J. Mooney, P.C.

Attorney at Law

17 Battery Place

Suite 2245

New York, N.Y. 10004

(212) 422-1831

Office  
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84 JUN 26 12:34

July 25, 1984

Federal Election Commission  
Washington, D.C. 20463

Attention: Martha Romney, Esq.

With Respect To Re: MUR 1720

Gentlemen:

I represent John Eichele, individually and as Treasurer of the International Union of Operating Engineers, Local 825 Political Action and Education Committee, respondents in the above captioned complaint number.

I have received a copy of the complaint from my clients within the past few days and request an extension of time within which to confer with my clients and prepare a proper response.

I note that the complaint was received by my clients on June 11th, 1984 and request an extension of time until July 10th, 1984. I will, of course, file my designation as Counsel with the answer.

Thanking you for your cooperation in this matter and trusting that you can grant this extension, I am

Very truly yours,

*John J. Mooney*  
John J. Mooney

JJM/lb

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**SENSITIVE**

BEFORE THE FEDERAL ELECTION COMMISSION

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THE SEC  
SECRETARY

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In the Matter of )  
 )  
 Lautenberg for Senate Committee )  
 and its treasurer, Abraham H. Nechemic )  
 Engineers Political Education Committee/ )  
 International Union of Operating )  
 Engineers, and its treasurer, )  
 Frank Hanley )  
 International Union of Operating )  
 Engineers Local 825 Political Action )  
 and Education Committee, and its )  
 treasurer, John Eichele )  
 International Union of Operating )  
 Engineers Local 68 Political Action )  
 Committee and its treasurer, )  
 Vincent Giblyn )  
 International Ladies' Garment Workers' )  
 Union Campaign Committee and its )  
 treasurer, Lawrence Dock )

MUR 1720

GENERAL COUNSEL'S REPORT

**I. BACKGROUND**

James Edward Antosh ("Complainant"), alleges that the following affiliated committees violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to the Lautenberg for Senate Committee during the 1982 general election:

- a. Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE")
- b. International Union of Operating Engineers Local 825 Political Action and Education Committee ("Local 825 PAEC")
- c. International Union of Operating Engineers Local 68 Political Action Committee ("Local 68 PAC")

Complainant alleges that the Lautenberg for Senate Committee and its treasurer violated 2 U.S.C. § 441a(f) for the receipt of contributions in excess of limitations at 2 U.S.C. § 441a(a)(2)(A) from the above-named committees.

In addition, Complainant alleges that the Lautenberg for Senate Committee failed to accurately report several

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contributions. The contributions at issue are EPEC/IUOE's October 7, 1982, \$1,500 contribution, Local 825 PAEC's October 13, 1982, \$1,500 contribution, and Local 68 PAC's October 9, 1982, \$100 contribution.

Second, Complainant alleges that the International Ladies' Garment Workers' Union Campaign Committee ("ILGWUCC") violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to the Lautenberg for Senate Committee during the 1982 general election.

Complainant alleges that Lautenberg for Senate Committee and its treasurer violated 2 U.S.C. § 441a(f) for receipt of contributions in excess of limitations at 2 U.S.C. § 441a(a)(2)(A) from ILGWUCC.

In addition, Complainant alleges that the Lautenberg for Senate Committee failed to accurately report ILGWUCC's October 6, 1982, \$5,000 contribution.

Notification letters were sent to the Respondents on June 6, 1984. Each Respondent requested an extension of time to respond to the complaint. Responses have now been received from the Respondents.

## II. FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(2)(A) states that no multicandidate political committee shall make contributions to any candidate and his authorized political committees with respect to any federal election which in the aggregate, exceeds \$5,000. 2 U.S.C. § 441a(f) prohibits a candidate or committee from knowingly accepting contributions in violation of the \$5,000 aggregate

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limitation imposed on contributions under this section.

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

11 C.F.R. § 110.1(a) provides that a contribution designated in writing by the contributor for a particular election shall be attributed to that election. Except, that a contribution made after the primary election, shall be allowed only if the recipient committee has outstanding primary debts on the date of the contribution which are equal to or greater than the contribution. 11 C.F.R. § 110.1(a) further 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 are attributable to the general election if made after the date of the primary election.

11 C.F.R. § 104.14(d) provides that the treasurer of a political committee must timely and accurately file committee reports of receipts and disbursements.

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A. EPEC/IUOE, LOCAL PAEC and LOCAL 68 PAC

A review of the reports filed with the Federal Election Commission reveals that the following contributions were made to the Lautenberg for Senate Committee:

<u>CONTRIBUTOR</u>	<u>AMOUNT</u>	<u>DATE REPORTED CONTRIBUTED</u>	<u>ELECTION REPORTED BY CONTRIBUTOR</u>	<u>DATE REPORTED RECEIVED BY LAUTENBERG FOR SENATE</u>	<u>ELECTION REPORTED BY LAUTENBERG FOR SENATE</u>
EPEC/IUOE	\$5,000	8/2/82	General	8/16/82	General
LOCAL 825 PAEC	\$ 400	9/27/82	General Tickets	9/30/82	General
EPEC/IUOE	\$1,500	10/7/82	General	10/21/82	Primary
LOCAL 68 PAC	\$1,500	10/13/82	Primary	10/21/82	Primary
LOCAL 68 PAC	\$ 100	10/14/82	General	10/14/82	Primary
LOCAL 825 PAEC	\$1,500	10/21/82	General	10/21/82	Primary

The New Jersey primary election was held on June 8, 1982. The reports filed by EPEC/IUOE, IUOE Local 825 PAEC and IUOE Local 68 PAC indicate that the committees are multi-candidate committees and that they are affiliated.

In response to the complaint (Attachment I), EPEC/IUOE states that the August 2, 1982, \$5,000 contribution of EPEC/IUOE made to the Lautenberg Committee was intended to retire the 1982 primary debt of candidate Lautenberg. John J. Brown, Director of Legislation for the IUOE, states in an affidavit submitted to the Commission that he is responsible for initiating contribution requests to EPEC/IUOE and maintaining tabulations of contributions to federal candidates. Mr. Brown further states

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that he met with Jack Shaw, manager for the Senate Campaign of Frank Lautenberg on July 14, 1982. Mr. Brown asserts that at that meeting, Mr. Shaw advised that the Lautenberg campaign had a substantial debt remaining from its primary election campaign, and solicited a contribution from EPEC/IUOE to help retire that debt. Mr. Brown states that he recommended that a \$5,000 contribution be made by EPEC/IUOE to the Lautenberg for Senate Committee after considering Mr. Shaw's request and because EPEC/IUOE had made no previous contributions to the Lautenberg campaign. This contribution was made on August 2, 1982.

Mr. Brown asserts that although the transmittal letter which accompanied the contribution, dated August 4, 1982, did not explicitly designate the election for which the contribution was intended, it did direct the Lautenberg campaign to allocate the contribution to assure compliance with federal law. In conclusion Mr. Brown indicates that it was his explicit understanding with Mr. Shaw that the purpose of this contribution was to retire the primary election debt of candidate Lautenberg, and upon that information and belief it was so allocated.

EPEC/IUOE contends that although in its reports filed with the Commission it designated this contribution for the general election, this was "merely an administrative oversight in connection with the filing of the report." An amended report was submitted with the response.

EPEC/IUOE further asserts that the language used in its transmittal letter, "[i]f this check together with any other

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contributions from our Local Unions exceeds the amount provided by Federal law, please advise." was intended to be a written designation and instruction to the Lautenberg Committee that the contribution be allocated by the Committee in accordance with applicable law.

In response to the complaint (Attachment II), Local 825 PAEC states that the October 21, 1982, \$1,500 contribution that it gave to the Lautenberg Committee was specifically designated for the primary debt of the candidate and accepted by the Lautenberg Committee for that purpose. Local 825 PAEC submitted a copy of the check which contains a notation on the face thereof "For debt from Primary Election June 8, 1982."

Local 825 PAEC asserts that through a typing error, this contribution was incorrectly designated in its report for the general election rather than for the primary and that the Lautenberg Committee correctly designated the contribution in its report as being for the primary.

The only other contribution made by Local 825 PAEC was on September 27, 1982, in the amount of \$400. Local 825 PAEC states that there was no designation on the check as to whether it was for the primary or general election. Local 825 PAEC designated in its reports filed with the Commission that the \$400 contribution was for tickets for the general election.

Local 825 PAEC states that pursuant to its customary practice it advised the Lautenberg Committee on a form sent with the check that "[i]f this check together with any other

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contributions from our Local Unions exceeds the amount provided by Federal Law, please advise." The purpose of this notice, according to Local 825 PAEC, is to avoid a violation of contribution limitations of the Federal Election Campaign Act. Local 825 PAEC received no response from the Lautenberg Committee and assumed that the contribution was allocated in compliance with the Federal Election Law.

In response to the complaint (Attachment III), Local 68 PAC states that the August 16, 1982, \$5,000 contribution made by EPEC/IUOE was to retire primary election debts and was not for the general election. Local 68 PAC therefore asserts that its contribution of \$100 for the general election added to the other contributions of its affiliated committees did not exceed \$5,000 for the general election.

In response to the complaint (Attachment IV), the Lautenberg Committee states that the August 16, 1982, \$5,000 contribution from EPEC/IUOE was for the general election. The Lautenberg Committee further states that all of the other contributions it received from EPEC/IUOE (\$1,500 on October 7, 1982) Local 825 PAEC (\$400 on September 27, 1982, and \$1,500 on October 21, 1982), and Local 68 PAC (\$1,500 on October 13, 1982 and \$100 on October 14, 1982) were for the primary election. All of these contributions were reported by the Lautenberg Committee as for the primary election except for the \$400 contribution of September 27, 1982, which was reported for the general election. The Lautenberg Committee states that this was a mistake and that

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it should have reported the \$400 contribution for the primary election.

The responses of the Lautenberg Committee and EPEC/IUOE, Local 825 PAEC, and Local 68 PAC as to the proper designation of the contributions are inconsistent. The following chart represents the election designation originally shown on the reports and the election designation which Respondents say in their response is the correct designation.

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<u>CONTRIBUTOR</u>	<u>AMOUNT</u>	<u>ORIGINAL ELECTION REPORTED BY CONTRIBUTOR</u>	<u>RESPONSE OF CONTRIBUTOR</u>	<u>ORIGINAL ELECTION REPORTED BY LAUTENBERG COMMITTEE</u>	<u>RESPONSE OF LAUTENBERG COMMITTEE</u>
EPEC/IUOE	\$5,000	General	Primary	General	General
LOCAL 825 PAEC	\$ 400	General Tickets	General	General	Primary
EPEC/IUOE	\$1,500	General	General	Primary	Primary
LOCAL 68 PAC	\$1,500	Primary	Primary	Primary	Primary
LOCAL 68 PAC	\$ 100	General	General	Primary	Primary
LOCAL 825 PAEC	\$1,500	General	Primary	Primary	Primary

It is the position of the Office of General Counsel that the recipient committee can not redesignate contributions so that the contribution limitations of 2 U.S.C. § 441a(a)(2)(A) will not be violated. Pursuant to 11 C.F.R. § 110.1(a)(1) a contribution given before the primary election will be attributed to the primary election and a contribution given after the primary election will be attributed to the general election. In order for a contributing committee to alter this presumption, the committee

must inform the recipient committee of the designation in writing at the time the contribution is given.

With regard to the \$1,500 contribution made by Local 825 PAEC, there is written evidence which was given to the recipient contemporaneous with the contribution in the form of the check and the receipt which indicates that the contribution was for the primary election. The check for the contribution contained the notation on its face "For debt from Primary Election June 8, 1982." Since the Lautenberg Committee had debts from the primary election, 11 C.F.R § 110.1(a) allows contributions to be made for the primary election even though the primary has taken place. This contribution should therefore be attributed to the primary election.

Local 68 PAC made a \$1,500 contribution to the Lautenberg Committee on October 14, 1982. This contribution was given after the primary election and thus should have been attributed to the general election. Local 68 PAC checked the primary box on its reports, however. Local 68 PAC has submitted no evidence that it informed the Lautenberg Committee in writing at the time it gave the contribution that the \$1,500 was to be designated for the primary election. Thus, pursuant to the presumption of 11 C.F.R. § 110.1(a) the \$1,500 is attributed to the general election.

