



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1753

Date Filmed 7/9/86 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

Assignment slip ; Routing cards & slips ;

12 Day Report & comments ; GC Rpt re

Conciliation ; Conciliation correspondence ;

Commissioner objection memos

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

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

Signed

George S. ...

date

6-26-86

6098

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Fithian for U.S. Senate and)
 William Davis as treasurer)
 International Ladies' Garment) MUR 1753
 Workers Union Campaign)
 Committee and)
 Lawrence Dock as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of December 3, 1985, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1753:

1. Take no further action and close the file with respect to the International Ladies' Garment Workers' Union Campaign Committee and Lawrence Dock, as its treasurer.
2. Take no further action and close the file with respect to Fithian for U.S. Senate and William G. Davis, as its treasurer.
2. Approve the letter of notification to the Fithian Committee that requests it to amend its reports, as recommended in the General Counsel's report dated November 20, 1985.

(continued)

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4. Approve the letters to the ILGWU Committee and Complainant, as recommended in the General Counsel's report dated November 20, 1985, subject to amendment to state that based on the investigation, there is no indication that the ILGWU Committee has violated the FECA, as amended, with respect to this matter.
5. Close the file.

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

Attest:

12-5-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

SENSITIVE

86 JAN 3 P 3: 57

December 26, 1985

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

RE: MUR 1753
International Ladies'
Garment Workers' Union
Campaign Committee, Fithian
for U.S. Senate

Dear Mr. Avakian and Ms. Poindexter:

This letter is in reference to a complaint filed with the Federal Election Commission by your client, James Edward Antosh, regarding the International Ladies' Garment Workers' Union Campaign Committee and Fithian for U.S. Senate.

After conducting a thorough investigation, the Federal Election Commission determined on December 3, 1985, that it would take no further action in this matter and close the file. The Commission also determined that, based on information provided by the respondents, there is no evidence to indicate an excessive contribution by the ILGWU Campaign Committee to the Fithian Committee. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

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If you have any questions, please contact R. Lee Andersen,
the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel



BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 26, 1985

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

RE: MUR 1753
International Ladies' Garment
Workers' Union Campaign
Committee

Dear Mr. Zimmy:

On August 6, 1984, the Federal Election Commission notified the International Ladies' Garment Workers' Campaign Committee of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on December 3, 1985, determined that on the basis of information in the complaint and information provided by the ILGWU Campaign Committee, that it would take no further action in this matter and close the file. The Commission further determined there is no evidence to indicate an excessive contribution from the ILGWU Campaign Committee to the Fithian Committee. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Fithian for U.S. Senate and)	
William Davis as treasurer,	)	MUR 1753
International Ladies' Garment)	
Workers' Union)	
Campaign Committee and)	
Lawrence Dock as treasurer)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was generated by a complaint filed with the Federal Election Commission by James Edward Antosh against Fithian for U.S. Senate and William Davis, as its treasurer (hereinafter "Fithian Committee"); the Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as its treasurer (hereinafter "EPEC/IUOE") and the International Ladies' Garment Workers' Union Campaign Committee and Lawrence Dock, as its treasurer (hereinafter "ILGWU Committee").

On December 18, 1984, the Commission determined there is reason to believe that:

- (1) the Fithian Committee and William Davis, as its treasurer, violated 2 U.S.C. § 441a(f) by accepting contributions in excess of the contribution limits from EPEC/IUOE and the ILGWUC Committee.
- (2) the Fithian Committee and William Davis, as its treasurer, violated 11 C.F.R. § 104.14(d) by failing to properly report contributions from EPEC/IUOE and the ILGWUC Committee.

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- (3) EPEC/IUOE and Frank Hanley, as its treasurer, violated 2 U.S.C. § 441(a)(2)(A) by making contributions in excess of the limits to the Fithian Committee.
- (4) The ILGWUC Committee and Lawrence Dock, as its treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions in excess of the limits of the Fithian Committee and;
- (5) The ILGWUC Committee and Lawrence Dock, as treasurer, violated 2 U.S.C. § 104.14(d) in failing to properly report contributions to the Fithian Committee.

In response to the Commission's determinations, the Fithian, ILGWU and EPEC/IUOE Committees requested pre-probable cause conciliation, and submitted responses to a series of interrogatories approved by the Commission. Based on EPEC/IUOE's responses, the Commission determined on August 8, 1985, that it would take no further action and close the file with respect to the EPEC/IUOE contribution. The Commission also determined to enter into pre-probable cause conciliation with the ILGWU and Fithian Committees in settlement of their 2 U.S.C. § 441a(a)(2)(A) and § 104.14(d) violations.

On September 30, 1985, the Office of General Counsel received new evidence from the ILGWU Committee in their response to the Commission's proposed conciliation agreement. Based on a review of this material, the Office of General Counsel recommends the Commission take no further action with regard to the ILGWU and Fithian Committees and close the file.

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II. FACTUAL AND LEGAL ANALYSIS

In his complaint, James Antosh alleges the Fithian Committee received \$600 in excessive contributions from the ILGWU Committee for the primary election. Mr. Antosh's complaint was based upon a review of the ILGWU's reports of contributions to the Fithian Committee, which disclosed:

	Primary Contributions	General Contributions
March 25	\$ 250	
April 19	\$ 750	
May 4	Date of Indiana Primary	
June 13	\$ 800	
Aug. 12		\$2,000
Aug. 27		\$2,000
Oct. 6	<u>\$3,800</u>	<u>\$ 200</u>
	\$5,600	\$4,200

The Office of General Counsel, however, recommended probable cause to believe the ILGWU Committee made \$3,800 in excessive contributions to the Fithian Committee for the general election. This recommendation, as stated in the First General Counsel's Report, was based on the Office of General Counsel's own analysis of the ILGWU Committee's reports and Commission regulation 11 C.F.R. § 110.1(a)(2).

Commission regulation 11 C.F.R. § 110.1(a)(2) states that contributions made prior to the primary election are attributable to the primary election and contributions made after the primary are attributable to the general election. This regulation prevails unless the contributor specifically complies with 11 C.F.R. § 110.1(a)(2)(i), which allows a contributor to make an

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alternative designation of his contribution. The Commission requires that such designations be made in writing and be contemporaneously communicated to the recipient of the contribution. The designation of a particular election on the contributor's reporting form will not suffice as a contemporaneous communication.

In this case, 11 C.F.R. § 110.1(a)(2) requires the ILGWU Committee's June 13th contribution of \$800 to the Fithian Committee be attributed to the general election, rather than to the primary election. Although ILGWU reported this as a primary contribution, the contribution was given after the date of the Indiana primary and did not contain a contemporaneous communication directing it for the primary. Therefore, the June 18th contribution of \$800 was attributed to the general election.

The Office of General Counsel also attributed all of the \$4,000 contribution of October 6th to the general election. In doing so, the Office of General Counsel again relied on Commission regulation 11 C.F.R. § 110.1(a)(2), and did not give any effect to the ILGWU Committee's attempted allocation of \$3,800 of this contribution to the primary election, as disclosed on its quarterly reports.

Therefore, Commission regulation 11 C.F.R. § 110.1(a)(2) required the attribution of \$4,600 in ILGWU primary contributions to the Fithian Committee for the general election, resulting in an apparent excessive general election contribution of \$3,800 to the Fithian Committee:

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	Primary Contributions	General Contributions
March 15	\$ 250	
April 19	\$ 750	
May 4	Date of Indiana Primary	
June 13		\$ 800
Aug. 12		\$2,000
Aug. 27		\$2,000
Oct. 6	_____	<u>\$4,000</u>
	\$1,000	\$8,800

During pre-probable cause conciliation, the ILGWU Committee provided the Office of General Counsel a copy of a letter it sent the Fithian Committee along with its October 6th contribution of \$4,000. (See attached) The letter, which satisfies the "contemporaneously communicated" standard, clearly states that \$3,800 of the contribution is to be dedicated to the primary, and the remaining \$200 for the general election. In light of this new evidence, the ILGWU contributions to the Fithian Committee are now accurately summarized as follows:

	Primary Contributions	General Contributions
March 25	\$ 250	
April 19	\$ 750	
June 13		\$ 800
Aug. 12		\$2,000
Aug. 27		\$2,000
Oct. 6	<u>\$3,800</u>	<u>\$ 200</u>
	\$4,800	\$5,000

Consequently, the ILGWU Committee has not violated the limitations of the Act in its contributions to the Fithian Committee. While the June 13th contribution of \$800 is attributable to the general election, the October 6th contribution of \$4,000 may be allocated between the primary and

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general elections as communicated by the ILGWU committee to the Fithian Committee. This analysis yields a total of \$4,800 in primary contributions and \$5000 in general election contributions. Therefore, the Office of General Counsel recommends the Commission take no further action against the ILGWU Committee on this matter, and close the file. 1/

An analysis of the reports filed by the Fithian Committee presents a slightly different situation. The Fithian Committee reported the contributions it received from the ILGWU Committee as follows:

	Primary Receipts	General Receipts
April 25	\$ 250	
April 30	\$ 750	
June 18	\$ 800	
Sept. 7		\$2,000
Sept. 12		\$2,000
Oct. 8	<u>\$3,000</u>	<u>\$1,000</u>
	\$4,800	\$5,000

As the above table indicates, there is one difference and one similarity in the way the Fithian Committee reported the June and October contributions, as compared to the ILGWU Committee. As in the ILGWU discussion, the Fithian Committee attributed the June 18th receipt of \$800 to the primary election. The Fithian Committee did not, however, follow the contemporaneously communicated designation of the \$4,000 contribution in October. The Fithian Committee did not follow the designation of \$3,800 of

1/ The ILGWU Committee has amended its reports to reflect the proper attribution of the June 13th contribution.

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the October contribution to the primary election, possibly because the combination of that designation and the reported \$800 primary contribution would have placed the Fithian Committee \$600 over the \$5,000 primary limit:

	Primary Receipts	General Receipts
April 25	\$ 250	
April 30	\$ 750	
June 18	\$ 800	
Sept. 7		\$2,000
Sept. 12		\$2,000
Oct. 8	<u>\$3,800</u>	<u>\$ 200</u>
	\$5,600	\$4,200

In place of that, the Fithian Committee allocated the October receipt so that \$3,000 was dedicated to the primary and \$1,000 for the general election, yielding totals of \$4,800 from the ILGWU Committee for the primary and \$5,000 for the general election.

As discussed in the analysis of the ILGWU contributions, Commission regulation 11 C.F.R. 110.1(a)(2) requires the attribution of the \$800 ILGWU Committee contribution to the general election. Because of that, the Fithian Committee can follow ILGWU's designation of the \$4,000 contribution without exceeding the receipt limits of the Act.

Therefore, the Office of General Counsel recommends the Commission request the Fithian Committee amend its reports on file with the Commission to attribute the June 18th receipt of \$800 to the general election, and designate \$3,800 of the October 8th receipt for the primary election and \$200 for the general election. This allocation will yield totals of \$4,800 in primary

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receipts and \$5,000 in general election receipts from the ILGWU Committee, as disclosed in the ILGWU Committee reports.

The Office of General Counsel also recommends the Commission take no further action on this matter and close the file.

RECOMMENDATIONS

The Office of General Counsel recommends the Commission:

1. Take no further action and close the file with respect to the International Ladies' Garment Workers' Union Campaign Committee and Lawrence Dock, as its treasurer;
2. Take no further action and close the file with respect to Pithian for U.S. Senate and William G. Davis, as its treasurer;
3. Approve the attached letter of notification to the Pithian Committee that requests it to amend its reports.
4. Approve the attached letters to the ILGWU Committee and Complainant.

Charles N. Steele
General Counsel

Date

BY:

Kenneth A. Gross
Associate General

Attachments

- Material supplied by Respondent ILGWU Committee
- Letters to Respondents
- Letter to Complainant

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Fithian for U.S. Senate and)
William Davis as treasurer)
Engineers Political Education)
Committee/International Union) MUR 1753
of Operating Engineers and)
Frank Hanley as treasurer)
International Ladies Garment)
Workers Union Campaign Committee)
and Lawrence Dock as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of September 4, 1985, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions in MUR 1753:

1. Take no further action and close the file with respect to the Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as treasurer.
2. Take no further action against Fithian for U.S. Senate and William G. Davis, as treasurer, with respect to contributions received from Engineers Political Education Committee/International Union of Operating Engineers.
3. Enter into pre-probable cause conciliation with Fithian for U.S. Senate and William G. David, as treasurer.

(continued)

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4. Enter into pre-probable cause conciliation with International Ladies Garment Workers Union Campaign Committee and Lawrence Dock, as treasurer.
5. Approve the proposed conciliation agreements attached to the General Counsel's report dated August 6, 1985.
6. Approve the letters attached to the General Counsel's report dated August 6, 1985.

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

Attest:

9-5-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 13, 1985

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

Re: MUR 1753
Engineers Political Education
Committee/International Union
of Operating Engineers and
Frank Hanley as treasurer

Dear Mr. Fanning:

On December 18, 1984, the Commission found reason to believe that your client had violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file as it pertains to your clients.

The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

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

If you have any questions, please direct them to Deborah Curry, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

John Warren McGarry
Chairman

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
 FROM: Office of General Counsel *RMB*
 DATE: November 20, 1985
 SUBJECT: MUR 1753 - General Counsel's Report

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

CIRCULATIONS

48 Hour Tally Vote [X]
 Sensitive [X]
 Non-Sensitive []
 24 Hour No Objection []
 Sensitive []
 Non-Sensitive []
 Information []
 Sensitive []
 Non-Sensitive []

Other []

DISTRIBUTION

Compliance [X]
 Audit Matters []
 Litigation []
 Closed MUR Letters []
 Status Sheets []
 Advisory Opinions []
 Other (see distribution below) []

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 26, 1985

Robert Bauer, Esquire
1110 Vermont Avenue, N.W. #1200
Washington, D.C. 20005

RE: MUR 1753
Fithian for U.S. Senate

Dear Mr. Bauer:

On August 6, 1984, the Federal Election Commission notified the Fithian for U.S. Senate Committee of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On December 3, 1985, the Commission determined that it would take no further action in this matter and close the file. The Commission also determined that, based on information provided by other Respondents, there is no evidence to indicate an excessive contribution from the ILGWU Campaign Committee to the Fithian Committee.

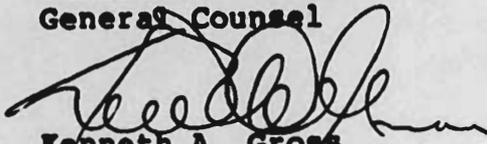
The Commission requests the Fithian Committee amend its July Quarterly Report for 1982 so that the June 18, 1982 receipt of \$800 from the International Ladies' Garment Workers' Union Campaign Committee is allocated to the general election. Second, the Commission requests the Fithian Committee amend its Pre-General Election Report to properly allocate the October 8, 1982 receipt of \$4,000 from the International Ladies' Garment Workers' Union Campaign Committee. The amended report should allocate \$3,800 of the receipt to the primary election and the remaining \$200 to the general election. This allocation will yield year-end totals of \$4,800 in receipts from the ILGWU Committee for the primary and \$5,000 for the general election. The Commission requests these amendments be made within 15 days of the receipt of this letter so this matter may be properly closed and placed on the public record.

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If you have any questions, please contact R. Lee Andersen,
the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel



BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

86040574604



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 26, 1985

Robert Bauer, Esquire
1110 Vermont Avenue, N.W. #1200
Washington, D.C. 20005

RE: MUR 1753
Fithian for U.S. Senate

Dear Mr. Bauer:

On August 6, 1984, the Federal Election Commission notified the Fithian for U.S. Senate Committee of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On December 3, 1985, the Commission determined that it would take no further action in this matter and close the file. The Commission also determined that, based on information provided by other Respondents, there is no evidence to indicate an excessive contribution from the ILGWU Campaign Committee to the Fithian Committee.

The Commission requests the Fithian Committee amend its July Quarterly Report for 1982 so that the June 18, 1982 receipt of \$800 from the International Ladies' Garment Workers' Union Campaign Committee is allocated to the general election. Second, the Commission requests the Fithian Committee amend its Pre-General Election Report to properly allocate the October 8, 1982 receipt of \$4,000 from the International Ladies' Garment Workers' Union Campaign Committee. The amended report should allocate \$3,800 of the receipt to the primary election and the remaining \$200 to the general election. This allocation will yield year-end totals of \$4,800 in receipts from the ILGWU Committee for the primary and \$5,000 for the general election. The Commission requests these amendments be made within 15 days of the receipt of this letter so this matter may be properly closed and placed on the public record.

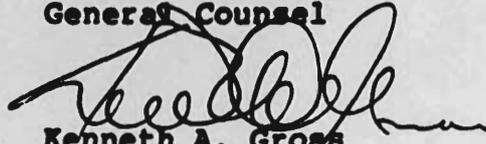
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If you have any questions, please contact R. Lee Andersen,
the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel



BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

86040574606

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Fithian for U.S. Senate and)
William Davis as treasurer,) MUR 1753
International Ladies' Garment)
Workers' Union)
Campaign Committee and)
Lawrence Dock as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was generated by a complaint filed with the Federal Election Commission by James Edward Antosh against Fithian for U.S. Senate and William Davis, as its treasurer (hereinafter "Fithian Committee"); the Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as its treasurer (hereinafter "EPEC/IUOE") and the International Ladies' Garment Workers' Union Campaign Committee and Lawrence Dock, as its treasurer (hereinafter "ILGWU Committee").

On December 18, 1984, the Commission determined there is reason to believe that:

- (1) the Fithian Committee and William Davis, as its treasurer, violated 2 U.S.C. § 441a(f) by accepting contributions in excess of the contribution limits from EPEC/IUOE and the ILGWUC Committee.
- (2) the Fithian Committee and William Davis, as its treasurer, violated 11 C.F.R. § 104.14(d) by failing to properly report contributions from EPEC/IUOE and the ILGWUC Committee.

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- (3) EPEC/IUOE and Frank Hanley, as its treasurer, violated 2 U.S.C. § 441(a)(2)(A) by making contributions in excess of the limits to the Fithian Committee.
- (4) The ILGWU Committee and Lawrence Dock, as its treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions in excess of the limits of the Fithian Committee and;
- (5) The ILGWU Committee and Lawrence Dock, as treasurer, violated 2 U.S.C. § 104.14(d) in failing to properly report contributions to the Fithian Committee.

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In response to the Commission's determinations, the Fithian, ILGWU and EPEC/IUOE Committees requested pre-probable cause conciliation, and submitted responses to a series of interrogatories approved by the Commission. Based on EPEC/IUOE's responses, the Commission determined on August 8, 1985, that it would take no further action and close the file with respect to the EPEC/IUOE contribution. The Commission also determined to enter into pre-probable cause conciliation with the ILGWU and Fithian Committees in settlement of their 2 U.S.C. § 441a(a)(2)(A) and § 104.14(d) violations.

On September 30, 1985, the Office of General Counsel received new evidence from the ILGWU Committee in their response to the Commission's proposed conciliation agreement. Based on a review of this material, the Office of General Counsel recommends the Commission take no further action with regard to the ILGWU and Fithian Committees and close the file.

II. FACTUAL AND LEGAL ANALYSIS

In his complaint, James Antosh alleges the Fithian Committee received \$600 in excessive contributions from the ILGWU Committee for the primary election. Mr. Antosh's complaint was based upon a review of the ILGWU's reports of contributions to the Fithian Committee, which disclosed:

	Primary Contributions	General Contributions
March 25	\$ 250	
April 19	\$ 750	
May 4	Date of Indiana Primary	
June 13	\$ 800	
Aug. 12		\$2,000
Aug. 27		\$2,000
Oct. 6	<u>\$3,800</u>	<u>\$ 200</u>
	\$5,600	\$4,200

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The Office of General Counsel, however, recommended probable cause to believe the ILGWU Committee made \$3,800 in excessive contributions to the Fithian Committee for the general election. This recommendation, as stated in the First General Counsel's Report, was based on the Office of General Counsel's own analysis of the ILGWU Committee's reports and Commission regulation 11 C.F.R. § 110.1(a)(2).

Commission regulation 11 C.F.R. § 110.1(a)(2) states that contributions made prior to the primary election are attributable to the primary election and contributions made after the primary are attributable to the general election. This regulation prevails unless the contributor specifically complies with 11 C.F.R. § 110.1(a)(2)(i), which allows a contributor to make an

alternative designation of his contribution. The Commission requires that such designations be made in writing and be contemporaneously communicated to the recipient of the contribution. The designation of a particular election on the contributor's reporting form will not suffice as a contemporaneous communication.

In this case, 11 C.F.R. § 110.1(a)(2) requires the ILGWU Committee's June 13th contribution of \$800 to the Fithian Committee be attributed to the general election, rather than to the primary election. Although ILGWU reported this as a primary contribution, the contribution was given after the date of the Indiana primary and did not contain a contemporaneous communication directing it for the primary. Therefore, the June 18th contribution of \$800 was attributed to the general election.

The Office of General Counsel also attributed all of the \$4,000 contribution of October 6th to the general election. In doing so, the Office of General Counsel again relied on Commission regulation 11 C.F.R. § 110.1(a)(2), and did not give any effect to the ILGWU Committee's attempted allocation of \$3,800 of this contribution to the primary election, as disclosed on its quarterly reports.