With regard to the August 2, 1982, \$5,000 contribution made by EPEC/IUOE there is an affidavit from John J. Brown which states that a meeting was held with Jack Shaw of the Lautenberg Committee and that it was discussed and intended that the \$5,000

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contribution should be designated for the primary election to help pay off campaign debts. However, the Lautenberg Committee makes no mention of such a meeting in its response and in fact states that the contribution is for the general election. Further, there is no evidence that EPEC/IUOE informed the Lautenberg Committee in writing at the time it gave the contribution that the \$5,000 was to be designated for the primary election. Thus, pursuant to 11 C.F.R. § 110.1(a) the \$5,000 is attributed to the general election. Accordingly, EPEC/IUOE, Local 68 PAC, and Local 825 PAEC have then contributed \$8,500 to the Lautenberg Committee for the general election, and have exceeded the contribution limits of 2 U.S.C. § 441a(a)(2)(A) by \$3,500.

The Office of General Counsel recommends that the Commission find reason to believe that EPEC/IUOE, Local 68 PAC and Local 825 PAEC violated 2 U.S.C. § 441a(a)(2)(A) by making a \$3,500 excessive contribution to the Lautenberg Committee's general election. Also, the Office of General Counsel recommends that the Commission find reason to believe that the Lautenberg Committee violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from EPEC/IUOE, Local 68 PAC, and Local 825 PAEC.

Further, the Office of General Counsel recommends that the Commission find reason to believe that Local 68 PAC violated 11 C.F.R. § 104.14(d) by failing to properly report its \$1,500 contribution of October 13, 1982, for the general election, that Local 825 PAEC violated 11 C.F.R. § 104.14(d) by failing to

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properly report its \$1,500 contribution of October 21, 1982, for the primary election, and that the Lautenberg Committee violated 2 U.S.C. § 104.14(d) by failing to properly report the EPEC/IUOE \$1,500 contribution of October 7, 1982, for the general election, the Local 68 PAC \$1,500 contribution of October 13, 1982, for the general election, and the Local 68 PAC \$100 contribution of October 14, 1982, for the general election.

B. ILGWUCC

A review of the reports filed with the Federal Election Commission reveals that the following contributions were made to the Lautenberg for Senate Committee:

<u>CONTRIBUTOR</u>	<u>AMOUNT</u>	<u>DATE REPORTED GIVEN</u>	<u>ELECTION REPORTED BY CONTRIBUTOR</u>	<u>DATE REPORTED RECEIVED</u>	<u>ELECTION REPORTED BY RECIPIENT</u>
ILGWUCC	\$5,000	8/11/82	General	8/16/82	General
ILGWUCC	<u>\$5,000</u>	10/6/82	General	10/19/82	Primary

Total \$10,000

The New Jersey primary election was held on June 8, 1982.

In response to the complaint, (Attachment V), ILGWUCC submitted an affidavit of Evelyn Dubrow. Ms. Dubrow, the Executive Secretary of the ILGWUCC, stated that in August of 1982 she issued instructions by telephone to a clerical employee to make a \$5,000 contribution from ILGWUCC to the Lautenberg Committee for the general election. Ms. Dubrow then asserts that in early October 1982, ILGWUCC received an appeal from the Lautenberg Committee for a contribution to defray its primary deficit. According to Ms. Dubrow, a clerical employee who was

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inexperienced, was instructed to make a primary election contribution to the Lautenberg Committee, but erroneously entered it into ILGWUCC records as a contribution for the general election. Ms. Dubrow asserts that ILGWUCC's intention was to make a \$5,000 primary election contribution to the Lautenberg Committee. To back up her assertions Ms. Dubrow submitted a copy of her internal records which shows the \$5,000 contribution of October 6, 1982, as for the primary election.

On June 12, 1984, the ILGWUCC filed an amended report with the Federal Election Commission which lists the October 1982 \$5,000 contribution to the Lautenberg Committee for the primary election.

In response to the complaint (Attachment IV), the Lautenberg Committee states that it received a \$5,000 contribution from ILGWUCC on August 11, 1982, for the general election. On October 6, 1982, the Lautenberg Committee states that it received \$5,000 from ILGWUCC designated for the primary. The Lautenberg Committee states that both contributions were permissible under the Act, and disputes the Complainant's contention that these contributions were for the general election.

Pursuant to 11 C.F.R. § 110.1(a)(1) a contribution given before the primary election will be attributed to the primary election and a contribution given after the primary election will be attributed to the general election. In order for a contributing committee to alter this presumption, the committee

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must inform the recipient committee of the designation in writing at the time the contribution is given. We have no evidence that ILGWUCC informed the Lautenberg Committee in writing at the time it gave the October 6, 1982, contribution that the \$5,000 was to be designated for the primary election. Thus, pursuant to 11 C.F.R. § 110.1(a) the October 6, 1982, \$5,000 contribution is attributed to the general election.

Accordingly, the Office of General Counsel recommends that the Commission find reason to believe that ILGWUCC has violated 2 U.S.C. § 441a(a)(2)(A) for making an excessive contribution to the Lautenberg Committee and reason to believe that the Lautenberg Committee has violated 2 U.S.C. § 441a(f) for accepting an excessive contribution from ILGWUCC.

Further, the Office of General Counsel recommends that the Commission find reason to believe that the Lautenberg Committee violated 11 C.F.R. § 104.14(d) by failing to properly report the \$5,000 contribution of October 6, 1982, for the general election.

#### RECOMMENDATIONS

1. The Office of General Counsel recommends that the Commission-
  - A. find reason to believe that Engineers Political Education Committee/International Union of Operating Engineers and its treasurer, Frank Hanley, violated 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution to Lautenberg for Senate Committee; and,
  - B. find reason to believe that International Union of Operating Engineers Local 825 Political Action and Education Committee and its treasurer, John Eichele, violated:

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- i) 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution to Lautenberg for Senate Committee; and,
- ii) 11 C.F.R. § 104.14(d) by failing to properly report a contribution which it made to Lautenberg for Senate Committee; and,

C. find reason to believe that International Union of Operating Engineers Local 68 Political Action Committee and its treasurer, Vincent Giblin, violated:

- i) 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution to Lautenberg for Senate Committee; and,
- ii) 11 C.F.R. § 104.14(d) by failing to properly report a contribution which it made to the Lautenberg for Senate Committee; and,

D. find reason to believe that Lautenberg for Senate Committee and its treasurer, Abraham H. Nechemic, violated:

- i) 2 U.S.C. § 441a(f) by accepting an excessive contribution from the Engineers Political Education Committee/International Union of Operating Engineers, the International Union of Operating Engineers Local 825 Political Action and Education Committee and the International Union of Operating Engineers Local 68 Political Action Committee; and,
- ii) 11 C.F.R. § 104.14(d) by failing to properly report contributions which it received from the Engineers Political Education Committee/International Union of Operating Engineers, and the International Union of Operating Engineers Local 68 Political Action Committee; and,

E. approve and authorize sending the attached letters.

2. The Office of General Counsel recommends that the Commission-

A. find reason to believe that the International Ladies' Garment Workers' Union Campaign Committee and its treasurer, Lawrence Dock, violated 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution to Lautenberg for Senate Committee; and,

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B. find reason to believe that Lautenberg for Senate Committee and its treasurer, Abraham H. Nechemic, violated:

i) 2 U.S.C. § 441a(a)(2)(A) by accepting an excessive contribution from the International Ladies' Garment Workers' Union Campaign Committee; and

ii) 11 C.F.R. § 104.14(d) by failing to properly report a contribution which it received from the International Ladies' Garment Workers' Union Campaign Committee.

C. approve and authorize sending the attached letters.

Charles N. Steele  
General Counsel

*Dec. 6, 1984*  
Date

*Kenneth A. Gross*  
By: Kenneth A. Gross

Associate General Counsel

Attachments:

- I. Responses from EPEC/IUOE
- II. Response from Local 825 PAEC
- III. Response from Local 68 PAC
- IV. Response from Lautenberg Committee
- V. Respnse from ILGWUCC
- VI. Letters to Respondents

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 1720  
Lautenberg for Senate Committee )  
and its treasurer, Abraham H. Nechemic, )  
et. al. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 12, 1984, the Commission decided by a vote of 6-0 to take the following actions in MUR 1720:

1. find reason to believe that Engineers Political Education Committee/International Union of Operating Engineers and its treasurer, Frank Hanley, violated 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution to Lautenberg for Senate Committee.
2. find reason to believe that International Union of Operating Engineers Local 825 Political Action and Education Committee and its treasurer, John Eichele, violated:
  - i) 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution to Lautenberg for Senate Committee.
  - ii) 11 C.F.R. § 104.14(d) by failing to properly report a contribution which it made to Lautenberg for Senate Committee.
3. find reason to believe that International Union of Operating Engineers Local 68 Political Action Committee and its treasurer, Vincent Giblin, violated:
  - i) 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution to Lautenberg for Senate Committee.

(Continued)

88040590090

ii) 11 C.F.R. § 104.14(d) by failing to properly report a contribution which it made to the Lautenberg for Senate Committee.

4. find reason to believe that Lautenberg for Senate Committee and its treasurer, Abraham H. Nechemic, violated:

i) 2 U.S.C. § 441a(f) by accepting an excessive contribution from the Engineers Political Education Committee/International Union of Operating Engineers, the International Union of Operating Engineers Local 825 Political Action and Education Committee and the International Union of Operating Engineers Local 68 Political Action Committee.

ii) 11 C.F.R. § 104.14(d) by failing to properly report contributions which it received from the Engineers Political Education Committee/International Union of Operating Engineers, and the International Union of Operating Engineers Local 68 Political Action Committee.

5. approve and authorize sending the letters attached to the General Counsel's Report signed December 6, 1984.

6. find reason to believe that the International Ladies' Garment Workers' Union Campaign Committee and its treasurer, Lawrence Dock, violated 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution to Lautenberg for Senate Committee.

7. find reason to believe that Lautenberg for Senate Committee and its treasurer, Abraham H. Nechemic violated:

(Continued)

33040690091

i) 2 U.S.C. § 441a(a)(2)(A) by accepting an excessive contribution from the International Ladies' Garment Workers' Union Campaign Committee.

ii) 11 C.F.R. § 104.14(d) by failing to properly report a contribution which it received from the International Ladies' Garment Workers' Union Campaign Committee.

8. approve and authorize sending the letters attached to the General Counsel's Report signed December 6, 1984.

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

Attest:

12-13-84

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

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

12-7-84, 4:30  
12-10-84, 11:00

83040590092



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 20, 1984

Michael R. Fanning, Esquire  
International Union of Operating Engineers  
1125 16th Street, N.W.  
Washington, D.C. 20036

RE: MUR 1720  
Engineers Political Education  
Committee of the International  
Union of Operating Engineers

Dear Mr. Fanning:

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The Federal Election Commission notified your clients on June 6, 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. We acknowledge receipt of your client's explanation of this matter which was dated July 9, 1984.

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Upon further review of the allegations contained in the complaint and information supplied by your clients, the Commission, on December 12, 1984, determined that there is reason to believe that Engineers Political Education Committee of the International Union of Operating Engineers and Frank Hanley, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please submit 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.

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 Martha Romney, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,



Lee Ann Elliott  
Chairman

Enclosures  
Procedures

88040590094



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 20, 1984

John J. Mooney, Esquire  
International Union of Operating Engineers  
Local 825 Political Action and Education Committee  
17 Battery Place, Suite 2245  
New York, New York 10004

RE: MUR 1720  
International Union of  
Operating Engineers Local 825  
Political Action and Education  
Committee

Dear Mr. Mooney:

The Federal Election Commission notified your clients on June 6, 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. We acknowledge receipt of your client's explanation of this matter which was dated July 6, 1984.

Upon further review of the allegations contained in the complaint and information supplied by your clients, the Commission, on December 12, 1984, determined that there is reason to believe that International Union of Operating Engineers Local 825 Political Action and Education Committee and John Eichele, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act and 11 C.F.R. § 104.14(d). You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please submit 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.

59040590095

John J. Mooney, 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 Martha Romney, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,



Lee Ann Elliott  
Chairman

Enclosures  
Procedures

33040640095



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 20, 1984

James R. Zazzali, Esquire  
Zazzali, Zazzali & Kroll  
Gateway 1  
Newark, New Jersey 07102

RE: MUR 1720  
International Union of  
Operating Engineers Local 68  
Political Action Committee

Dear Mr. Zazzali:

The Federal Election Commission notified your clients on June 6, 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. We acknowledge receipt of your client's explanation of this matter which was dated July 23, 1984.