Therefore, Commission regulation 11 C.F.R. § 110.1(a)(2) required the attribution of \$4,600 in ILGWU primary contributions to the Fithian Committee for the general election, resulting in an apparent excessive general election contribution of \$3,800 to the Fithian Committee:

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	Primary Contributions	General Contributions
March 15	\$ 250	
April 19	\$ 750	
May 4	Date of Indiana Primary	
June 13		\$ 800
Aug. 12		\$2,000
Aug. 27		\$2,000
Oct. 6	_____	<u>\$4,000</u>
	\$1,000	\$8,800

During pre-probable cause conciliation, the ILGWU Committee provided the Office of General Counsel a copy of a letter it sent the Fithian Committee along with its October 6th contribution of \$4,000. (See attached) The letter, which satisfies the "contemporaneously communicated" standard, clearly states that \$3,800 of the contribution is to be dedicated to the primary, and the remaining \$200 for the general election. In light of this new evidence, the ILGWU contributions to the Fithian Committee are now accurately summarized as follows:

	Primary Contributions	General Contributions
March 25	\$ 250	
April 19	\$ 750	
June 13		\$ 800
Aug. 12		\$2,000
Aug. 27		\$2,000
Oct. 6	<u>\$3,800</u>	<u>\$ 200</u>
	\$4,800	\$5,000

Consequently, the ILGWU Committee has not violated the limitations of the Act in its contributions to the Fithian Committee. While the June 13th contribution of \$800 is attributable to the general election, the October 6th contribution of \$4,000 may be allocated between the primary and

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general elections as communicated by the ILGWU committee to the Fithian Committee. This analysis yields a total of \$4,800 in primary contributions and \$5000 in general election contributions. Therefore, the Office of General Counsel recommends the Commission take no further action against the ILGWU Committee on this matter, and close the file. 1/

An analysis of the reports filed by the Fithian Committee presents a slightly different situation. The Fithian Committee reported the contributions it received from the ILGWU Committee as follows:

	Primary Receipts	General Receipts
April 25	\$ 250	
April 30	\$ 750	
June 18	\$ 800	
Sept. 7		\$2,000
Sept. 12		\$2,000
Oct. 8	<u>\$3,000</u>	<u>\$1,000</u>
	\$4,800	\$5,000

As the above table indicates, there is one difference and one similarity in the way the Fithian Committee reported the June and October contributions, as compared to the ILGWU Committee. As in the ILGWU discussion, the Fithian Committee attributed the June 18th receipt of \$800 to the primary election. The Fithian Committee did not, however, follow the contemporaneously communicated designation of the \$4,000 contribution in October. The Fithian Committee did not follow the designation of \$3,800 of

1/ The ILGWU Committee has amended its reports to reflect the proper attribution of the June 13th contribution.

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the October contribution to the primary election, possibly because the combination of that designation and the reported \$800 primary contribution would have placed the Fithian Committee \$600 over the \$5,000 primary limit:

	Primary Receipts	General Receipts
April 25	\$ 250	
April 30	\$ 750	
June 18	\$ 800	
Sept. 7		\$2,000
Sept. 12		\$2,000
Oct. 8	<u>\$3,800</u>	<u>\$ 200</u>
	\$5,600	\$4,200

In place of that, the Fithian Committee allocated the October receipt so that \$3,000 was dedicated to the primary and \$1,000 for the general election, yielding totals of \$4,800 from the ILGWU Committee for the primary and \$5,000 for the general election.

As discussed in the analysis of the ILGWU contributions, Commission regulation 11 C.F.R. 110.1(a)(2) requires the attribution of the \$800 ILGWU Committee contribution to the general election. Because of that, the Fithian Committee can follow ILGWU's designation of the \$4,000 contribution without exceeding the receipt limits of the Act.

Therefore, the Office of General Counsel recommends the Commission request the Fithian Committee amend its reports on file with the Commission to attribute the June 18th receipt of \$800 to the general election, and designate \$3,800 of the October 8th receipt for the primary election and \$200 for the general election. This allocation will yield totals of \$4,800 in primary

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receipts and \$5,000 in general election receipts from the ILGWU Committee, as disclosed in the ILGWU Committee reports.

The Office of General Counsel also recommends the Commission take no further action on this matter and close the file.

RECOMMENDATIONS

The Office of General Counsel recommends the Commission:

1. Take no further action and close the file with respect to the International Ladies' Garment Workers' Union Campaign Committee and Lawrence Dock, as its treasurer;
2. Take no further action and close the file with respect to Fithian for U.S. Senate and William G. Davis, as its treasurer;
3. Approve the attached letter of notification to the Fithian Committee that requests it to amend its reports.
4. Approve the attached letters to the ILGWU Committee and Complainant.

Charles N. Steele
General Counsel

Date

BY:

Kenneth A. Gross
Associate General

Attachments

- Material supplied by Respondent ILGWU Committee
- Letters to Respondents
- Letter to Complainant

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 26, 1985

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

RE: MUR 1753
International Ladies'
Garment Workers' Union
Campaign Committee, Fithian
for U.S. Senate

Dear Mr. Avakian and Ms. Poindexter:

This letter is in reference to a complaint filed with the Federal Election Commission by your client, James Edward Antosh, regarding the International Ladies' Garment Workers' Union Campaign Committee and Fithian for U.S. Senate.

After conducting a thorough investigation, the Federal Election Commission determined on December 3, 1985, that it would take no further action in this matter and close the file. The Commission also determined that, based on information provided by the respondents, there is no evidence to indicate an excessive contribution by the ILGWU Campaign Committee to the Fithian Committee. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

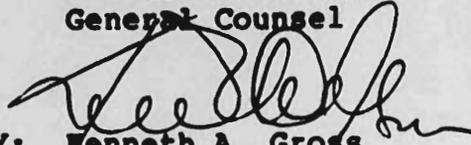
Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

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If you have any questions, please contact R. Lee Andersen,
the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel



BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Fithian for U.S. Senate and)
William Davis as treasurer,) MUR 1753
International Ladies' Garment)
Workers' Union)
Campaign Committee and)
Lawrence Dock as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was generated by a complaint filed with the Federal Election Commission by James Edward Antosh against Fithian for U.S. Senate and William Davis, as its treasurer (hereinafter "Fithian Committee"); the Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as its treasurer (hereinafter "EPEC/IUOE") and the International Ladies' Garment Workers' Union Campaign Committee and Lawrence Dock, as its treasurer (hereinafter "ILGWU Committee").

On December 18, 1984, the Commission determined there is reason to believe that:

- (1) the Fithian Committee and William Davis, as its treasurer, violated 2 U.S.C. § 441a(f) by accepting contributions in excess of the contribution limits from EPEC/IUOE and the ILGWUC Committee.
- (2) the Fithian Committee and William Davis, as its treasurer, violated 11 C.F.R. § 104.14(d) by failing to properly report contributions from EPEC/IUOE and the ILGWUC Committee.

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- (3) EPEC/IUOE and Frank Hanley, as its treasurer, violated 2 U.S.C. § 441(a)(2)(A) by making contributions in excess of the limits to the Fithian Committee.
- (4) The ILGWUC Committee and Lawrence Dock, as its treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions in excess of the limits of the Fithian Committee and;
- (5) The ILGWUC Committee and Lawrence Dock, as treasurer, violated 2 U.S.C. § 104.14(d) in failing to properly report contributions to the Fithian Committee.

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In response to the Commission's determinations, the Fithian, ILGWU and EPEC/IUOE Committees requested pre-probable cause conciliation, and submitted responses to a series of interrogatories approved by the Commission. Based on EPEC/IUOE's responses, the Commission determined on August 8, 1985, that it would take no further action and close the file with respect to the EPEC/IUOE contribution. The Commission also determined to enter into pre-probable cause conciliation with the ILGWU and Fithian Committees in settlement of their 2 U.S.C. § 441a(a)(2)(A) and § 104.14(d) violations.

On September 30, 1985, the Office of General Counsel received new evidence from the ILGWU Committee in their response to the Commission's proposed conciliation agreement. Based on a review of this material, the Office of General Counsel recommends the Commission take no further action with regard to the ILGWU and Fithian Committees and close the file.

II. FACTUAL AND LEGAL ANALYSIS

In his complaint, James Antosh alleges the Fithian Committee received \$600 in excessive contributions from the ILGWU Committee for the primary election. Mr. Antosh's complaint was based upon a review of the ILGWU's reports of contributions to the Fithian Committee, which disclosed:

	Primary Contributions	General Contributions
March 25	\$ 250	
April 19	\$ 750	
May 4	Date of Indiana Primary	
June 13	\$ 800	
Aug. 12		\$2,000
Aug. 27		\$2,000
Oct. 6	<u>\$3,800</u>	<u>\$ 200</u>
	\$5,600	\$4,200

The Office of General Counsel, however, recommended probable cause to believe the ILGWU Committee made \$3,800 in excessive contributions to the Fithian Committee for the general election. This recommendation, as stated in the First General Counsel's Report, was based on the Office of General Counsel's own analysis of the ILGWU Committee's reports and Commission regulation 11 C.F.R. § 110.1(a)(2).

Commission regulation 11 C.F.R. § 110.1(a)(2) states that contributions made prior to the primary election are attributable to the primary election and contributions made after the primary are attributable to the general election. This regulation prevails unless the contributor specifically complies with 11 C.F.R. § 110.1(a)(2)(i), which allows a contributor to make an

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alternative designation of his contribution. The Commission requires that such designations be made in writing and be contemporaneously communicated to the recipient of the contribution. The designation of a particular election on the contributor's reporting form will not suffice as a contemporaneous communication.

In this case, 11 C.F.R. § 110.1(a)(2) requires the ILGWU Committee's June 13th contribution of \$800 to the Fithian Committee be attributed to the general election, rather than to the primary election. Although ILGWU reported this as a primary contribution, the contribution was given after the date of the Indiana primary and did not contain a contemporaneous communication directing it for the primary. Therefore, the June 18th contribution of \$800 was attributed to the general election.

The Office of General Counsel also attributed all of the \$4,000 contribution of October 6th to the general election. In doing so, the Office of General Counsel again relied on Commission regulation 11 C.F.R. § 110.1(a)(2), and did not give any effect to the ILGWU Committee's attempted allocation of \$3,800 of this contribution to the primary election, as disclosed on its quarterly reports.

Therefore, Commission regulation 11 C.F.R. § 110.1(a)(2) required the attribution of \$4,600 in ILGWU primary contributions to the Fithian Committee for the general election, resulting in an apparent excessive general election contribution of \$3,800 to the Fithian Committee:

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	Primary Contributions	General Contributions
March 15	\$ 250	
April 19	\$ 750	
May 4	Date of Indiana Primary	
June 13		\$ 800
Aug. 12		\$2,000
Aug. 27		\$2,000
Oct. 6		\$4,000
	\$1,000	\$8,800

During pre-probable cause conciliation, the ILGWU Committee provided the Office of General Counsel a copy of a letter it sent the Fithian Committee along with its October 6th contribution of \$4,000. (See attached) The letter, which satisfies the "contemporaneously communicated" standard, clearly states that \$3,800 of the contribution is to be dedicated to the primary, and the remaining \$200 for the general election. In light of this new evidence, the ILGWU contributions to the Fithian Committee are now accurately summarized as follows:

	Primary Contributions	General Contributions
March 25	\$ 250	
April 19	\$ 750	
June 13		\$ 800
Aug. 12		\$2,000
Aug. 27		\$2,000
Oct. 6	\$3,800	\$ 200
	\$4,800	\$5,000

Consequently, the ILGWU Committee has not violated the limitations of the Act in its contributions to the Fithian Committee. While the June 13th contribution of \$800 is attributable to the general election, the October 6th contribution of \$4,000 may be allocated between the primary and

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general elections as communicated by the ILGWU committee to the Fithian Committee. This analysis yields a total of \$4,800 in primary contributions and \$5000 in general election contributions. Therefore, the Office of General Counsel recommends the Commission take no further action against the ILGWU Committee on this matter, and close the file. 1/

An analysis of the reports filed by the Fithian Committee presents a slightly different situation. The Fithian Committee reported the contributions it received from the ILGWU Committee as follows:

	Primary Receipts	General Receipts
April 25	\$ 250	
April 30	\$ 750	
June 18	\$ 800	
Sept. 7		\$2,000
Sept. 12		\$2,000
Oct. 8	<u>\$3,000</u>	<u>\$1,000</u>
	\$4,800	\$5,000

As the above table indicates, there is one difference and one similarity in the way the Fithian Committee reported the June and October contributions, as compared to the ILGWU Committee. As in the ILGWU discussion, the Fithian Committee attributed the June 18th receipt of \$800 to the primary election. The Fithian Committee did not, however, follow the contemporaneously communicated designation of the \$4,000 contribution in October. The Fithian Committee did not follow the designation of \$3,800 of

1/ The ILGWU Committee has amended its reports to reflect the proper attribution of the June 13th contribution.

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the October contribution to the primary election, possibly because the combination of that designation and the reported \$800 primary contribution would have placed the Fithian Committee \$600 over the \$5,000 primary limit:

	Primary Receipts	General Receipts
April 25	\$ 250	
April 30	\$ 750	
June 18	\$ 800	
Sept. 7		\$2,000
Sept. 12		\$2,000
Oct. 8	<u>\$3,800</u>	<u>\$ 200</u>
	\$5,600	\$4,200

In place of that, the Fithian Committee allocated the October receipt so that \$3,000 was dedicated to the primary and \$1,000 for the general election, yielding totals of \$4,800 from the ILGWU Committee for the primary and \$5,000 for the general election.

As discussed in the analysis of the ILGWU contributions, Commission regulation 11 C.F.R. 110.1(a)(2) requires the attribution of the \$800 ILGWU Committee contribution to the general election. Because of that, the Fithian Committee can follow ILGWU's designation of the \$4,000 contribution without exceeding the receipt limits of the Act.

Therefore, the Office of General Counsel recommends the Commission request the Fithian Committee amend its reports on file with the Commission to attribute the June 18th receipt of \$800 to the general election, and designate \$3,800 of the October 8th receipt for the primary election and \$200 for the general election. This allocation will yield totals of \$4,800 in primary

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receipts and \$5,000 in general election receipts from the ILGWU Committee, as disclosed in the ILGWU Committee reports.

The Office of General Counsel also recommends the Commission take no further action on this matter and close the file.

RECOMMENDATIONS

The Office of General Counsel recommends the Commission:

1. Take no further action and close the file with respect to the International Ladies' Garment Workers' Union Campaign Committee and Lawrence Dock, as its treasurer;
2. Take no further action and close the file with respect to Fithian for U.S. Senate and William G. Davis, as its treasurer;
3. Approve the attached letter of notification to the Fithian Committee that requests it to amend its reports.
4. Approve the attached letters to the ILGWU Committee and Complainant.

Charles N. Steele
General Counsel

Date

BY:

Kenneth A. Gross
Associate General

Attachments

- Material supplied by Respondent ILGWU Committee
- Letters to Respondents
- Letter to Complainant

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 26, 1985

Robert Bauer, Esquire
1110 Vermont Avenue, N.W. #1200
Washington, D.C. 20005

RE: MUR 1753
Fithian for U.S. Senate

Dear Mr. Bauer:

On August 6, 1984, the Federal Election Commission notified the Fithian for U.S. Senate Committee of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On December 3, 1985, the Commission determined that it would take no further action in this matter and close the file. The Commission also determined that, based on information provided by other Respondents, there is no evidence to indicate an excessive contribution from the ILGWU Campaign Committee to the Fithian Committee.

The Commission requests the Fithian Committee amend its July Quarterly Report for 1982 so that the June 18, 1982 receipt of \$800 from the International Ladies' Garment Workers' Union Campaign Committee is allocated to the general election. Second, the Commission requests the Fithian Committee amend its Pre-General Election Report to properly allocate the October 8, 1982 receipt of \$4,000 from the International Ladies' Garment Workers' Union Campaign Committee. The amended report should allocate \$3,800 of the receipt to the primary election and the remaining \$200 to the general election. This allocation will yield year-end totals of \$4,800 in receipts from the ILGWU Committee for the primary and \$5,000 for the general election. The Commission requests these amendments be made within 15 days of the receipt of this letter so this matter may be properly closed and placed on the public record.

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If you have any questions, please contact R. Lee Andersen,
the attorney assigned to the matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel



BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Fithian for U.S. Senate and)
William Davis as treasurer,) MUR 1753
International Ladies' Garment)
Workers' Union)
Campaign Committee and)
Lawrence Dock as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was generated by a complaint filed with the Federal Election Commission by James Edward Antosh against Fithian for U.S. Senate and William Davis, as its treasurer (hereinafter "Fithian Committee"); the Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as its treasurer (hereinafter "EPEC/IUOE") and the International Ladies' Garment Workers' Union Campaign Committee and Lawrence Dock, as its treasurer (hereinafter "ILGWU Committee").

On December 18, 1984, the Commission determined there is reason to believe that:

- (1) the Fithian Committee and William Davis, as its treasurer, violated 2 U.S.C. § 441a(f) by accepting contributions in excess of the contribution limits from EPEC/IUOE and the ILGWUC Committee.
- (2) the Fithian Committee and William Davis, as its treasurer, violated 11 C.F.R. § 104.14(d) by failing to properly report contributions from EPEC/IUOE and the ILGWUC Committee.

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- (3) EPEC/IUOE and Frank Hanley, as its treasurer, violated 2 U.S.C. § 441(a)(2)(A) by making contributions in excess of the limits to the Fithian Committee.
- (4) The ILGWUC Committee and Lawrence Dock, as its treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions in excess of the limits of the Fithian Committee and;
- (5) The ILGWUC Committee and Lawrence Dock, as treasurer, violated 2 U.S.C. § 104.14(d) in failing to properly report contributions to the Fithian Committee.

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In response to the Commission's determinations, the Fithian, ILGWU and EPEC/IUOE Committees requested pre-probable cause conciliation, and submitted responses to a series of interrogatories approved by the Commission. Based on EPEC/IUOE's responses, the Commission determined on August 8, 1985, that it would take no further action and close the file with respect to the EPEC/IUOE contribution. The Commission also determined to enter into pre-probable cause conciliation with the ILGWU and Fithian Committees in settlement of their 2 U.S.C. § 441a(a)(2)(A) and § 104.14(d) violations.

On September 30, 1985, the Office of General Counsel received new evidence from the ILGWU Committee in their response to the Commission's proposed conciliation agreement. Based on a review of this material, the Office of General Counsel recommends the Commission take no further action with regard to the ILGWU and Fithian Committees and close the file.

II. FACTUAL AND LEGAL ANALYSIS

In his complaint, James Antosh alleges the Fithian Committee received \$600 in excessive contributions from the ILGWU Committee for the primary election. Mr. Antosh's complaint was based upon a review of the ILGWU's reports of contributions to the Fithian Committee, which disclosed:

	Primary Contributions	General Contributions
March 25	\$ 250	
April 19	\$ 750	
May 4	Date of Indiana Primary	
June 13	\$ 800	
Aug. 12		\$2,000
Aug. 27		\$2,000
Oct. 6	<u>\$3,800</u>	<u>\$ 200</u>
	\$5,600	\$4,200

The Office of General Counsel, however, recommended probable cause to believe the ILGWU Committee made \$3,800 in excessive contributions to the Fithian Committee for the general election. This recommendation, as stated in the First General Counsel's Report, was based on the Office of General Counsel's own analysis of the ILGWU Committee's reports and Commission regulation 11 C.F.R. § 110.1(a)(2).

Commission regulation 11 C.F.R. § 110.1(a)(2) states that contributions made prior to the primary election are attributable to the primary election and contributions made after the primary are attributable to the general election. This regulation prevails unless the contributor specifically complies with 11 C.F.R. § 110.1(a)(2)(i), which allows a contributor to make an

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alternative designation of his contribution. The Commission requires that such designations be made in writing and be contemporaneously communicated to the recipient of the contribution. The designation of a particular election on the contributor's reporting form will not suffice as a contemporaneous communication.

In this case, 11 C.F.R. § 110.1(a)(2) requires the ILGWU Committee's June 13th contribution of \$800 to the Fithian Committee be attributed to the general election, rather than to the primary election. Although ILGWU reported this as a primary contribution, the contribution was given after the date of the Indiana primary and did not contain a contemporaneous communication directing it for the primary. Therefore, the June 18th contribution of \$800 was attributed to the general election.

The Office of General Counsel also attributed all of the \$4,000 contribution of October 6th to the general election. In doing so, the Office of General Counsel again relied on Commission regulation 11 C.F.R. § 110.1(a)(2), and did not give any effect to the ILGWU Committee's attempted allocation of \$3,800 of this contribution to the primary election, as disclosed on its quarterly reports.