Upon further review of the allegations contained in the complaint and information supplied by your clients, the Commission, on December 12, 1984, determined that there is reason to believe that International Union of Operating Engineers Local 68 Political Action Committee and Vincent J. Giblin, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act and 11 C.F.R. § 104.14(d). You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please submit 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.

83040570097

James R. Zazzali, 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 Martha Romney, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

  
Lee Ann Elliott  
Chairman

Enclosures  
Procedures

83040590098



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 20, 1984

David M. Ifshin, Esquire  
Manatt, Phelps, Rothenberg & Tunney  
1200 New Hampshire Avenue, N.W., Suite 200  
Washington, D.C. 20036

RE: MUR 1720  
Lautenberg for Senate  
Committee

Dear Mr. Ifshin:

The Federal Election Commission notified your clients on June 6, 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. We acknowledge receipt of your client's explanation of this matter which was dated July 11, 1984.

Upon further review of the allegations contained in the complaint and information supplied by your clients, the Commission, on December 12, 1984, determined that there is reason to believe that Lautenberg for Senate Committee and Abraham H. Nechemic, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Act and 11 C.F.R. § 104.14(d). You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please submit any such response within ten days of your receipt of this notification.

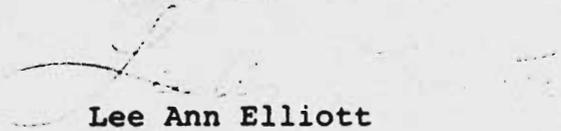
The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of General Counsel must proceed to the next compliance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

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David M. Ifshin, 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 Martha Romney, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,



Lee Ann Elliott  
Chairman

Enclosures  
Procedures

88040690100



FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

December 20, 1984

Max Zimny  
General Counsel  
International Ladies' Garment Workers' Union  
1710 Broadway  
New York, New York 10019

RE: MUR 1720  
International Ladies' Garment  
Workers' Union

Dear Mr. Zimny:

The Federal Election Commission notified your clients on June 6, 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. We acknowledge receipt of your client's explanation of this matter which was dated June 22, 1984.

Upon further review of the allegations contained in the complaint and information supplied by your clients, the Commission, on December 12, 1984, determined that there is reason to believe that International Ladies Garment Workers' Union and Lawrence Dock, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please submit any such response within ten days of your receipt of this notification.

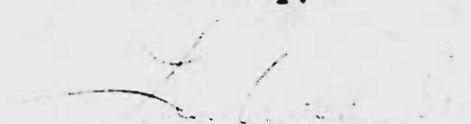
The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of General Counsel must proceed to the next compliance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

83040590101

Max Zimny, General Counsel  
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 Martha Romney, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

  
Lee Ann Elliott  
Chairman

Enclosures  
Procedures

8 8 0 4 0 5 9 0 1 0 2

GCC# 6259

**MANATT, PHELPS, ROTHENBERG & TUNNEY**

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

1200 NEW HAMPSHIRE AVENUE, N.W.  
SUITE 200  
WASHINGTON, D.C. 20036  
TELEPHONE (202) 463-4300

January 4, 1985

WESTSIDE OFFICE

11355 WEST OLYMPIC BOULEVARD  
LOS ANGELES, CALIFORNIA 90064  
(213) 318-4000

SAN FRANCISCO OFFICE

FOUR EMBARCADERO CENTER  
SAN FRANCISCO, CALIFORNIA 94111  
(415) 981-7540

LOS ANGELES (DOWNTOWN)

611 WEST SEVENTH STREET  
LOS ANGELES, CALIFORNIA 90017  
(213) 488-8500

HAND DELIVERED

George Demougeot  
Office of General Counsel  
Federal Election Commission  
1325 K Street, N.W., Suite 700  
Washington, D.C.

Re: MUR 1720

Dear Mr. Demougeot:

This letter is to confirm our telephone conversation of January 3, 1985 requesting a 20-day extension to file our response in the above-referenced MUR. If this extension is granted, our response will be due on January 28, 1985.

Very truly yours,



David M. Ifshin  
of Manatt, Phelps,  
Rothenberg & Tunney

DMI:lp

cc: Mr. Al Nechemie

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RECEIVED AT THE FEC  
GCC # 6335  
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**ZAZZALI, ZAZZALI & KROLL**  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

ANDREW F. ZAZZALI (1925-1969)  
ANDREW F. ZAZZALI, JR.  
JAMES R. ZAZZALI (N.J. & D.C. BAR)  
ALBERT G. KROLL (N.J., PENN. & D.C. BAR)  
ROBERT A. FAGELLA (N.J. & N.Y. BAR)  
PAUL L. KLEINBAUM (N.J., PENN. & MICH. BAR)  
KENNETH I. NOWAK (N.J., N.Y. & D.C. BAR)

*MUR 1720  
Demougeat*

GATEWAY I  
NEWARK, N.J. 07102  
(201) 623-1822

January 8, 1985

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

Att: Ms. Martha Romney

Re: MUR 1720 - International Union of  
Operating Engineers Local 68  
Political Action Committee

Dear Ms. Romney:

I have received your correspondence of December 20, 1984. Because of both the Christmas and New Years holidays, and vacations, it has been impossible to respond further to you in this matter at this time. However, within the next ten days we intend to provide you with additional materials which may be helpful. It may well be of course that we will not supply additional materials but I will, in any event, give you the courtesy of notice in connection therewith.

Very truly yours,

ZAZZALI, ZAZZALI & KROLL

By:   
James R. Zazzali

JRZ/ab  
CC: John J. Mooney, Esq.  
Michael R. Fanning, Esq.

88040690104

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 11, 1985

David M. Ifshin, Esquire  
Manatt, Phelps, Rothenberg & Tunney  
1200 New Hampshire Avenue, N.W.  
Suite 200  
Washington, D.C. 20036

Re: MUR 1720  
Lautenburg for Senate  
Committee and  
Abraham H. Nechemic, Treasurer

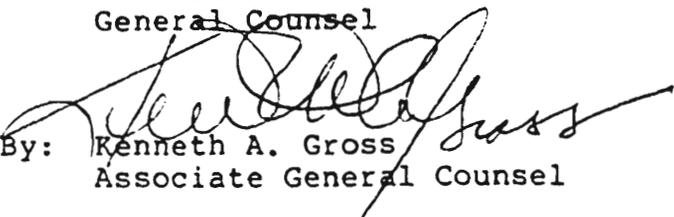
Dear Mr. Ifshin:

Your letter of January 4, 1985, has been received. In this letter you have requested an extension of time of 20 days in which to respond to the complaint filed in above-cited matter.

Due to the circumstances cited in your recent telephone call with our staff, you have been granted the extension, making your response due on or before January 28, 1985.

Sincerely,

Charles N. Steele  
General Counsel

By:   
Kenneth A. Gross  
Associate General Counsel

33040690103

ACC# 6532

**MANATT, PHELPS, ROTHENBERG & TUNNEY**

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

1200 NEW HAMPSHIRE AVENUE, N.W.

SUITE 200

WASHINGTON, D.C. 20036

TELEPHONE (202) 463-4300

January 27, 1985

WESTSIDE OFFICE

1355 WEST OLYMPIC BOULEVARD

LOS ANGELES, CALIFORNIA 90064

(213) 318-4000

SAN FRANCISCO OFFICE

FOUR EMBARCADERO CENTER

SAN FRANCISCO, CALIFORNIA 94111

(415) 981-7840

LOS ANGELES (DOWNTOWN)

811 WEST SEVENTH STREET

LOS ANGELES, CALIFORNIA 90017

(213) 466-8500

HAND DELIVERED

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

Re: MUR 1720

Dear Mr. Steele:

This letter is in reference to the FEC notification dated December 20, 1984, that the Commission found reason to believe against the Lautenberg for Senate Committee (the "Committee"). The complaint filed in this matter questioned contributions received by the Committee from two separate segregated funds, EPEC of the International Union of Operating Engineers and ILGWUCC of the International Ladies Garment Workers Union. The FEC notification that a violation was found does not specify which contributions are deemed excessive. The Committee contests the allegation that any excessive contribution was received and requests that the Commission rescind its finding of reason to believe, find no probable cause to believe or take no further action in this matter.

The FEC regulations establish a presumption that a contribution received after the primary is for the general election. 11 C.F.R. §110.1(a)(2)(ii). This presumption may, however, be rebutted by evidence of donative intent to make a contribution for the primary. One method noted in the regulations is by written designation. 11 C.F.R. §110.1(a)(2)(i). There is no dispute among the parties in this matter that the contributions questioned in the complaint were intended for the primary. The only basis for even questioning these contributions initially was the existence of some minor reporting errors which have been corrected.

ILGWUCC Contributions

There is no basis for any conclusion that the Committee received an excessive contribution from ILGWUCC. The information before the Commission clearly demonstrates that the contribution

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Charles N. Steele  
January 27, 1985  
Page 2

made by ILGWUCC on August 11, 1982 was for the general election and that the contribution made on October 6, 1982 was designated for the primary. The union has indicated that its report incorrectly reversed the elections for which the contributions were made. This is further supported by the affidavit and back-up documentation provided by the union.

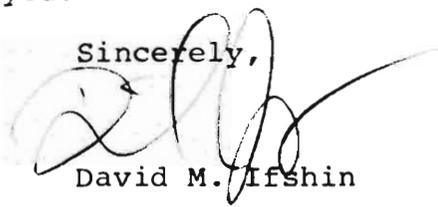
EPEC Contributions

The only issue as to excessive contributions from EPEC and its affiliates relates to a \$400 contribution received by the Committee on September 30, 1982. The Committee incorrectly reported this as for the general election. That report has already been amended. Attachment 1. To the best of the Committee's knowledge, the contributions made by EPEC and its affiliates which were received after the primary were solicited by the Committee to retire the primary debt. As of this date the Committee is unable to identify the individual who solicited the contributions due to the lengthy passage of time. However, the Committee believes that it was clear when these contributions were received that they were for the primary. The information before the Commission confirms that EPEC and its affiliates intended that these contributions be made to the primary campaign.

As to the contributions from both ILGWUCC and EPEC there is no factual dispute as to the intent of the contributors. The minor reporting errors which formed the basis of the complaint were all corrected some time ago. Thus, there is absolutely no basis for the Commission to proceed any further in this matter.

If the Committee receives any further information it will be forwarded to you.

Sincerely,

  
David M. Lifshin

DMI:jw

88040570107

GCC # 6189  
RECEIVED BY THE FEC

# INTERNATIONAL LADIES' GARMENT WORKERS' UNION

AFL-CIO

1710 BROADWAY • NEW YORK, N.Y. 10019 12:08

CABLE ADDRESS: ILGWU—NEW YORK • PHONE: 212-265-7000

LEGAL DEPARTMENT

MAX ZIMNY

General Counsel

CERTIFIED MAIL RRR

40 DEC 31 12:49  
RECEIVED

December 27, 1984

Federal Election Commission  
Washington, D.C. 20463

Attention: Martha Romney

Re: MUR 1720  
International Ladies' Garment  
Workers' Union

Gentlemen:

I received the letter dated December 20, 1984, from  
Chairman Lee Ann Elliott, on December 26, 1984.

My clients, International Ladies' Garment Workers' Union  
Campaign Committee and Lawrence Dock, as Acting Treasurer there-  
of, are interested in pre-probable cause conciliation of this  
matter.

I await further word from the Office of General Counsel  
regarding the same.

Sincerely yours,

*Max Zimny*  
Max Zimny  
General Counsel

MZ:cs

c: Lee Ann Elliott  
Chairman of FEC

93040590108

John J. Mooney, P. C.

Attorney at Law

17 Battery Place

Suite 2245

New York, N.Y. 10004

(212) 422-1831

RECEIVED AT THE FEC  
GCC #6276  
85 JAN 4 9:06

January 2, 1985

Federal Election Commission  
Washington, D.C. 20463

RE: MUR 1720  
International Union of Operating  
Engineers Local 825 Political  
Action and Education Committee

Gentlemen:

9 8 0 4 0 5 4 3 1 0 9  
Receipt is acknowledged of your letter of December 20, 1984 with respect to the above matter advising me that the Commission on December 12, 1984 determined that there is reason to believe that my client, International Union of Operating Engineers Local 825 Political Action And Education Committee and John Eichele as treasurer, violated 2 U.S.C. § 441a (a) (2) (A), a provision of the Act and 11 C.F.R. § 104.14 (d).

My client has authorized me to state that they would like to settle this matter through conciliation prior to a formal finding of probable cause. If, in fact, any violation of the Federal Election Campaign Act (F.E.C.A.) did occur, it was wholly inadvertent and due to clerical error and confusion in correlating my client's contribution with those of its affiliated Committees.

I trust that you can give early and favorable consideration to this request for conciliation and that the matter can be expeditiously resolved.

Very truly yours,

  
John J. Mooney

JJM/lb



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# 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

RECEIVED AT THE FEC  
GLC# 6274  
85 ENGINERS

OFFICE OF GENERAL PRESIDENT • (202) 429-9100

January 3, 1985

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

Re: MUR 1720

Dear Mr. Steele:

In response to the December 20, 1984 letter of Chairman Elliott, received on December 26, 1984, 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

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**ZAZZALI, ZAZZALI & KROLL**  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

ANDREW F. ZAZZALI (1925-1969)  
ANDREW F. ZAZZALI, JR.  
JAMES R. ZAZZALI (N.J. & D.C. BAR)  
ALBERT G. KROLL (N.J., PENN. & D.C. BAR)  
ROBERT A. FAGELLA (N.J. & N.Y. BAR)  
PAUL L. KLEINBAUM (N.J., PENN. & MICH. BAR)  
KENNETH I. NOWAK (N.J., N.Y. & D.C. BAR)

RECEIVED AT THE FEC  
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85 JAN 31 49:34

MUR 1720  
Demougeot

35 JAN 31 11:05  
GATEWAY I  
NEWARK, N.J. 07102  
(201) 623-1822

January 28, 1985

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

Att: Ms. Martha Romney

Re: MUR 1720 - International  
Union of Operating Engineers  
Local 68 PAC

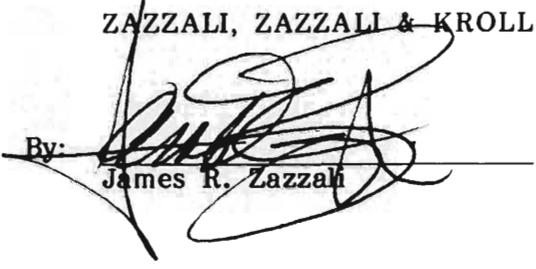
Dear Ms. Romney:

Pursuant to the Commission's letter to me, dated December 20, 1984, and my letter of January 8, 1985, this letter is to advise you that Local 68 relies upon and repeats its position as set forth in its July 23, 1984 letter. Local 68 contributed \$100.00 to Senator Lautenberg's general election campaign. At the time that amount was contributed, the total contributions by the Local 68 PAC and its affiliates had not exceeded the \$5,000.00 limit. Nor had Local 68's contribution raise the total contribution over the limit. Accordingly, Local 68 PAC maintains that it did not violate any election law and we ask the Commission to reconsider its position.

If the Commission still maintains that there is reason to believe that Local 68 PAC and Vincent Giblin, as Treasurer, violated the law, we ask for conciliation prior to a finding of probable cause. I thank you for your attention and courtesy in this matter.

Very truly yours,

ZAZZALI, ZAZZALI & KROLL

By: 

James R. Zazzali

JRZ/ab

CC: John J. Mooney, Esq.  
Michael R. Fanning, Esq.  
Vincent J. Giblin, Local 68 IUOE

33040690111

**SENSITIVE**

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of	)	
	)	
Lautenberg for Senate Committee	)	
and Abraham H. Nechemic, as treasurer	)	
Engineers Political Education Committee/	)	
International Union of Operating	)	
Engineers and Frank Hanley, as treasurer,	)	
International Union of Operating	)	MUR 1720
Engineers Local 825 Political Action	)	
and Education Committee and	)	
John Eichele, as treasurer	)	
International Union of Operating	)	
Engineers Local 68 Political Action	)	
Committee and Vincent Giblin, as treasurer	)	
International Ladies' Garment Workers'	)	
Union Campaign Committee and	)	
Jay Mazur, as treasurer	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On December 12, 1984, the Commission found reason to believe that International Ladies' Garment Workers' Union Campaign Committee ("ILGWUCC"), Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE"), International Union of Operating Engineers Local 825 Political Action and Education Committee ("Local 825 PAEC"), International Union of Operating Engineers Local 68 Political Action Committee ("Local 68 PAC") violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to the Lautenberg for Senate Committee. In addition, the Commission found reason to believe that Local 825 PAEC and Local 68 PAC violated 11 C.F.R. § 104.14(d) by failing to report properly contributions to the Lautenberg for Senate Committee. In responding to the reason to believe notification,

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ILGWUCC, EPEC/IUOE, Local 825 PAEC and Local 68 PAC have requested to enter into pre-probable cause to believe conciliation.

II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

83040590113

III. RECOMMENDATIONS

1. Enter into conciliation with the International Ladies' Garment Workers' Union Campaign Committee and

Jay Mazur, as treasurer, prior to a finding of probable cause to believe.

2. Enter into conciliation with Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as treasurer, prior to a finding of probable cause to believe.
3. Enter into conciliation with International Union of Operating Engineers Local 825 Political Action and Education Committee and John Eichele, as treasurer, prior to a finding of probable cause to believe.
4. Enter into conciliation with International Union of Operating Engineers Local 62 Political Action Committee and Vincent Giblin, as treasurer, prior to a finding of probable cause to believe.
5. Approve the attached proposed conciliation agreements.
6. Approve and send the attached letters.

Charles N. Steele  
General Counsel

April 25, 1985  
Date

Kenneth A. Gross  
By: Kenneth A. Gross,  
Associate General Counsel

Attachments

- I. Proposed Conciliation Agreements
- II. Letters to Respondents
- III. Letter from ILGWUCC
- IV. Letter from EPEC/IUOE
- V. Letter from Local 825 PAEC
- VI. Letter from Local 68 PAC

83040690114

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 1720  
Lautenberg for Senate Committee )  
and Abraham H. Nechemic, as treasurer, )  
et. al. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 1, 1985, the Commission decided by a vote of 6-0 to take the following actions in MUR 1720:

1. Enter into conciliation with the International Ladies' Garment Workers' Union Campaign Committee and Jay Mazur, as treasurer, prior to a finding of probable cause to believe.
2. Enter into conciliation with Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as treasurer, prior to a finding of probable cause to believe.
3. Enter into conciliation with International Union of Operating Engineers Local 825 Political Action and Education Committee and John Eichele, as treasurer, prior to a finding of probable cause to believe.
4. Enter into conciliation with International Union of Operating Engineers Local 62 Political Action Committee and Vincent Giblin, as treasurer, prior to a finding of probable cause to believe.

(Continued)

38040690113

Certification  
MUR 1720  
General Counsel's Report  
Signed April 25, 1985

Page 2

5. Approve the proposed conciliation agreements submitted with the General Counsel's Report signed April 25, 1985.
6. Approve and send the letters attached to the General Counsel's Report signed April 25, 1985.

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

Attest:

5-2-85

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

88040590116

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

4-29-85, 9:37  
4-29-85, 4:00



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 28, 1985

David M. Ifshin, Esquire  
Manatt, Phelps, Rothenburg & Tunney  
1200 New Hampshire Avenue, N.W.  
Suite 200  
Washington, D.C. 20036

RE: MUR 1720  
Lautenberg for Senate Committee and  
Abraham H. Nechemic, as treasurer

Dear Mr. Ifshin:

Based on a complaint filed with the Commission on May 31, 1984, and information supplied by your clients the Commission determined on December 12, 1984, that there was reason to believe that the Lautenberg for Senate Committee and Abraham H. Nechemic, as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 104.14(d), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"), and instituted an investigation of this matter.

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

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

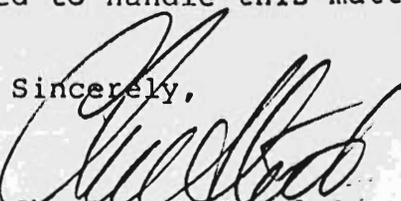
If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days.

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Letter to David M. Ifshin, Esquire  
Page 2

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety, days to settle this matter through a conciliation agreement.

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

Sincerely,  
  
Charles N. Steele  
General Counsel

Enclosure  
Brief

88040690118

BEFORE THE FEDERAL ELECTION COMMISSION  
May 28, 1985

In the Matter of )  
)  
Lautenberg for Senate Committee )  
and Abraham H. Nechemic, as treasurer ) MUR 1720  
Engineers Political Education Committee/ )  
International Union of Operating )  
Engineers and Frank Hanley, as )  
treasurer, )  
International Union of Operating )  
Engineers Local 825 Political Action )  
and Education Committee and )  
John Eichele, as treasurer )  
International Union of Operating )  
Engineers Local 68 Political Action )  
Committee and Vincent Giblin, )  
as treasurer )  
International Ladies' Garment Workers' )  
Union Campaign Committee and )  
Jay Mazur, as treasurer )

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE FACTS

The Lautenberg for Senate Committee ("Lautenberg Committee") was the principal campaign committee of Frank R. Lautenberg for the 1982 primary and general elections. Abraham H. Nechemic is treasurer of the Lautenberg Committee. A complaint filed by James Edward Antosh ("complainant") alleged that the Committee violated 2 U.S.C. § 441a(f) for receiving excess contributions from the International Ladies' Garment Workers' Union Campaign Committee ("ILGWUCC") and from the Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE"), International Union of Operating Engineers Local 825 Political Action and Education Committee ("Local 825 PAEC"), and International Union of Operating Engineers Local 68 Political Action Committee ("Local 68 PAC").

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On December 12, 1984, the Commission found reason to believe that the Lautenberg Committee and Abraham H. Nechemic, as treasurer, violated 2 U.S.C. § 441a(f) by accepting contributions from ILGWUCC totalling \$5,000 in excess of limits at 2 U.S.C. § 441a(a)(2)(A) and by accepting contributions from EPEC/IUOE, Local 825 PAEC and Local 68 PAC totalling \$3,500 in excess of limits at 2 U.S.C. § 441a(a)(2)(A). In addition, the Commission found reason to believe that the Committee violated 11 C.F.R. § 104.14(d) by failing to report properly contributions received from ILGWUCC and EPEC/IUOE, Local 825 PAEC and Local 68 PAC.

## II. LEGAL ANALYSIS

2 U.S.C. § 441a(a)(2)(A) states that no multicandidate political committee shall make contributions to any candidate and his authorized political committees with respect to any federal election which in the aggregate, exceeds \$5,000. 2 U.S.C. § 441a(f) prohibits a candidate or committee from knowingly accepting contributions in violation of the \$5,000 aggregate limitation imposed on contributions under this section.

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

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11 C.F.R. § 110.1(a) provides that a contribution designated in writing by the contributor for a particular election shall be attributed to that election. Except, that a contribution made after the primary election, shall be allowed only if the recipient committee has outstanding primary debts on the date of the contribution which are equal to or greater than the contributions. 11 C.F.R. § 110.1(a) further 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 are attributable to the general election if made after the date of the primary election.

11 C.F.R. § 104.14(d) provides that the treasurer of a political committee must timely and accurately file committee reports of receipts and disbursements.

A) ILGWUCC

A review of the reports filed with the Federal Election Commission reveals that the following contributions were made to the Lautenberg for Senate Committee:

<u>CONTRIBUTOR</u>	<u>AMOUNT</u>	<u>DATE REPORTED GIVEN</u>	<u>ELECTION REPORTED BY CONTRIBUTOR</u>	<u>DATE REPORTED RECEIVED</u>	<u>ELECTION REPORTED BY RECIPIENT</u>
ILGWUCC	\$5,000	8/11/82	General	8/16/82	General
ILGWUCC	<u>\$5,000</u>	10/6/82	General	10/19/82	Primary
Total	\$10,000				

The New Jersey primary election was held on June 8, 1982.

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In response to the complaint, the Lautenberg Committee contended that the October 6, 1982, contribution from ILGWUCC was designated for the primary election. However, no evidence was provided by either the Lautenberg Committee or ILGWUCC that the election designation had been communicated in writing to the Lautenberg Committee. Thus, the Commission determined there was reason to believe a violation of 2 U.S.C. § 441a(f) had occurred.