Therefore, Commission regulation 11 C.F.R. § 110.1(a)(2) required the attribution of \$4,600 in ILGWU primary contributions to the Fithian Committee for the general election, resulting in an apparent excessive general election contribution of \$3,800 to the Fithian Committee:

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	Primary Contributions	General Contributions
March 15	\$ 250	
April 19	\$ 750	
May 4	Date of Indiana Primary	
June 13		\$ 800
Aug. 12		\$2,000
Aug. 27		\$2,000
Oct. 6	<u> </u>	<u>\$4,000</u>
	\$1,000	\$8,800

During pre-probable cause conciliation, the ILGWU Committee provided the Office of General Counsel a copy of a letter it sent the Fithian Committee along with its October 6th contribution of \$4,000. (See attached) The letter, which satisfies the "contemporaneously communicated" standard, clearly states that \$3,800 of the contribution is to be dedicated to the primary, and the remaining \$200 for the general election. In light of this new evidence, the ILGWU contributions to the Fithian Committee are now accurately summarized as follows:

	Primary Contributions	General Contributions
March 25	\$ 250	
April 19	\$ 750	
June 13		\$ 800
Aug. 12		\$2,000
Aug. 27		\$2,000
Oct. 6	<u>\$3,800</u>	<u>\$ 200</u>
	\$4,800	\$5,000

Consequently, the ILGWU Committee has not violated the limitations of the Act in its contributions to the Fithian Committee. While the June 13th contribution of \$800 is attributable to the general election, the October 6th contribution of \$4,000 may be allocated between the primary and

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general elections as communicated by the ILGWU committee to the Fithian Committee. This analysis yields a total of \$4,800 in primary contributions and \$5000 in general election contributions. Therefore, the Office of General Counsel recommends the Commission take no further action against the ILGWU Committee on this matter, and close the file. 1/

An analysis of the reports filed by the Fithian Committee presents a slightly different situation. The Fithian Committee reported the contributions it received from the ILGWU Committee as follows:

	Primary Receipts	General Receipts
April 25	\$ 250	
April 30	\$ 750	
June 18	\$ 800	
Sept. 7		\$2,000
Sept. 12		\$2,000
Oct. 8	<u>\$3,000</u>	<u>\$1,000</u>
	\$4,800	\$5,000

As the above table indicates, there is one difference and one similarity in the way the Fithian Committee reported the June and October contributions, as compared to the ILGWU Committee. As in the ILGWU discussion, the Fithian Committee attributed the June 18th receipt of \$800 to the primary election. The Fithian Committee did not, however, follow the contemporaneously communicated designation of the \$4,000 contribution in October. The Fithian Committee did not follow the designation of \$3,800 of

1/ The ILGWU Committee has amended its reports to reflect the proper attribution of the June 13th contribution.

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the October contribution to the primary election, possibly because the combination of that designation and the reported \$800 primary contribution would have placed the Fithian Committee \$600 over the \$5,000 primary limit:

	Primary Receipts	General Receipts
April 25	\$ 250	
April 30	\$ 750	
June 18	\$ 800	
Sept. 7		\$2,000
Sept. 12		\$2,000
Oct. 8	<u>\$3,800</u>	<u>\$ 200</u>
	\$5,600	\$4,200

In place of that, the Fithian Committee allocated the October receipt so that \$3,000 was dedicated to the primary and \$1,000 for the general election, yielding totals of \$4,800 from the ILGWU Committee for the primary and \$5,000 for the general election.

As discussed in the analysis of the ILGWU contributions, Commission regulation 11 C.F.R. 110.1(a)(2) requires the attribution of the \$800 ILGWU Committee contribution to the general election. Because of that, the Fithian Committee can follow ILGWU's designation of the \$4,000 contribution without exceeding the receipt limits of the Act.

Therefore, the Office of General Counsel recommends the Commission request the Fithian Committee amend its reports on file with the Commission to attribute the June 18th receipt of \$800 to the general election, and designate \$3,800 of the October 8th receipt for the primary election and \$200 for the general election. This allocation will yield totals of \$4,800 in primary

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receipts and \$5,000 in general election receipts from the ILGWU Committee, as disclosed in the ILGWU Committee reports.

The Office of General Counsel also recommends the Commission take no further action on this matter and close the file.

RECOMMENDATIONS

The Office of General Counsel recommends the Commission:

1. Take no further action and close the file with respect to the International Ladies' Garment Workers' Union Campaign Committee and Lawrence Dock, as its treasurer;
2. Take no further action and close the file with respect to Fithian for U.S. Senate and William G. Davis, as its treasurer;
3. Approve the attached letter of notification to the Fithian Committee that requests it to amend its reports.
4. Approve the attached letters to the ILGWU Committee and Complainant.

Charles N. Steele
General Counsel

Date

BY:

Kenneth A. Gross
Associate General

Attachments

- Material supplied by Respondent ILGWU Committee
- Letters to Respondents
- Letter to Complainant

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 26, 1985

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

RE: MUR 1753
International Ladies' Garment
Workers' Union Campaign
Committee

Dear Mr. Zimmy:

On August 6, 1984, the Federal Election Commission notified the International Ladies' Garment Workers' Campaign Committee of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on December 3, 1985, determined that on the basis of information in the complaint and information provided by the ILGWU Campaign Committee, that it would take no further action in this matter and close the file. The Commission further determined there is no evidence to indicate an excessive contribution from the ILGWU Campaign Committee to the Fithian Committee. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

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PAUL SIMON
ILLINOIS

United States Senate
WASHINGTON, DC 20510

COMMITTEES: LABOR AND HUMAN RESOURCES
JUDICIARY
RULES AND ADMINISTRATION
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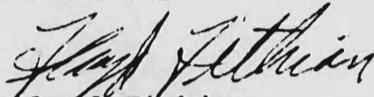
November 18, 1985

Mr. Lee Anderson
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Anderson:

This is to inform you that Robert Bauer is my counsel on all matters pertaining to MUR 1753.

Sincerely,



Floyd Fithian
Administrative Assistant

FF/elw

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	Subject of Correspondence RUP 1753		
	Date Received 11/30/85	Suspense Date 12/11/85	
	Referred to 1. TICKET - Engle		Action (Optional)
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	4.		
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	Answer Date		File Designation
Special Instructions: 			

PAUL SIMON
ILLINOIS

United States Senate
WASHINGTON, DC 20510

COMMITTEE: THE FEC
LABOR AND HUMAN RESOURCES
JUDICIARY
RULES AND ADMINISTRATION
85 NOV 20 A 8:32
C0048986

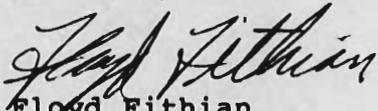
November 18, 1985

Mr. Lee Anderson
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Anderson:

This is to inform you that Robert Bauer is my counsel on all matters pertaining to MUR 1753.

Sincerely,



Floyd Fithian
Administrative Assistant

FF/elw

85040394638

5 NOV 20
A 9:57

BCC # 775)

RECEIVED AT THE FEC

85 JUN 14 9:05

June 11, 1985

Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20463
ATTN: Deborah Curry

Dear Mr. Steele,

This is in reference to MUR 1753, Fithian for U.S. Senate.

With regard to paragraphs 8 through 11 of the Complaint concerning contributions from EPEC/IUOE, I feel confident that the evidence I have submitted demonstrates that there was no violation. With regard to paragraphs 12 through 15 of the Complaint concerning contributions received from ILGWUC, the Commission charges that \$5,600 was received and/or allocated to the primary campaign. While I feel that the way the Fithian for Senate campaign reported it was correct and that there was no violation, and absolutely no intended violation, at this distance from the campaign the campaign records do not conclusively demonstrate compliance because no written record of instruction as to the division between primary debt retirement and contribution to the general election can be produced.

Given the amount involved in the Complaint, i.e. \$600 over FECA limits, there appears to be reason to bring these proceedings to a conclusion as expeditiously as possible.

I request, therefore, a pre-probable cause conciliation in the matter.

Sincerely

Floyd Fithian
Floyd Fithian

86040574639

15 JUN 14 12:06

OFFICIAL COPY

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

6007817
1753
Curry

APR 18 AIO: 42

April 15, 1985

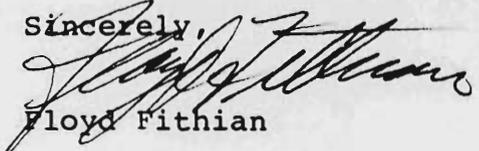
Ms. Deborah Curry
Federal Election Commission
1325 K. St. N.W.
Washington, DC 20463

Dear Ms. Curry:

Enclosed are copies of the documents I spoke to you about.
Please add them to my file.

If you need any further information, please do not hesitate to
contact me.

Sincerely,


Floyd Fithian

85040374640

FITHIAN FOR US SENATE
C/O ALICE HENINGER
916 TEAL RD
LAFAYETTE INDIANA 47905

DATE 05-28-82
PAGE 1

MAKE YOUR VACATION TRAVELS SAFER
TAKE ALONG VISA TRAVELERS CHEQUES
AVAILABLE AT ANY PURDUE NATIONAL BANK

ACCOUNT NO. 2-504616-4 INTEREST CHECKING. 55

PREVIOUS BALANCE 04-30-82 20,938.95
11 DEPOSITS AND CREDITS 32,111.63
55 CHECKS AND DEBITS 32,196.20
CURRENT BALANCE 20,854.38
INTEREST PAID YEAR TO DATE 380.72

- - DAILY BALANCE SUMMARY - -

DATE	BALANCE	DATE	BALANCE
05-03	16,000.00	05-03	22,090.13
05-04	16,200.00	05-04	21,037.44
05-05	16,400.00	05-05	20,707.21
05-06	16,600.00	05-06	20,350.71
05-07	16,800.00	05-07	21,676.63
05-10	17,000.00	05-10	21,435.88
05-11	17,200.00	05-11	21,246.75
05-13	18,326.72	05-13	20,750.75
05-14	18,500.00	05-14	20,854.38

- - MISCELLANEOUS DEBITS AND CREDITS - -

DATE	DEBIT	DEPOSIT
05-04	4.00	
05-04	8.60	
05-05	900.00	
05-05		5,500.00 CR
05-06		1,552.00 CR
05-07		2,150.00 CR
05-17		1,250.00 CR
05-17		3,576.00 CR
05-21		1,915.00 CR
05-26		1,855.00 CR
05-31		103.63 CR

- CHECKS POSTED -

DATE	CHECK NO.	AMOUNT	DATE	CHECK NO.	AMOUNT
05-10	1241	264.00	05-16	1242	700.00
05-10	1241	210.00	05-10	1243	1,000.00
05-03	1248	153.59	05-03	1242	4,000.00

8 5 0 4 0 3 4 6 4 1

DEPOSIT TICKET

71-97
749

FITHIAN FOR U.S. SENATE



DATE May 5, 1982

DOLLARS CENTS

DATE		DOLLARS	CENTS
CURRENCY	Kline	10	00
COIN			
CHECKS LIST EACH SEPARATELY			
	Anderson, Lee	10	-
	Anderson, Karmit	25	-
	Beelke, Ralph	50	-
	Borders, Carl	25	-
	Broady, Florence	50	-
	Bronson, Minnie	10	-
	Chambers Paul	10	-
	Corbin, Lillian	5	-
	Crane, Frederick	25	-
	XXXXXXXXXXXXXXXXXXXX		
	Dickson, William	25	-
	Drane, Norma	10	-
	Enicks, Hugh	60	-
	Greiner, Gordon	25	-
	Harmon, Linda	25	-
	Hatke, Luetta	15	-
	Howard, Lawrence	10	-
	Johnson, Dorothy	25	-
	Lehman, Leonard	2	-
	Mavis, Gladys	10	-
	Middleton, William	25	-
	Richte, James	25	-
	Seymour, Barbara	10	-
	Sladek, Ronald	15	-
	Solberg, Elizabeth	50	-
	Valenti, John	5	-
	Operating Engineers	1000	-
TOTAL FROM OTHER SIDE OR ATTACHED LIST			
PLEASE RE-ENTER TOTAL HERE		TOTAL	1552.00

ALL CHECKS MUST BE CASHED WITHIN 90 DAYS OF DATE OF DEPOSIT. HOWEVER, THE BALANCE IS 11738.66.

1552.00

Checks and other items are received for deposit subject to the provisions of the Uniform Commercial Code or any applicable collection agreement.

8604034642

Flouyd -

I'm enclosing the original
copies of our deposit ticket +
bank statement, + keeping a copy
for our files

Please note the bank's receipt
dated on the ticket - The deposit
was made at 12:43 pm May 6, 1982
This is further confirmed on the
Statement (circled) Our F&C
shows money received on 5/5 +
deposited next day at noon.

I'm sorry the Engineers were
paid people didn't do a better job
of adhering to F&C regulations, but
Keith + I both took them seriously,
+ our Analyst, Sue Kastenbaugh
assured me often that we were
doing a good job + she advised

86040594643

one of things that interest us most
& the appropriate amendments were
always filed. I can assure you
that the best faith effort was
always made, & I don't think we
(or you) have a serious problem.
I'm glad to know that Sue is still
with the FCC.

Love to Mary - Cindy, John
Sandy & all the rest.

Alice

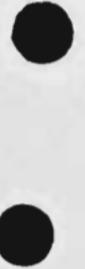
PS. The bank can furnish you a
photostat of the check with the numbers
following - ^{The date} 39-0019-4877, but I don't
see how that could be useful.

85040374644

Chain
Pleasant Ridge Rd.
Dale, VA 22202

6040574645

Ms. Deborah Curry
Federal Election Commission
1325 K. St., NW
Washington, DC 20463





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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

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

DATE: APRIL 15, 1985

SUBJECT: MUR 1753 - Comprehensive Investigative
Report signed April 12, 1985

The above-captioned matter was circulated to the Commission on a 24 hour no-objection basis at 2:00, April 12, 1985.

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

8504074515



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *WJ*
DATE: April 11, 1985
SUBJECT: MUR 1753 - Memorandum to The Commission
Comprehensive Investigative Repor #1

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

CIRCULATIONS

DISTRIBUTION

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

86040394647

SENSITIVE



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

05 APR 11 P 2: 57

April 11, 1985

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

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

SUBJECT: Withdrawal of First General Counsel's Report
in MUR 1753
Respondents: Fithian for U.S. Senate and William Davis
as treasurer
Engineers Political Education Committee/
International Union of Operating Engineers and
Frank Hanley as treasurer
International Ladies Garment Workers Union Campaign
Committee and Lawrence Dock as treasurer

Please be advised that this Office hereby withdraws the General Counsel's Report which was originally circulated in MUR 1753 and submits the attached Comprehensive Investigative Report #1 in its place. The original report is withdrawn because Mr. Fithian's response to the complaint and reason to believe notification was received by the Office of General Counsel on April 1, 1985. The Comprehensive Investigative Report notes that this information has been received and that after review, of the information submitted, a report will be circulated to the Commission.

8 5 0 4 0 5 9 4 6 4 8

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Fithian for U.S. Senate and)
William Davis as treasurer)
Engineers Political Education)
Committee/International Union) MUR 1753
of Operating Engineers and)
Frank Hanley as treasurer)
International Ladies Garment)
Workers Union Campaign Committee)
and Lawrence Dock as treasurer)

COMPREHENSIVE INVESTIGATIVE REPORT #1

I. BACKGROUND

8 6 0 4 0 5 7 4 6 4 9
This matter was generated by a complaint filed by James Edward Antosh against Fithian for U.S. Senate and William Davis as treasurer (hereinafter "Fithian Committee"); Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley as treasurer (hereinafter "EPEC/IUOE") and International Ladies Garment Workers Union Campaign Committee and Lawrence Dock as treasurer (hereinafter "ILGWUC Committee"), alleging violations of the Federal Campaign Act of 1971, as amended (hereinafter the "Act").

On December 18, 1984, the Commission found reason to believe that:

- 1) The Fithian Committee and William Davis, as treasurer, violated 2 U.S.C. § 441a(f) by accepting contributions in excess of the contribution limits from EPEC/IUOE and ILGWUC.
- 2) The Fithian Committee and William Davis, as treasurer, violated 11 C.F.R. § 104.14(d) by failing to properly report contributions from EPEC/IUOE and ILGWUC Committee.

3) EPEC/IUOE and Frank Hanley, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions in excess of the limits to the Fithian Committee.

4) ILGWUC Committee and Lawrence Dock, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions in excess of the limits to the Fithian Committee and;

5) ILGWUC Committee and Lawrence Dock, as treasurer, violated 2 U.S.C. § 104.14(d) in failing to properly report contributions to the Fithian Committee.

The Commission also on that same date approved the letters attached to the report and directed the Office of General Counsel to send interrogatories in connection with the findings. On January 3, 1985, letters and interrogatories were sent to Respondents.

II. ANALYSIS

On January 17, 1985, the Office of General Counsel received a response from the ILGWUC Committee. In that response the ILGWUC Committee requested pre-probable cause conciliation (Attachment 1). On January 15, 1985, the Office of General Counsel received a response to the letter and interrogatories sent to EPEC/IUOE. (Attachment 2)

The response of EPEC/IUOE states that the check for \$1,000 to the Fithian Committee was dated April 2, 1982. According to EPEC/IUOE the check was mailed to the IUOE local union in Illinois to be hand delivered to the Fithian Committee by a representative of the local. Additionally, EPEC/IUOE states that

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the check was mailed on or about April 2, 1985. EPEC/IUOE concluded its response to the interrogatories stating that the local union was unable to ascertain the exact date of delivery of the check to the Fithian Committee. Moreover, EPEC/IUOE indicated in its response a desire to enter into pre-probable cause conciliation.

As noted in previous reports, the Office of General Counsel has had difficulty in locating the Fithian Committee (or Floyd Fithian) and in determining whether notification of the complaint or the reason to believe finding had been received. The Office of General Counsel has recently located Mr. Fithian. On February 13, 1985, copies of the notification of complaint and reason to believe finding and interrogatories were sent to the new address. Mr. Fithian has been in telephone contact with this office and on February 25, 1985, Mr. Fithian responded to the above described materials received on February 19, 1985. Mr. Fithian requested an 30 day extension of time to answer the reason to believe finding and interrogatories.

Mr. Fithian requested the extension of time because his bookkeeper is out of the country for three weeks and the records are at her residence in Lafayette, Indiana. The extension of time was granted by the Office of General Counsel. The new due date for the submission of a response by the Fithian Committee is March 31, 1985.

Mr. Fithian viewed the complaint, reason to believe findings and interrogatories for the first time on February 19, 1985.

86040594651

Mr. Fithian stated in his letter requesting an extension of time that, in the absence of his bookkeeper and the records of the committee, he would "not be able to reconstruct the specifics of the campaign contributions in question" Furthermore, Mr. Fithian's answers to the interrogatories bear directly on the analysis of the EPEC/IUOE contribution. Additionally, Mr. Fithian's response may or may not have consequences with regard to the contributions made by the ILGWUC Committee.

On April 1, 1985, the Office of General Counsel received Mr. Fithian's response to the complaint and reason to believe notification. Upon review of that response, the Office of General Counsel will circulate a report to the Commission.

Charles N. Steele
General Counsel

Date 4/12/85

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

85040394652

SENSITIVE

24-HOUR NO-OBJECTION MATTER

OBC
Docket
1



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

DATE & TIME OF TRANSMITTAL FRIDAY, 4-12-85, 2:00

COMMISSIONER McGARRY, AIKENS, McDONALD, ELLIOTT, REICHE, HARRIS

RETURN TO OFFICE OF COMMISSION SECRETARY BY: MONDAY, APRIL 15, 1985, 2:00

SUBJECT: MUR 1753 - Comprehensive Investigative Report
signed April 12, 1985

() I object to the attached report.

COMMENTS: _____

Date _____ Signature _____

OBJECTIONS, SIGNED AND DATED, MUST BE RECEIVED IN THE COMMISSION SECRETARY'S OFFICE NO LATER THAN THE DATE AND TIME SHOWN ABOVE OR THE MATTER WILL BE DEEMED APPROVED. PLEASE RETURN ONLY THE VOTE SHEET TO THE SECRETARY.

86040594653

SENSITIVE



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20541

April 11, 1985

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

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

SUBJECT: Withdrawal of First General Counsel's Report
in MUR 1753
Respondents: Fithian for U.S. Senate and William Davis
as treasurer
Engineers Political Education Committee/
International Union of Operating Engineers and
Frank Hanley as treasurer
International Ladies Garment Workers Union Campaign
Committee and Lawrence Dock as treasurer

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86040394654

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Fithian for U.S. Senate and)
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Committee/International Union) MUR 1753
of Operating Engineers and)
Frank Hanley as treasurer)
International Ladies Garment)
Workers Union Campaign Committee)
and Lawrence Dock as treasurer)

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86040574657

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On April 1, 1985, the Office of General Counsel received Mr. Fithian's response to the complaint and reason to believe notification. Upon review of that response, the Office of General Counsel will circulate a report to the Commission.

Charles N. Steele
General Counsel

4/14/85
Date

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

86040574358

March 29, 1985

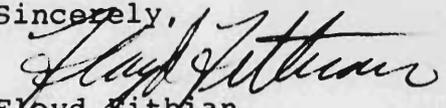
Ms. Deborah Curry
Federal Election Commission
Washington, DC 20463

Dear Ms. Curry:

Enclosed is my response to the Complaint (MUR 1753) as well as my answer to interrogatories.

If you need anything else please feel free to call me (224-7024).

Sincerely,


Floyd Fithian

95040374639

APR 1 1985
A10:06

March 28, 1985

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

Re: MUR 1753
Floyd J. Fithian,
Fithian for U.S. Senate and
William G. Davis, as treasurer

Dear Mr. Gross:

This letter is my response to the Complaint filed in the above-captioned matter. Although I am not a lawyer, I have nevertheless reviewed the relevant regulations and the activities of my campaign. I find the complainant's accusations to be utterly without merit.