In response to the reason to believe finding, the Lautenberg Committee requested that the Commission find no probable cause in this matter. The Committee rested their case on the facts as presented in their response to the complaint and by stating that if any violations had occurred they were only minor reporting violations. No additional evidence has been provided.

Since a contributing committee, in order to alter the presumption of § 110.(a)(1), must inform the recipient committee of the designation in writing at the time the contribution is given, the Office of General Counsel recommends that the Commission find probable cause to believe that the Lautenberg Committee violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 104.14(d).

B) FPEC/IUOE, LOCAL PAEC and LOCAL 68 PAC

A review of the reports filed with the Federal Election Commission reveals that the following contributions were made to the Lautenberg for Senate Committee:

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<u>CONTRIBUTOR</u>	<u>AMOUNT</u>	<u>DATE REPORTED CONTRIBUTED</u>	<u>ELECTION REPORTED BY CONTRIBUTOR</u>	<u>DATE REPORTED RECEIVED BY LAUTENBERG FOR SENATE</u>	<u>ELECTION REPORTED BY LAUTENBERG FOR SENATE</u>
EPEC/IUOE	\$5,000	8/2/82	General	8/16/82	General
LOCAL 825 PAEC	\$ 400	9/27/82	General Tickets	9/30/82	General
EPEC/IUOE	\$1,500	10/7/82	General	10/21/82	Primary
LOCAL 68 PAC	\$1,500	10/13/82	Primary	10/21/82	Primary
LOCAL 68 PAC	\$ 100	10/14/82	General	10/14/82	Primary
LOCAL 825 PAEC	\$1,500	10/21/82	General	10/21/82	Primary

The New Jersey primary election was held on June 8, 1982.

In response to the complaint the Lautenberg Committee contended that only minor reporting violations had occurred in that the contributing committees had improperly reported their election designations. No evidence of written designations to alter the presumption of § 110.1(a)(1) was provided.

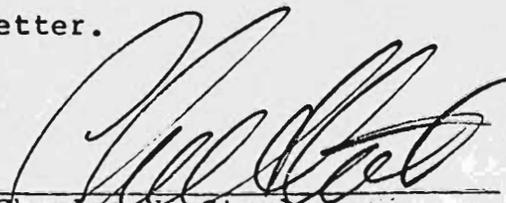
Since a contributing committee, in order to alter the presumption of § 110.1(a)(1), must inform the recipient committee of the designation in writing at the time the contribution is given, the Office of General Counsel recommends that the Commission find probable cause to believe that the Lautenberg Committee violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 104.14(d).

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III. GENERAL COUNSEL'S RECOMMENDATIONS

1. Find probable cause to believe that the Lautenberg for Senate Committee and Abraham H. Nechemic, as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 104.14(d).
2. Approve the proposed letter.

28 May 1985  
Date

  
\_\_\_\_\_  
Charles N. Steele  
General Counsel

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

REC  
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MAY 28 11:45

May 28, 1985

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele  
General Counsel

**SENSITIVE**

SUBJECT: MUR #1720

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on May 28, 1985. Following receipt of the Respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments

- I. Brief
- II. Letter to Respondent
- III. Letter from Respondent

83040590125

BEFORE THE FEDERAL ELECTION COMMISSION  
March 3, 1986

In the Matter of )  
 )  
Lautenberg for Senate Committee )  
and Abraham H. Nechemic, as treasurer )  
Engineers Political Education Committee/ )  
International Union of Operating )  
Engineers and Frank Hanley, as )  
treasurer, )  
International Union of Operating )  
Engineers Local 825 Political Action )  
and Education Committee and )  
John Eichele, as treasurer )  
International Union of Operating )  
Engineers Local 68 Political Action )  
Committee and Vincent Giblin, )  
as treasurer )  
International Ladies' Garment Workers' )  
Union Campaign Committee and )  
Jay Mazur, as treasurer )

**SENSITIVE**

MUR 1720

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

Attached for the Commission's consideration are proposed counter conciliation agreements from International Ladies' Garment Workers' Union Campaign Committee ("ILGWUCC"), and Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE"), International Union of Operating Engineers Local 825 Political Action and Education Committee ("Local 825 PAEC"), International Union of Operating Engineers Local 68 Political Action Committee ("Local 68 PAC").

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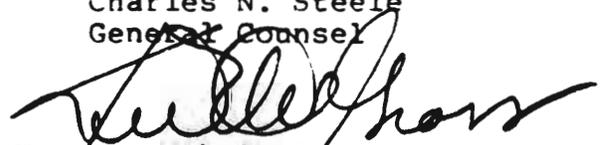
*Remainder of p 1, all of pp 2 & 3, top of p. 4 deleted. See 2 USC § 437g (a)(4)(B)(i).*

II. RECOMMENDATIONS

1. Reject the proposed counter conciliation agreement from International Ladies' Garment Workers' Union Campaign and Abraham H. Nechemic, as treasurer.
2. Reject the proposed counter conciliation agreements from Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as treasurer.
3. Reject the proposed counter conciliation agreement from International Union of Operating Engineers Local 825 Political Action and Education Committee and John Eichele, as treasurer.
4. Reject the proposed counter conciliation agreement from International Union of Operating Engineers Local 68 Political Action Committee and Vincent Giblin, as treasurer.
5. Approve the attached letter.

38040590127

Charles N. Steele  
General Counsel

  
BY: Kenneth A. Gross  
Associate General Counsel

5/7/86  
DATE

Attachments

- I. Letters from Respondents
- II. Proposed letters to Respondents

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Lautenberg for Senate Committee )  
and Abraham H. Nechemic, as treasurer )  
Engineers Political Education Committee/ )  
International Union of Operating )  
Engineers and Frank Hanley, as ) MUR 1720  
treasurer, )  
International Union of Operating )  
Engineers Local 825 Political Action )  
and Education Committee and )  
John Eichele, as treasurer )  
International Union of Operating )  
Engineers Local 68 Political Action )  
Committee and Vincent Giblin, as )  
treasurer )  
International Ladies' Garment Workers' )  
Union Campaign Committee and )  
Jay Mazur, as treasurer )

CERTIFICATION

I, Mary W. Dove, recording secretary for the Federal Election Commission executive session of May 13, 1986, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1720:

1. Take no further action with regard to International Ladies' Garment Workers' Union Campaign and Jay Mazur, as treasurer, and close the file as it pertains to them.
2. Reject the proposed counter conciliation agreements from Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as treasurer.
3. Reject the proposed counter conciliation agreement from International Union of Operating Engineers Local 825 Political Action and Education Committee and John Eichele, as treasurer.
4. Reject the proposed counter conciliation agreement from International Union of Operating Engineers Local 68 Political Action Committee and Vincent Giblin, as treasurer.

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5.

6. Direct the Office of General Counsel to send the appropriate letters pursuant to the above actions.

Commissioners Aikens, Elliott, Harris, Josefiak, McDonald, and McGarry voted affirmatively for this decision.

Attest:

5-14-86  
Date

Mary W. Dove  
Mary W. Dove  
Administrative Assistant

33040590129

**SENSITIVE**

**BEFORE THE FEDERAL ELECTION COMMISSION**

RECEIVED  
COMMUNICATIONS SECTION

In the Matter of )  
 )  
Lautenberg for Senate Committee )  
and Abraham H. Nechemic, as treasurer )

EXECUTIVE SESSION  
00 MAY 7 AM 11:42  
MUR 1720

MAY 13 1986

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

The Lautenberg for Senate Committee ("Lautenberg Committee") was the principal campaign committee of Frank R. Lautenberg for the 1982 primary and general elections. Abraham H. Nechemic is treasurer of the Lautenberg Committee. A complaint filed by James Edward Antosh ("complainant") alleged that the Committee violated 2 U.S.C. § 441a(f) for receiving excess contributions from the International Ladies' Garment Workers' Union Campaign Committee ("ILGWUCC"), and from the Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE"), International Union of Operating Engineers Local 825 Political Action and Education Committee ("Local 825 PAEC"), and International Union of Operating Engineers Local 68 Political Action Committee ("Local 68 PAC").

**II. LEGAL ANALYSIS**

2 U.S.C. § 441a(a)(2)(A) states that no multicandidate political committee shall make contributions to any candidate and his authorized political committees with respect to any federal election which in the aggregate, exceeds \$5,000. 2 U.S.C. § 441a(f) prohibits a candidate or committee from knowingly accepting contributions in violation of the \$5,000 aggregate limitation imposed on contributions under this section.

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

11 C.F.R. § 110.1(a) provides that a contribution designated in writing by the contributor for a particular election shall be attributed to that election. Except, that a contribution made after the primary election, shall be allowed only if the recipient committee has outstanding primary debts on the date of the contribution which are equal to or greater than the contributions. 11 C.F.R. § 110.1(a) further 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 are attributable to the general election if made after the date of the primary election.

11 C.F.R. § 104.14(d) provides that the treasurer of a political committee must timely and accurately file committee reports of receipts and disbursements.

On December 12, 1984, the Commission found reason to believe that the Lautenberg Committee and Abraham H. Nechemic, as treasurer, violated 2 U.S.C. § 441a(f) by accepting contributions from ILGWUCC totalling \$5,000 in excess of limits at 2 U.S.C. § 441a(a)(2)(A), and by accepting contributions from EPEC/IUOE, Local 825 PAEC and Local 68 PAC totalling \$3,500 in excess of

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limits at 2 U.S.C. § 441a(a)(2)(A). In addition, the Commission found reason to believe that the Committee violated 11 C.F.R. § 104.14(d) by failing to report properly contributions received from ILGWUCC, and EPEC/IUOE, Local 825 PAEC and Local 68 PAC.

A) ILGWUCC

A review of the reports filed with the Federal Election Commission reveals that the following contributions were made to the Lautenberg for Senate Committee:

<u>CONTRIBUTOR</u>	<u>AMOUNT</u>	<u>DATE REPORTED GIVEN</u>	<u>ELECTION REPORTED BY CONTRIBUTOR</u>	<u>DATE REPORTED RECEIVED</u>	<u>ELECTION REPORTED BY RECIPIENT</u>
ILGWUCC	\$5,000	8/11/82	General	8/16/82	General
ILGWUCC	\$5,000	10/6/82	General	10/19/82	Primary
Total	\$10,000				

The New Jersey primary election was held on June 8, 1982.

In response to the complaint, the Lautenberg Committee contended that the October 6, 1982, contribution from ILGWUCC was designated for the primary election. However, no evidence was provided by either the Lautenberg Committee or ILGWUCC that the election designation had been communicated in writing to the Lautenberg Committee. Thus, the Commission determined there was reason to believe that the Lautenberg Committee had violated 2 U.S.C. § 441a(f) by accepting contributions \$5000 in excess of statutory limits from ILGWUCC.

In response to the reason to believe finding, the Lautenberg Committee requested that the Commission find no probable cause in this matter. The Committee rested their case on the contention that the October 6, 1982, contribution was intended as a

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contribution for the primary election and by stating that if any violations had occurred they were only minor reporting violations. However, no evidence was provided by the Committee that the election designation had been communicated in writing. The Committee did not respond to the briefs sent out by the Office of General Counsel.

In order to alter the presumption of § 110.(a)(1) a contributing committee must inform the recipient committee of the election designation in writing at the time the contribution is given. Since no such designation was made, the Office of General Counsel recommends that the Commission find probable cause to believe that the Lautenberg Committee violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 104.14(d).

**B) EPEC/IUOE, LOCAL 825 PAEC and LOCAL 68 PAC**

A review of the reports filed with the Federal Election Commission reveals that the following contributions were made to the Lautenberg for Senate Committee:

<u>CONTRIBUTOR</u>	<u>AMOUNT</u>	<u>DATE REPORTED CONTRIBUTED</u>	<u>ELECTION REPORTED BY CONTRIBUTOR</u>	<u>DATE REPORTED RECEIVED BY LAUTENBERG FOR SENATE</u>	<u>ELECTION REPORTED BY LAUTENBERG FOR SENATE</u>
EPEC/IUOE	\$5,000	8/2/82	General	8/16/82	General
LOCAL 825 PAEC	\$ 400	9/27/82	General Tickets	9/30/82	General
EPEC/IUOE	\$1,500	10/7/82	General	10/21/82	Primary
LOCAL 68 PAC	\$1,500	10/13/82	Primary	10/21/82	Primary
LOCAL 68 PAC	\$ 100	10/14/82	General	10/14/82	Primary
LOCAL 825 PAEC	\$1,500	10/21/82	General	10/21/82	Primary

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The New Jersey primary election was held on June 8, 1982.