Paragraphs 8 through 11 of the Complaint allege that I, Fithian for U.S. Senate and William G. Davis, the campaign treasurer, knowingly accepted contributions for the 1982 federal primary election from EPEC/IUOE in the amount of \$6,000.00. The campaign received a \$5,000.00 contribution from EPEC for the primary on March 29, 1982. As the attached FEC schedule indicates, the campaign received EPEC's second contribution of \$1,000.00 for the general election on May 5, 1982. (See Exhibit A.)

Paragraph 11 of the Complaint, incorrectly states that the second contribution of \$1,000.00 was made more than one month prior to the primary. In fact, though IUOE/EPEC authorized this contribution during the primary period, the \$1,000.00 contribution was actually made by the Local to my campaign on May 5, 1982, one day after the primary election. Moreover, as the affidavit and exhibits provided by the EPEC make clear, EPEC designated the \$1,000.00 check for the general election. (See attached Affidavit of John J. Brown.) Thus, in accordance with 11 C.F.R. 110.1(a)(2)(ii)(B), our treasurer properly reported it as a contribution for the general election.

Paragraphs 12 through 15 of the Complaint allege that I, Fithian for U.S. Senate, and William G. Davis, the campaign treasurer, knowingly accepted contributions for the 1982 federal primary election from the ILGWUCC in the amount of \$5,600.00. These charges are equally groundless. As the attached FEC schedule indicates, my campaign received \$4800.00 as designated primary contributions and \$5,000.00 in contributions for the general election. (See Exhibit B.) Although my campaign received contributions from the ILGWUCC to offset its primary debt after the primary, I understand such contributions are permitted under 11 C.F.R. 110.1 (a) (2) (i) because they 1) do not exceed the statutory limit and 2) were used to offset the primary debt. It is my understanding that the ILGWUCC made a clerical error and that it

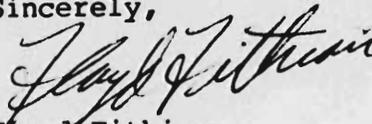
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corrected this error by filing a subsequent amendment. (See attached Affidavit of Evelyn Dubrow.) That amendment indicates that the funds contributed were to be allocated as shown on my campaign's FEC schedule.

Finally, I categorically deny the allegations contained in paragraphs 8, 10, 11, 12, 14 and 15 that I, Fithian for U.S. Senate or my treasurer, William G. Davis, knowingly misrepresented funding in order to accept contributions in excess of the statutory limit. I and everyone associated with my campaign exercised extraordinary care in making sure that all contributions were reported correctly and that the letter and spirit of the law were not violated. Whenever questions arose regarding the appropriate accounting for a contribution, we contacted Ms. Susan Kaltenbaugh of the FEC. She proved to be an invaluable resource in keeping the Fithian campaign from making inadvertant reporting errors.

Based upon the information contained herein, I respectfully request that the General Counsel find no act has been violated and recommend that the Federal Election Commission take no further action in this matter.

Sincerely,



Floyd Fithian

FF/kas

95040724651

EXHIBIT A

SCHEDULE A

ITEMIZED RECEIPTS

Any information copied from such Reports or 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)			
FITHIAN FOR U S SENATE COMMITTEE			
A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Firefighters interested in Registration & Education PAC 1750 New York Avenue, N.W. Washington D C 20006	N/A	3/19/82	\$ 250.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date—\$ 250.00	
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Brotherhood of Locomotive Engineers Leg 1128 Engineers Building Cleveland OH 44114	slative League	3/29/82	250.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date—\$ 250.00	
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Committee on Letter Carriers Political Education National Savings & Trust Co., Capitol P 1 Indiana Avenue, N.W. Washington D C 20001	Plaza Office	3/29/82	250.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date—\$ 250.00	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Engineers Political Education Committee 1125 Seventeenth St., N.W. Washington D C 20036		3/29/82	5000.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date—\$ 5000.00	
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
IBEW COPE 1125 15th Street, N.W. Washington D C 20005		3/29/82	1000.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date—\$ 1000.00	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Industrial Union Department AFL CIO 1125 15th St., N.W. Washington D C 20005		3/29/82	250.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date—\$ 250.00	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Machinists Non-Partisal Political League 1300 Connecticut Ave., N.W. Washington D C 20036		3/29/82	250.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date—\$ 250.00	
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			7250.00

85040574662

SCHEDULE A

ITEMIZED RECEIPTS

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 (Use separate schedule(s) for each
 category of the Detailed
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Any information copied from such Reports or 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) FITHIAN FOR U S SENATE COMMITTEE			
A. Full Name, Mailing Address and ZIP Code AFSCME - PEOPLE 1625 L Street N W Washington D C 20036		Name of Employer N/A	Date (month, day, year) 5/3/82
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation	Amount of Each Receipt this Period \$ 4,500.00
		Aggregate Year-to-Date-\$ 5,000	
B. Full Name, Mailing Address and ZIP Code Masters, Mates & Pilots Political Contribution Fund 39 Broadway New York N Y 10006		Name of Employer	Date (month, day, year) 5/3/82
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation	Amount of Each Receipt This Period 1,000.00
		Aggregate Year-to-Date-\$ 1,000.00	
C. Full Name, Mailing Address and ZIP Code American Federation of Teachers Committee on Political Education 11 DuPont Circle N W 5th Floor Washington D C 20036		Name of Employer	Date (month, day, year) 5/5/82
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation	Amount of Each Receipt This Period 500.00
		Aggregate Year-to-Date-\$ 5,500.00	
D. Full Name, Mailing Address and ZIP Code Engineers Political Education Committee 1125 Seventeenth St N W Washington D C 20036		Name of Employer	Date (month, day, year) 5/5/82
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation	Amount of Each Receipt This Period 1000.00
		Aggregate Year-to-Date-\$ 6,000	
E. Full Name, Mailing Address and ZIP Code TRANSPORTATION POLITICAL EDUCATION LEAGUE 14600 Detroit Avenue Cleveland OH 44107		Name of Employer	Date (month, day, year) 5/7/82
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation	Amount of Each Receipt This Period 1500.00
		Aggregate Year-to-Date-\$ 1500.00	
F. Full Name, Mailing Address and ZIP Code Automobile & Truck Dealers Election Action Committee 8400 West Park Drive McLean VA 22102		Name of Employer	Date (month, day, year) 5/12/82
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation	Amount of Each Receipt This Period 250.00
		Aggregate Year-to-Date-\$ 250.00	
G. Full Name, Mailing Address and ZIP Code District 2 MEBA AMO AFL CIO Voluntary 650 Fourth Avenue Brooklyn N Y 11232		Name of Employer Political Action Fund	Date (month, day, year) 5/12/82
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation	Amount of Each Receipt This Period 1000.00
		Aggregate Year-to-Date-\$ 1000.00	
SUBTOTAL of Receipts This Page (optional)			9750.00
TOTAL This Period (last page this line number only)			

85040574663

SCHEDULE A

ITEMIZED RECEIPTS

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Name of Committee (in Full)
FITHIAN FOR U S SENATE COMMITTEE

95040521664

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
IBEW COPE 1125 15th Street N W Washington D C 20005		7/21/82	\$ 1000.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date—\$ <u>2000.00 amended</u>	
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Engineers Political Education Committee 1125 Seventeenth St Northwest Washington D C 20036		7/23/82	4,000.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date—\$ <u>10,000.00</u>	
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Florida Sugar Cane League PAC 115 Lopez St Clewiston FL 33440		7/23/82	250.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date—\$ <u>250.00</u>	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
IBEW COPE 1125 Fifteenth St N W Washington D C 20005		7/23/82	1,000.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date—\$ <u>3,000.00</u>	
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Egg Producers Political Action Committee 49 S Capitol St S W Suite 411 Washington D C 20003		8/1/82	250.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date—\$ <u>250.00</u>	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Indiana Manufactured Housing Association 3210 Rand Road Indianapolis 46241	Indiana Federal Political Action Committee	8/1/82	300.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date—\$ <u>300.00</u>	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Merchants Committee For Campaign Contributions One Merchants Plaza Suite 6555 Indianapolis IN 46255		8/1/82	500.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date—\$ <u>700.00</u>	
SUBTOTAL of Receipts This Page (optional)			7300.00
TOTAL This Period (last page this line number only)			

SCHEDULE A

ITEMIZED RECEIPTS

Any information copied from such Reports or 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) FITHIAN FOR U S SENATE COMMITTEE			
A. Full Name, Mailing Address and ZIP Code Laborers' Political League 905 16th St N W Washington D C 20006	Name of Employer	Date (month, day, year) 4/7/82	Amount of Each Receipt this Period \$ 500.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date--\$ 500.00	
B. Full Name, Mailing Address and ZIP Code ILGWU (Garment Workers) 1710 Broadway New York N Y 10019	Name of Employer	Date (month, day, year) 4/9/82	Amount of Each Receipt This Period 250.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date--\$ 250.00	
C. Full Name, Mailing Address and ZIP Code Maintenance of Way Political League 12050 Woodward Avenue Detroit MI 48203	Name of Employer	Date (month, day, year) 4/9/82	Amount of Each Receipt This Period 150.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date--\$ 150.00	
D. Full Name, Mailing Address and ZIP Code Mid AM Dairymen ADEPT Box 1837 SSS Springfield MO 65805	Name of Employer	Date (month, day, year) 4/9/82	Amount of Each Receipt This Period 2000.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date--\$ 2000.00	
E. Full Name, Mailing Address and ZIP Code Orkin Political Action Committee 2170 Piedmont Road Atlanta GA 30324	Name of Employer	Date (month, day, year) 4/9/82	Amount of Each Receipt This Period 100.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date--\$ 100.00	
F. Full Name, Mailing Address and ZIP Code Responsible Citizens Political League (Railway) 3 Research Place Rockville MD 20850	Name of Employer	Date (month, day, year) 4/9/82	Amount of Each Receipt This Period 1000.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date--\$ 1000.00	
G. Full Name, Mailing Address and ZIP Code Sheet Metal Workers' International Association Political Action League 1750 New York Avenue N W Washington D C 20006	Name of Employer	Date (month, day, year) 4/9/82	Amount of Each Receipt This Period 5000.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date--\$	
SUBTOTAL of Receipts This Page (optional)			9000.00
TOTAL This Period (last page this line number only)			

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SCHEDULE A

ITEMIZED RECEIPTS

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Name of Committee (in Full)
FITHIAN FOR U S SENATE COMMITTEE

A. Full Name, Mailing Address and ZIP Code IMPAC (Indiana Medical PAC) 100 N Madison Avenue Indianapolis IN 46208	Name of Employer N/A	Date (month, day, year) 4/30/82	Amount of Each Receipt this Period \$ 250.00
	Occupation		
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date—\$ 250.00		