In response to the complaint the Lautenberg Committee contended that only minor reporting violations had occurred in that the contributing committees had improperly reported their election designations. However, no evidence of written designations to alter the presumption of § 110.1(a)(1) was provided.

With regard to the October 21 contribution of \$1,500 made by Local 825, written evidence was provided to the recipient that the contribution was for the primary election. The check for the contribution contained the notation on its face "For debt from Primary Election June 8, 1982." Since the Lautenberg Committee had debts from the primary election and a written designation was communicated, the October 31 contribution from Local 825 was therefore attributed to the primary election.

Local 68 PAC made a \$1,500 contribution to the Lautenberg Committee on October 14, 1982. This contribution was given after the primary election and thus should have been attributed to the general election. Local 68 PAC checked the primary box on its reports, however. Local 68 PAC has submitted no evidence that it informed the Lautenberg Committee in writing at the time it gave the contribution that the \$1,500 was to be designated for the primary election. Thus, pursuant to the presumption of 11 C.F.R. § 110.1(a) the \$1,500 was attributable to the general election.

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With regard to the August 2, 1982, \$5,000 contribution made by EPEC/IUOE, EPEC/IUOE provided an affidavit from John J. Brown which stated that a meeting was held with Jack Shaw of the Lautenberg Committee and that it was discussed and intended that the \$5,000 contribution should have been designated for the primary election to help pay off campaign debts. However, the Lautenberg Committee made no mention of such a meeting in its response and in fact stated that the contribution was for the general election. Further, there was no evidence that EPEC/IUOE informed the Lautenberg Committee in writing at the time it gave the contribution that \$5,000 was to be designated for the primary election. Thus, pursuant to 11 C.F.R. § 110.1(a) the \$5,000 was attributed to the general election. Since only Local 68 PAC's \$1,500 contribution made on October 13, 1982, was designated for the primary election, all six of the remaining contributions made by EPEC/IUOE, Local 825 PAEC and Local 68 PAC, should be considered to have been made in the general election. Thus, the Commission determined there was reason to believe that the Lautenberg Committee had violated 2 U.S.C. § 441a(f) by accepting contributions totalling \$3,500 in excess of statutory limits from EPEC/IUOE, Local 825 PAEC and Local 68 PAC. The Committee did not respond to the briefs sent out by the Office of General Counsel.

Since a contributing committee, in order to alter the presumption of § 110.1(a)(1), must inform the recipient committee

of the designation in writing at the time the contribution is given, and since no such designation is in evidence in this matter, the Office of General Counsel recommends that the Commission find probable cause to believe that the Lautenberg Committee violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 104.14(d).

**III. DISCUSSION OF CONCILIATION AGREEMENT AND CIVIL PENALTY**

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**IV. GENERAL COUNSEL'S RECOMMENDATIONS**

1. Find probable cause to believe that the Lautenberg for Senate Committee and Abraham H. Nechemic, as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 104.14(d).

2. Approve the proposed letter.

3 May 1986  
Date

  
Charles N. Steele  
General Counsel

Attachments

- I. Letter to Respondent
- II. Conciliation agreement

88040690137

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Lautenberg for Senate Committee ) MUR 1720  
and Abraham H. Nechemic, )  
as treasurer )

CERTIFICATION

I, Mary W. Dove, recording secretary for the Federal Election Commission executive session of May 13, 1986, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1720:

1. Find probable cause to believe that the Lautenberg for Senate Committee and Abraham H. Nechemic, as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 104.14(d).
2. Take no further action in regard to the contribution from the International Ladies Garment Workers' Union Campaign Committee
3. Approve the conciliation agreement, as recommended in the General Counsel's signed report of May 6, 1986.
4. Direct the Office of General Counsel to send the appropriate letter pursuant to the above actions.

Commissioners Aikens, Elliott, Harris, Josefiak, McDonald, and McGarry voted affirmatively for this decision.

Attest:

5-15-86  
Date

Mary W. Dove  
Mary W. Dove  
Administrative Assistant

83040590138

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
SENSITIVE

In the Matter of )  
 )  
 Lautenberg for Senate Committee )  
 and Abraham H. Nechemic, as treasurer )  
 Engineers Political Education Committee/ )  
 International Union of Operating )  
 Engineers and Frank Hanley, as )  
 treasurer, )  
 International Union of Operating )  
 Engineers Local 825 Political Action )  
 and Education Committee and )  
 John Eichele, as treasurer )  
 International Union of Operating )  
 Engineers Local 68 Political Action )  
 Committee and Vincent Giblin, )  
 as treasurer )  
 International Ladies' Garment Workers' )  
 Union Campaign Committee and )  
 Jay Mazur, as treasurer )

00 JUN 5 4 3: 55

MUR 1720

GENERAL COUNSEL'S REPORT

I. BACKGROUND

The attached proposed letters and agreements have been changed pursuant to the Commission's direction at the Executive Session of May 13. The Office of General Counsel recommends that the Commission approve the attached letters and agreements.

II. RECOMMENDATIONS

1. Approve the attached proposed conciliation agreements.
2. Approve and send the attached letters.

Charles N. Steele  
 General Counsel

June 4, 1996  
 Date

BY: Lawrence M. Noble  
 Lawrence M. Noble  
 Deputy General Counsel

Attachments

- I. Proposed Conciliation Agreements
- II. Proposed Letters

33040540139

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 Lautenberg for Senate Committee )  
 and Abraham H. Nechemic, as treasurer )  
 Engineers Political Education Committee/ )  
 Internaitonal Union of Operating )  
 Engineers and Frank Hanley, as )  
 treasurer, )  
 International Union of Operating )  
 Engineers Local 852 Political Action )  
 and Education Committee and )  
 John Eichele, as treasurer )  
 International Union of Operating )  
 Engineers Local 68 Political Action )  
 Committee and Vincent Giblin, )  
 as treasurer )  
 International Ladies' Garment Workers' )  
 Union Campaign Committee and )  
 Jay Mazur, as treasurer )

MUR 1720

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 9, 1986, the Commission decided by a vote of 6-0 to take the following actions in MUR 1720:

1. Approve the proposed conciliation agreements, as recommended in the General Counsel's Report signed June 4, 1986.
2. Approve and send the letters attached to the General Counsel's Report signed June 4, 1986.

Commissioners Aikens, Elliott, Harris, Josefiak, McDonald and McGarry voted affirmatively for this decision.

Attest:

6-9-86  
 Date

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

Received in Office of Commission Secretary:	Thurs.,	6-5-86,	9:55
Circulated on 48 hour tally basis:	Thurs.,	6-5-86,	4:00
Deadline for vote:	Mon.,	6-9-86,	4:00

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86 JUL 7 9:00

*John J. Mooney*

*Attorney at Law*

*17 Battery Place*

*Suite 2245*

*New York, New York 10004*

*(212) 422-1831*

June 26, 1986

86 JUL 8 A10:41

GENERAL COUNSEL

Federal Election Commission  
Washington, D.C. 20463

Att: Lawrence M. Noble  
Deputy General Counsel

RE: MUR 1720  
International Union of Operating  
Engineers Local 825 Political  
Action and Education Committee  
and John Eichele, as treasurer

Gentlemen:

Receipt is acknowledged of your letter of June 12th with reference to the above matter containing a copy of your proposed conciliation agreement incorporating certain of the changes that I had previously suggested.

The conciliation agreement is satisfactory to my clients and I have executed it on their behalf and return the same herewith.

I also enclose herewith a check from my clients to the Treasurer of the United States in the sum of \$500.00 representing one-half of the combined civil penalty provided in the conciliation agreement. I understand that the Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE") will send you their separate check for \$500.00 with their executed copy of the conciliation agreement thus providing between us payment in full of the civil penalty.

I shall await receipt of your executed copy of the conciliation agreement at your earliest convenience.

Very truly yours,

*John J. Mooney*  
John J. Mooney

JJM/lb

Enclosures

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86 JUL 8 7  
A8:58  
G00#892

**ZAZZALI, ZAZZALI & KROLL**  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

ANDREW F. ZAZZALI (1925-1969)  
ANDREW F. ZAZZALI, JR.  
JAMES R. ZAZZALI (N.J. & D.C. BAR)  
ALBERT G. KROLL (N.J., PENN. & D.C. BAR)  
ROBERT A. FAGELLA (N.J. & N.Y. BAR)  
PAUL L. KLEINBAUM (N.J., PENN. & MICH. BAR)  
KENNETH I. NOWAK (N.J., N.Y. & D.C. BAR)

ONE GATEWAY CENTER  
NEWARK, N. J. 07102-5311  
(201) 623-1822

July 3, 1986

Mr. Lawrence M. Noble  
Deputy General Counsel  
Federal Election Commission  
Washington, D. C. 20463

Re: MUR 1720  
International Union of Operating Engineers  
Local 68 PAC and Vincent J. Giblin, Treasurer

Dear Mr. Noble:

Enclosed please find the Conciliation Agreement signed by Local 68 in the above-captioned matter. Kindly send me a copy of the fully executed agreement when you have signed it.

I thank you for your attention in this matter.

Very truly yours,

ZAZZALI, ZAZZALI & KROLL

BY: Kenneth I. Nowak  
Kenneth I. Nowak

KIN:ct  
Enclosure

cc. Vincent J. Giblin

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66 JUL 8 A10:33  
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GENERAL COUNSEL

J. C. TURNER  
Chairman

FRANK HANLEY  
Treasurer

1125 Seventeenth Street, N.W.  
Washington, D.C. 20036  
202-347-8560

# Engineers Political Education Committee

Acc#974  
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July 15, 1986

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

Re: MUR 1720

Dear Mr. Gross:

Enclosed is the revised Conciliation Agreement in the above-captioned matter, forwarded by you on May 8, 1986. The Agreement has been signed by Frank Hanley, on behalf of EPEC/IUOE, and is accompanied by a check of EPEC Voluntary in the amount of \$500, payable to the U.S. Treasury. Local Union No. 825 has forwarded a check in the same amount in payment of the remainder of the civil penalty.

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

Sincerely,

*Michael R. Fanning*  
Michael R. Fanning  
General Counsel

MRF:glt

Enclosures

cc: John Mooney  
Kenneth Nowak

39740590143

6 JUL 18 1986 3:55

RECEIVED  
FEDERAL ELECTION COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of )  
 )  
 Lautenberg for Senate Committee )  
 and Abraham H. Nechemic, as )  
 treasurer )  
 Engineers Political Education )  
 Committee/International Union )  
 of Operating Engineers and Frank )  
 Hanley, as treasurer )  
 International Union of Operating )  
 Engineers Local 825 Political )  
 Action and Education Committee )  
 and John Eichele, as treasurer )  
 International Union of Operating )  
 Engineers Local 68 Political )  
 Action Committee and Vincent )  
 Giblin, as treasurer )  
 International Ladies' Garment )  
 Workers' Union Campaign Committee )  
 and Jay Mazur, as treasurer )

MUR 1720

SEP 24 1986 15:13

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GENERAL COUNSEL'S REPORT

I. BACKGROUND

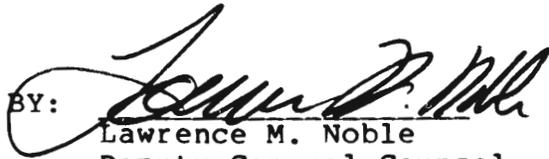
Attached for the Commission's approval are signed conciliation agreements from Engineers Political Education Committee/International Union of Operating Engineers, International Union of Operating Engineers Local 825 Political Action and Education Committee, International Union of Operating Engineers Local 68 Political Action Committee and checks totalling \$1,000 in payment of the combined civil penalty. The agreements are the same proposed agreements approved by the Commission on June 9, 1986. The Office of General Counsel recommends that the Commission accept the attached agreements and close the file as it pertains to these Respondents.

**II. RECOMMENDATIONS**

1. Accept the attached conciliation agreement with Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as treasurer.
2. Accept the attached conciliation agreement with International Union of Operating Engineers Local 825 Political Action and Education Committee and John Eichele, as treasurer.
3. Accept the attached conciliation agreement with International Union of Operating Engineers Local 68 Political Action Committee and Vincent Giblin, as treasurer.
4. Approve the proposed letters.
5. Close the file as it pertains to these Respondents.

Charles N. Steele  
General Counsel

9 8 0 4 0 5 9 0 1 4 5  
Date 7/24/86

BY:   
Lawrence M. Noble  
Deputy General Counsel

**Attachments**

- I. Conciliation Agreements from Respondents
- II. Proposed Letters

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Lautenberg for Senate Committee )  
and Abraham H. Nechemic, as )  
treasurer )  
Engineers Political Education )  
Committee/International Union )  
of Operating Engineers and Frank )  
Hanley, as treasurer )  
International Union of Operating )  
Engineers Local 825 Political )  
Action and Education Committee )  
and John Eichele, as treasurer )  
International Union of Operating )  
Engineers Local 68 Political )  
Action Committee and Vincent )  
Giblin, as treasurer )  
International Ladies' Garment )  
Workers' Union Campaign Committee )  
and Jay Mazur, as treasurer )

MUR 1720

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 29, 1986, the Commission decided by a vote of 6-0 to take the following actions in MUR 1720:

1. Accept the conciliation agreement with Engineers Political Education Committee/ International Union of Operating Engineers and Frank Hanley , as treasurer, as recommended in the General Counsel's Report signed July 24, 1986.
2. Accept the conciliation agreement with International Union of Operating Engineers Local 825 Political Action and Education Committee and John Eichele, as treasurer, as recommended in the General Counsel's Report signed July 24, 1986.

(continued)

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3. Accept the conciliation agreement with International Union of Operating Engineers Local 68 Political Action Committee and Vincent Giblin, as treasurer, as recommended in the General Counsel's Report signed July 24, 1986.
4. Approve the proposed letters, as recommended in the General Counsel's Report signed July 24, 1986.
5. Close the file as it pertains to these Respondents.

Commissioners Aikens, Elliott, Harris, Josefiak, McDonald and McGarry voted affirmatively for this decision.

Attest:

7-29-86

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

88040590147

Received in Office of Commission Secretary:	Thurs.,	7-24-86,	5:13
Circulated on 48 hour tally basis:	Fri.,	7-25-86,	2:00
Deadline for vote:	Tues.,	7-29-86,	4:00

PLM



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 1, 1986

John J. Mooney, Esquire  
International Union of Operating  
Engineers Local 825 Political  
Action and Education Committee  
17 Battery Place, Suite 2245  
New York, NY 10004

RE: MUR 1720  
International Union of  
Operating Engineers Local  
825 Political Action and  
Education Committee and  
John Eichele, as  
treasurer

88040690148

Dear Mr. Mooney:

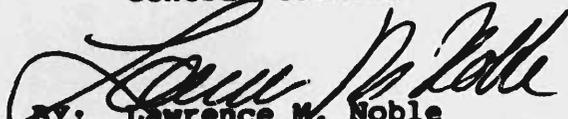
On July 29, 1986, the Commission accepted the conciliation agreement signed by you in settlement of a violation of 2 U.S.C. § 441a(a)(2)(A) and 11 C.F.R. § 104.14(d), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to your clients, and it will become a part of the public record within thirty days after this matter has been closed with respect to all other respondents involved. 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 within 10 days.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter has been closed. The Commission will notify you when the entire file has been closed.

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

Sincerely,

Charles N. Steele  
General Counsel



BY: Lawrence W. Noble  
Deputy General Counsel

Enclosure  
Conciliation Agreement

88040690149

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
International Union of ) MUR 1720  
Operating Engineers Local )  
825 Political Action and )  
Education Committee and )  
John Eichele, as Treasurer )

CONCILIATION AGREEMENT

28040590150  
This matter was initiated by a signed, sworn, and notarized complaint by James E. Antosh. The Commission found reason to believe that the International Union of Operating Engineers Local 825 Political Action and Education Committee ("Local 825 PAEC") and John Eichele, as treasurer, ("Respondents") violated 2 U.S.C. § 441a(a)(2)(A) by making contributions to the Lautenberg for Senate Committee which, when aggregated with contributions to the same committee by committees affiliated with Respondent Local 825 PAEC, exceeded \$5,000 for a single election. The Commission also found reason to believe that the Respondents violated 11 C.F.R. §104.14(d) by failing to report properly a contribution which it made to the Lautenberg for Senate Committee.

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

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

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

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

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

1. Respondent International Union of Operating Engineers Local 825 Political Action and Education Committee is a separate segregated fund of a local unit of the International Union of Operating Engineers ("IUOE").

2. Respondent John Eichele is the treasurer of Local 825 PAEC.

3. Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE") is the separate segregated fund of the IUOE.

4. International Union of Operating Engineers Local 68 Political Action Committee ("Local 68 PAC") is a separate segregated fund of a local union of the IUOE.

5. In 1982 Respondent Local 825 PAEC made a contribution of \$1,900 to the Lautenberg for Senate Committee for use in the general election campaign.

6. In 1982 EPEC/IUOE made contributions totalling \$6,500 to the Lautenberg for Senate Committee for use in the general election campaign.

7. In 1982 Local 68 PAC made contributions totalling \$100 to the Lautenberg for Senate Committee for use in the general election campaign.

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8. The aggregated contributions made in 1982 by EPEC/IUOE, Local 825 PAEC, and Local 68 PAC to the Lautenberg for Senate Committee for the general election totalled \$8,500.

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

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

11. As affiliated multicandidate committees, EPEC/IUOE, Local 825 PAEC, and Local 68 PAC in 1982 shared a \$5,000 contribution limitation.

12. 11 C.F.R. § 110.1(a) provides that a contribution designated in writing by the contributor for a particular election shall be attributed to that election. Except, that a contribution made after the primary election, shall be allowed only if the recipient committee has outstanding primary debts on the date of the contribution which are equal to or greater than the contribution. 11 C.F.R. § 110.1(a) further 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 are

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attributable to the general election if made after the date of the primary election.

13. 11 C.F.R. § 104.14(d) provides that the treasurer of a political committee must timely and accurately file committee reports of receipts and disbursements.

14. Respondents failed to properly report its \$1,500 contribution of October 21, 1982, to the Lautenberg for Senate Committee for the general election.

V. By making contributions in 1982 to the Lautenberg for Senate Committee for the general election which, when aggregated with contributions to the same committee by EPEC/IUOE and Local 68 PAC totalled \$8,500, Local 825 PAEC, and John Eichele, as treasurer of Local 825 PAEC, violated 2 U.S.C. § 441a(a)(2)(A).

VI. By failing to properly report a contribution to the Lautenberg for Senate Committee, Local 825 PAEC, and John Eichele, as treasurer of Local 825 PAEC, violated 11 C.F.R. § 104.14(d).

VII. Local 825 PAEC, EPEC/IUOE and Local 68 will pay a combined civil penalty to the Treasurer of the United States in the amount of One Thousand Dollars (\$1000.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

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

XI. This Conciliation Agreement constitutes the entire agreement between the parties of 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: *Lawrence M. Noble*  
Lawrence M. Noble  
Deputy General Counsel

7/31/96  
Date

FOR THE RESPONDENTS:

*John J. Mooney*  
*attorney*

Jan 17, 1986  
Date

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 1, 1986

Kenneth I. Nowak, Esquire  
Zazzali, Zazzali & Kroll  
One Gateway Center  
Newark, New Jersey 07102-5311

RE: MUR 1720  
International Union of  
Operating Engineers Local  
68 Political Action  
Committee and Vincent  
Giblin, as treasurer

Dear Mr. Nowak:

On July 29, 1986, the Commission accepted the conciliation agreement signed by your clients in settlement of a violation of 2 U.S.C. § 441a(a)(2)(A) and 11 C.F.R. § 104.14(d), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to your clients, and it will become a part of the public record within thirty days after this matter has been closed with respect to all other respondents involved. 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 within 10 days.

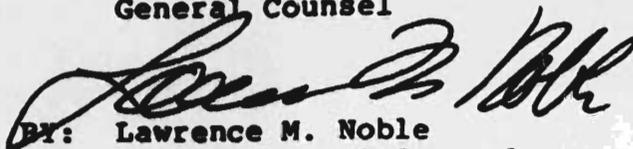
The Commission reminds you that the confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter has been closed. The Commission will notify you when the entire file has been closed.

83040690155

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

Sincerely,

Charles N. Steele  
General Counsel



BY: Lawrence M. Noble  
Deputy General Counsel

Enclosure  
Conciliation Agreement

89040690156

BEFORE THE FEDERAL ELECTION COMMISSION

86 JUL 8 48:58

In the Matter of	)	
	)	
International Union of Operating	)	
Engineers Local 68 Political	)	
Action Committee and	)	MUR 1720
Vincent Giblin, as Treasurer	)	

**CONCILIATION AGREEMENT**

This matter was initiated by a signed, sworn, and notarized complaint by James E. Antosh. The Commission found reason to believe that the International Union of Operating Engineers Local 68 Political Action Committee ("Local 68 PAC") and Vincent Giblin, as treasurer, ("Respondents") violated 2 U.S.C.

§ 441a(a)(2)(A) by making contributions to the Lautenberg for Senate Committee which, when aggregated with contributions to the same committee by committees affiliated with Respondent Local 68 PAC, exceeded \$5,000 for a single election. The Commission also found reason to believe that the Respondents violated 11 C.F.R. § 104.14(d) by failing to report properly a contribution which it made to the Lautenberg for Senate Committee.

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

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

§ 437g(a)(4)(A)(i).

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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 International Union of Operating Engineers Local 68 Political Action Committee is a separate segregated fund of a local unit of the International Union of Operating Engineers ("IUOE").

2. Respondent Vincent Giblin is the treasurer of Local 68 PAC.

3. Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE") is the separate segregated fund of the IUOE.

4. International Union of Operating Engineers Local 825 Political Action and Education Committee ("Local 825 PAEC") is a separate segregated fund of a local unit of the IUOE.

5. In 1982 Respondent Local 68 PAC made contributions totalling \$100 to the Lautenberg for Senate Committee for use in the general election campaign.

6. In 1982 EPEC/IUOE made contributions totalling \$6,500 to the Lautenberg for Senate Committee for use in the general election campaign.

7. In 1982 Local 825 PAEC made a contribution of \$1,900 to the Lautenberg for Senate Committee for use in the general election campaign.

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8. The aggregated contributions made in 1982 by EPEC/IUOE, Local 825 PAEC, and Local 68 PAC to the Lautenberg for Senate Committee for the general election totalled \$8,500.

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

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

11. As affiliated multicandidate committees, EPEC/IUOE, Local 825 PAEC, and Local 68 PAC in 1982 shared a \$5,000 contribution limitation.

12. 11 C.F.R. § 110.1(a) provides that a contribution designated in writing by the contributor for a particular election shall be attributed to that election. Except, that a contribution made after the primary election, shall be allowed only if the recipient committee has outstanding primary debts on the date of the contribution which are equal to or greater than the contribution. 11 C.F.R. § 110.1(a) further 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 are attributable to the general election if made after the date of the primary election.

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13. 11 C.F.R. § 104.14(d) provides that the treasurer of a political committee must timely and accurately file committee reports of receipts and disbursements.

14. Respondents failed to report properly its \$1,500 contribution of October 13, 1982, to the Lautenberg for Senate Committee for the general election.

V. By making contributions in 1982 to the Lautenberg for Senate Committee for the general election which, when aggregated with contributions to the same committee by EPEC/IUOE and Local 825 PAEC totalled \$8,500, Local 68 PAC, and Vincent Giblin, as treasurer of Local 68 PAC, violated 2 U.S.C. § 441a(a)(2)(A).

VI. By failing to report properly a contribution to the Lautenberg for Senate Committee, Local 68 PAC and Vincent Giblin, as treasurer of Local 68 PAC, violated 11 C.F.R. § 104.14(d).

VII. EPEC/IUOE, Local 825 PAEC and Local 68 will pay a combined civil penalty to the Treasurer of the United States in the amount of One Thousand Dollars (\$1,000.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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

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

FOR THE COMMISSION:

Charles N. Steele  
General Counsel

By: *Lawrence M. Noble*  
Lawrence M. Noble  
Deputy General Counsel

7/31/86  
Date

FOR THE RESPONDENTS:

*Francis J. Sullivan*

7-1-86  
Date

88740690161

pern



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 1, 1986

Michael R. Fanning, Esquire  
Engineers Political Education Committee  
1125 17th Street, N.W.  
Washington, D.C. 20036

RE: MUR 1720  
Engineers Political  
Education Committee of  
the International Union  
of Operating Engineers  
and Frank Hanley, as  
treasurer

Dear Mr. Fanning:

On July 29, 1986, the Commission accepted the conciliation agreement signed by your clients in settlement of a violation of 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to your clients, and it will become a part of the public record within thirty days after this matter has been closed with respect to all other respondents involved. 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 within 10 days.

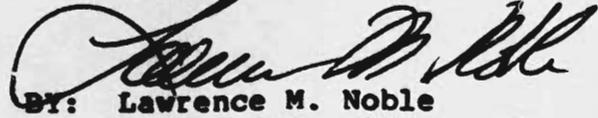
The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter has been closed. The Commission will notify you when the entire file has been closed.

83040690162

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

Sincerely,

Charles N. Steele  
General Counsel



BY: Lawrence M. Noble  
Deputy General Counsel

Enclosure  
Conciliation Agreement

83040690163

MAN

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 Engineers Political Education )  
 Committee/International Union of )  
 Operating Engineers and ) MUR 1720  
 Frank Hanley, as Treasurer )

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by James E. Antosh. The Commission found reason to believe that the Engineers Political Education Committee/ International Union of Operating Engineers ("EPEC/IUOE") and Frank Hanley, as treasurer, ("Respondents") violated 2 U.S.C. § 441a(a)(2)(A) by making contributions to the Lautenberg for Senate Committee which, when aggregated with contributions to the same committee by committees affiliated with Respondent EPEC/IUOE, exceeded \$5,000 for a single election.

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

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

§ 437g(a)(4)(A)(i).

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

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

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

1. Respondent Engineers Political Education Committee/International Union of Operating Engineers is the separate segregated fund of the International Union of Operating Engineers ("IUOE").

2. Respondent Frank Hanley is the treasurer of EPEC/IUOE.

3. International Union of Operating Engineers Local 825 Political Action and Education Committee ("Local 825 PAEC") is a separate segregated fund of a local unit of the IUOE.

4. International Union of Operating Engineers Local 68 Political Action Committee ("Local 68 PAC") is a separate segregated fund of a local unit of the IUOE.

5. In 1982 Respondent EPEC/IUOE made contributions totalling \$6,500 to the Lautenberg for Senate Committee for use in the general election campaign.

6. In 1982 Local 825 PAEC made a contribution of \$1,900 to the Lautenberg for Senate Committee for use in the general election campaign.

7. In 1982 Local 68 PAC made contributions totalling \$100 to the Lautenberg for Senate Committee for use in the general election campaign.

8. The aggregated contributions made in 1982 by EPEC/IUOE, Local 825 PAEC, and Local 68 PAC to the Lautenberg for Senate Committee for the general election totalled \$8,500.

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

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

11. As affiliated multicandidate committees, EPEC/IUOE, Local 825 PAEC, and Local 68 PAC in 1982 shared a \$5,000 contribution limitation.

V. By making contributions in 1982 to the Lautenberg for Senate Committee for the general election which, when aggregated with contributions to the same committee by Local 825 PAEC and Local 68 PAC totalled \$8,500, EPEC/IUOE, and Frank Hanley, as treasurer of EPEC/IUOE, violated 2 U.S.C. § 441a(a)(2)(A).

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of One Thousand Dollars (\$1000.00) pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this

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agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

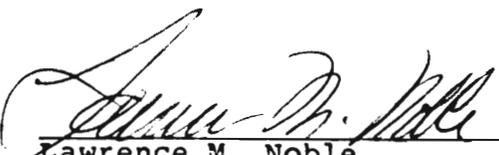
VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. 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.

X. 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.

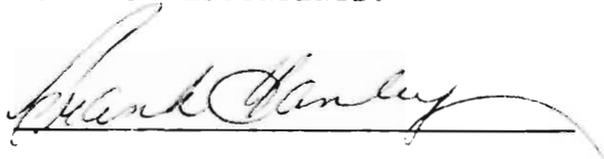
FOR THE COMMISSION:

Charles N. Steele  
General Counsel

BY:   
Lawrence M. Noble  
Deputy General Counsel

7/31/86  
Date

FOR THE RESPONDENTS:



July 15, 1986  
Date

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**SENSITIVE**

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of	)	
	)	
Lautenberg for Senate Committee	)	MUR 1720
and Abraham H. Nechemie, as	)	
treasurer	)	

RECEIVED  
 FEDERAL ELECTION COMMISSION  
 MAY 20 1986 12:25  
 COMMUNICATIONS SECTION

**GENERAL COUNSEL'S REPORT**

**BACKGROUND**

On May 13, 1986, the Commission found probable cause to believe that Lautenberg for Senate Committee and Abraham H. Nechemie, as treasurer ("Respondents") violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 104.14(d) by knowingly accepting contributions in excess of the limitations of the Act and by failing to file timely and accurate reports of receipts and disbursements.

*Remainder of p 1, all of pp 2 and 3,  
 and top of p 4 deleted per 2 USC 437g (a)(4)(B)(i)*

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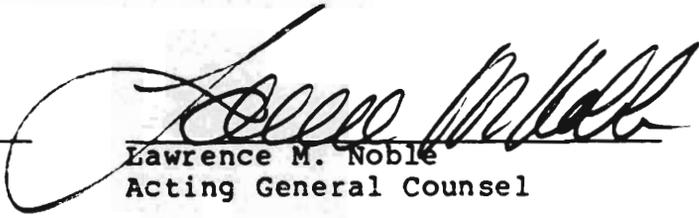
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**RECOMMENDATIONS**

1. Reject the counterproposal submitted by Respondents Lautenberg for Senate Committee and Abraham H. Nechemie, as treasurer.
2. Authorize the Office of General Counsel to institute a civil suit in the U.S. District Court to enforce the Act if no agreement is reached within ten days of Respondents' receipt of the Commission's counterproposal.
3. Approve and send the attached letter and counterproposal to counsel for Respondents.

Date

5/20/87

  
 Lawrence M. Noble  
 Acting General Counsel

**Attachments**

1. Letter of July 24, 1986, with counterproposal, from David M. Ifshin.
2. Letter of April 6, 1987, with counterproposal, from David M. Ifshin.
3. Proposal for conciliation and letter to Respondents.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Lautenberg for Senate Committee ) MUR 1720  
and Abraham H. Nechemie, as )  
treasurer )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of June 2, 1987, do hereby certify that the Commission took the following actions in MUR 1720:

1. Decided by a vote of 6-0 to reject the recommendations contained in the General Counsel's report dated May 20, 1987, and instead accept the counterproposal submitted by Respondents Lautenberg for Senate Committee and Abraham H. Nechemie as treasurer, and send an appropriate letter pursuant to this decision.
2. Decided by a vote of 6-0 to close the file in MUR 1720 and direct the Office of General Counsel to send appropriate letters to the appropriate parties.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decisions noted above.

Attest:

June 3, 1987  
Date

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

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 23, 1987

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Michael E. Avakian  
Center on National Labor Policy  
Suite 400  
5211 Port Royal Road  
Springfield, VA 22151

RE: MUR 1720

Dear Mr. Avakian:

This is in reference to the complaint you filed with the Federal Election Commission on May 21, 1984, concerning the Lautenberg for U.S. Senate Committee, and several labor organizations.

On July 29, 1986, the Commission accepted signed conciliation agreements with the International Union of Operating Engineers Local 68 Political Action Committee and Vincent Giblin, as treasurer, Engineers Political Education Committee of the International Union of Operating Engineers and Frank Hanley, as treasurer, and International Union of Operating Engineers Local 825 Political Action and Education Committee and John Eichele, as treasurer, concerning violations of 2 U.S.C. § 441a(a)(2)(A) a provision of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. § 104.14(d) of the Commission Regulations.

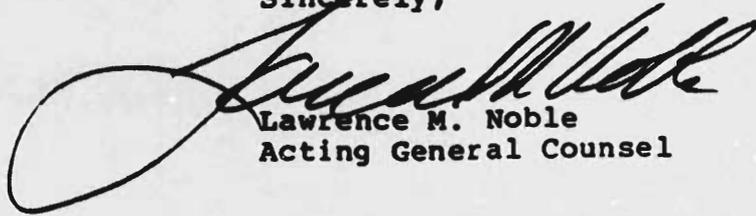
After conducting an investigation in this matter, the Commission found that there was probable cause to believe the Lautenberg for U.S. Senate Committee and Abraham H. Nechemie violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 104.14(d). On June 2, 1987, a conciliation agreement signed by this respondent was accepted by the Commission thereby concluding this matter. Accordingly, the Commission closed the file in this matter on June 2, 1987. Copies of the conciliation agreements are enclosed for your information.

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*TLM*

If you have any questions, please contact R. Lee Andersen,  
the attorney assigned to this matter, at (202) 376-5690.

Sincerely,



Lawrence M. Noble  
Acting General Counsel

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Enclosures  
Conciliation Agreements



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 23, 1987

David M. Ifshin, Esquire  
Manatt, Phelps, Rothenberg & Evans  
1200 New Hampshire Avenue, N. W.  
Suite 200  
Washington, D. C. 20036

RE: MUR 1720  
Lautenberg for Senate Committee  
Abraham Nechemie, as  
treasurer

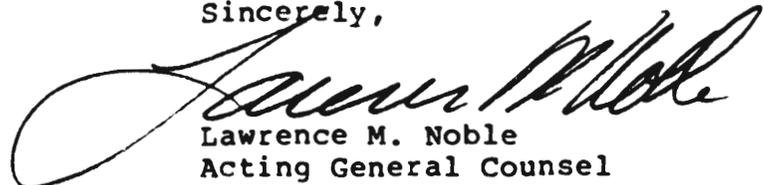
Dear Mr. Ifshin:

On June 2, 1987, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on behalf of your client, Lautenberg for Senate Committee and Abraham Nechemie, as treasurer, in settlement of a violation of 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended and 11 C.F.R. § 104.14(d) of the Commission's Regulations. Accordingly, the file has been closed in this matter. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the office of the General Counsel.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact R. Lee Andersen, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

  
Lawrence M. Noble  
Acting General Counsel

Enclosure  
Conciliation Agreement

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*Dem*

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Lautenberg for Senate Committee )  
and Abraham H. Nechemie, as treasurer ) MUR 1720  
)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by James E. Antosh. The Commission found probable cause to believe that the Lautenberg for Senate Committee and Abraham H. Nechemie, as treasurer, ("Respondents") violated 2 U.S.C. § 441a(f) by accepting contributions in excess of the \$5,000 limit for the general election from the Engineers Political Education Committee/Internal Union of Operating Engineers ("EPEC/IUOE"), International Union of Operating Engineers Local 825 Political Action and Education Committee ("Local 825 PAEC"), and International Union of Operating Engineers Local 68 Political Action Committee ("Local 68 PAC").

NOW, THEREFORE, the Commission and Respondents having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i) do hereby agree as follows:

- I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).
- II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

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

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

1. Respondent Lautenberg for Senate Committee was the principal campaign committee of Frank R. Lautenberg for the 1982 primary and general elections.

2. Respondent Abraham H. Nechemie is the treasurer of the Lautenberg for Senate Committee.

3. In 1982 the Lautenberg for Senate Committee received the following contributions from EPEC/IUOE, Local 825 PAEC and Local 68 PAC:

		<u>Date Received</u>
EPEC/IUOE	\$5,000	8/16/82
LOCAL 825 PAEC	\$ 400	9/30/82
EPEC/IUOE	\$1,500	10/21/82
LOCAL 68 PAC	\$1,500	10/21/82
LOCAL 68 PAC	\$ 100	10/14/82
LOCAL 825 PAEC	\$1,500	10/21/82

4. The Lautenberg for Senate Committee contends that the \$5,000 contribution received on August 16, 1982 was for the general election and that the remaining contributions, aggregating \$5,000 were for the primary election, and that, therefore, these contributions were lawful.

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

6. 2 U.S.C. § 441a(a)(5) provides that all contributions made by political committees established or financed or maintained or controlled by a labor organization, including any

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

V. The Lautenberg for Senate Committee 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).

VI. 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 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.

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

VIII. 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.

IX. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and

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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:

Lawrence M. Noble  
Acting General Counsel



6/19/87  
Date

FOR THE RESPONDENTS:



David M. Ifshin

April 2, 1987  
Date

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 1720  
DATE FILMED 3/28/88 CAMERA NO. 4  
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