B. Full Name, Mailing Address and ZIP Code International Ladies' Garment Workers Union Campaign Committee 1710 Broadway New York N Y 10019	Name of Employer	Date (month, day, year) 4/30/82	Amount of Each Receipt This Period 750.00
	Occupation		
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date—\$ 700.00		

C. Full Name, Mailing Address and ZIP Code Seafarers Political Activity Donation 675 Fourth Avenue Brooklyn N Y 11232	Name of Employer	Date (month, day, year) 4/30/82	Amount of Each Receipt This Period 2500.00
	Occupation		
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date—\$ 2500.00		

D. Full Name, Mailing Address and ZIP Code United Steelworkers of Ama Pol Action Fund 5 Gateway Center Pittsburgh PA 15222	Name of Employer	Date (month, day, year) 4/30/82	Amount of Each Receipt This Period 5000.00
	Occupation		
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date—\$ 5000.00		

E. Full Name, Mailing Address and ZIP Code American Federation of Teachers Committee on Political Education 11 DuPont Circle N W 5th Floor Washington D C 20036	Name of Employer	Date (month, day, year) 5/3/82	Amount of Each Receipt This Period 4,500.00
	Occupation		
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date—\$ 5,000.00		

F. Full Name, Mailing Address and ZIP Code Responsible Citizens Political League (Railway) 3 Research Place Rockville MD 20850	Name of Employer	Date (month, day, year) 5/3/82	Amount of Each Receipt This Period 1,000.00
	Occupation		
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date—\$ 2,000.00		

G. Full Name, Mailing Address and ZIP Code Committee For Thorough Agriculture Political Education POB 32287 San Antonio Texas 78284	Name of Employer	Date (month, day, year) 5/3/82	Amount of Each Receipt This Period 4,000.00
	Occupation		
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date—\$ 4,000		

SUBTOTAL of Receipts This Page (optional) 18,000.00

SCHEDULE A

ITEMIZED RECEIPTS

LINE NUMBER TIC
 (Use separate schedule(s) for each category of the Detailed Summary Page)

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Name of Committee (in Full)
FITHIAN FOR U S SENATE

A. Full Name, Mailing Address and ZIP Code Committee on Political Education AFL C O 815 16th Street N W Washington D C 20006	Name of Employer <i>N/A</i>	Date (month, day, year) 6/4/82	Amount of Each Receipt This Period \$ 4250.00
	Occupation		
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date—\$4250.00		

B. Full Name, Mailing Address and ZIP Code International Ladies' Garment Workers Union Campaign Committee 1710 Broadway New York N Y 10019	Name of Employer	Date (month, day, year) 6/18/82	Amount of Each Receipt This Period 800.00
	Occupation		
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date—\$ 2000.00		

C. Full Name, Mailing Address and ZIP Code Maintenance of Way Political League 12050 Woodward Avenue Detroit MI. 48203	Name of Employer	Date (month, day, year) 6/18/82	Amount of Each Receipt This Period 250.00
	Occupation		
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date—\$ 400.00		

D. Full Name, Mailing Address and ZIP Code Railway Carmen Political League 4929 Main Street Kansas City MO 64112	Name of Employer	Date (month, day, year) 6/18/82	Amount of Each Receipt This Period 500.00
	Occupation		
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date—\$ 750.00		

E. Full Name, Mailing Address and ZIP Code Amalgamated Clothing & Textile Workers Union 15 Union Square New York N Y 10006	Name of Employer	Date (month, day, year) 6/24/82	Amount of Each Receipt This Period 4750.00
	Occupation		
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date—\$ 5200.00		

F. Full Name, Mailing Address and ZIP Code American Federation of Teachers Committee on Political Education 11 DuPont Circle N W 5th Floor Washington D C 20036	Name of Employer	Date (month, day, year) 6/24/82	Amount of Each Receipt This Period 4500.00
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date—\$ 10,000.00		

G. Full Name, Mailing Address and ZIP Code Committee on Political Action of the American Postal Workers 817 14th St N W Washington D C 20005	Name of Employer	Date (month, day, year) 6/24/82	Amount of Each Receipt This Period 200.00
	Occupation		
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date—\$ 200.00		

SUBTOTAL of Receipts This Page (optional) 15,250.00

TOTAL This Period (last page this line number only)

SCHEDULE A

ITEMIZED RECEIPTS

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Name of Committee (in Full)			
FITHIAN FOR U S SENATE COMMITTEE			
A. Full Name, Mailing Address and ZIP Code United Furniture Workers of America 1910 Air Lane Drive Nashville TN 37210	Name of Employer <i>PAC</i>	Date (month, day, year) 9/7/82	Amount of Each Receipt this Period \$ 100.00
	Occupation	Aggregate Year-to-Date—\$ 100.00	
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
B. Full Name, Mailing Address and ZIP Code International Ladies' Garment Workers 1710 Broadway New York N Y 10019	Name of Employer Union Campaign Committee <i>PAC</i>	Date (month, day, year) 9/7/82	Amount of Each Receipt This Period 2000.00
	Occupation	Aggregate Year-to-Date—\$ 4000.00	
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
C. Full Name, Mailing Address and ZIP Code Committee on Letter Carriers Political National Savings & Trust Co Capitol Plaza #1 Indiana Avenue N W Washington D C 20001	Name of Employer Education Committee Capitol Plaza Office	Date (month, day, year) 9/7/82	Amount of Each Receipt This Period 2500.00
	Occupation	Aggregate Year-to-Date—\$ 3350.00	
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
D. Full Name, Mailing Address and ZIP Code National Farmers Organization GRIP 475 L'Enfant Plaza S W #2250 Washington D C 20024	Name of Employer <i>PAC</i>	Date (month, day, year) 9/7/82	Amount of Each Receipt This Period 100.00
	Occupation	Aggregate Year-to-Date—\$ 450.00	
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
E. Full Name, Mailing Address and ZIP Code United Rubber Cork Linoleum & Plastic 87 South High Street Akron OH 44306	Name of Employer Workers of America <i>PAC</i>	Date (month, day, year) 9/10/82	Amount of Each Receipt This Period 1,000.00
	Occupation	Aggregate Year-to-Date—\$ 1600.00	
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
F. Full Name, Mailing Address and ZIP Code United Steelworkers of America 5 Gateway Center Pittsburgh PA 15222	Name of Employer <i>PAC</i>	Date (month, day, year) 9/10/82	Amount of Each Receipt This Period 2,500.00
	Occupation	Aggregate Year-to-Date—\$ 7500.00	
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
G. Full Name, Mailing Address and ZIP Code Merchants Committee for Campaign Contributions One Merchants Plaza Suite 655S Indianapolis IN 46255 Dan Tanselle, Chairman	Name of Employer	Date (month, day, year) 9/14/82	Amount of Each Receipt This Period 250.00
	Occupation	Aggregate Year-to-Date—\$ 950.00	
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
SUBTOTAL of Receipts This Page (optional)			8450.00

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SCHEDULE A

ITEMIZED RECEIPTS

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 (Use separate schedule(s) for each category of the Detailed Summary Page)

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Name of Committee (in Full)
 FITHIAN FOR U S SENATE COMMITTEE

8504054669

A. Full Name, Mailing Address and ZIP Code		Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Committee on Political Action of the American Postal Wkrs Union 817 14th St N W Washington D C 20005		PAC	9/15/82	\$ 1,800.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation	Aggregate Year-to-Date-\$ 2,000.00	
B. Full Name, Mailing Address and ZIP Code		Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
International Ladies' Garment Workers Union Campaign Committee 1710 Broadway New York N Y 10019			9/15/82	2,000.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation	Aggregate Year-to-Date-\$ 5,800.00	
C. Full Name, Mailing Address and ZIP Code		Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Amalgamated Transit Union Voluntary Fund 5025 Wisconsin Ave N W Washington D C 20016			9/22/82	1,000.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation	Aggregate Year-to-Date-\$ 1500.00	
D. Full Name, Mailing Address and ZIP Code		Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
DRIVE Political Fund 25 Louisiana Ave N W Washington D C 20001			9/22/82	2,500.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation	Aggregate Year-to-Date-\$ 5000.00	
E. Full Name, Mailing Address and ZIP Code		Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Responsible Citizens Political League 3 Research Place Rockville MD 20850		BRAC (Railway)	9/22/82	300.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation	Aggregate Year-to-Date-\$ 5300.00	
F. Full Name, Mailing Address and ZIP Code		Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Firemen & Oilers Political League 200 Maryland Avenue N W Washington D C 20002			9/27/82	300.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation	Aggregate Year-to-Date-\$ 300.00	
G. Full Name, Mailing Address and ZIP Code		Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
United Steelworkers of America Political Action Fund Five Gateway Center Pittsburgh PA 15222			9/27/82	2500.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Occupation	Aggregate Year-to-Date-\$ 10,000.00	
SUBTOTAL of Receipts This Page (optional)				10,400.00

SCHEDULE A

ITEMIZED RECEIPTS

LINE NUMBER 11c
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Name of Committee (in Full)

FITHIAN FOR U S SENATE COMMITTEE

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Asbestos Workers Political Action Committee 1300 Connecticut Avenue N W Suite 505 Washington D C 20036		10/5/82	\$ 500.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date-\$ 500.00	
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Communications Workers of America PAC 1925 K Street N W Washington D C 20006		10/5/82	5000.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date-\$ 10,000.00	
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Indiana Dental Political Action Committee Highway 32 at #27 Winchester IN 47394		10/5/82	500.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date-\$ 500.00	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
United Association Political Education Committee 901 Massachusetts Avenue N W Washington D C 20001		10/5/82	1500.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date-\$ 1500.00	
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Delaware Valley Political Action Committee 3 Penn Center Plaza 10th Floor Philadelphia PA 19102		10/5/82	1000.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date-\$ 1000.00	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
International Ladies' Garment Workers Union Campaign Committee 1710 Broadway New York N Y 10019		10/8/82	1000.00 Gen 3000.00 Pri
Receipt For: <input checked="" type="checkbox"/> Primary Debt <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify): \$3000.00 \$1000	Occupation	Aggregate Year-to-Date-\$ 10,000	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Ironworkers Local #103 Political Action League 5313 Old Boonville Hwy Evansville IN 47715		10/8/82	1000.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date-\$ 2000.00	
SUBTOTAL of Receipts This Page (optional)			13,500.00

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ATTACHMENT

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. In March of 1982, J. C. Turner, President of EPEC/IUOE referred to me a letter of March 11, 1982 in which Mr. Bill Martin, President and Business Manager of IUOE Local Union No. 150, requested that EPEC/IUOE make contributions of \$2,000 to candidate Adam Benjamin and \$1,000 to candidate Floyd Fithian.

4. Upon receipt of the March 11 letter, a copy of which is attached as Exhibit A, I reviewed the records of IUOE/EPEC and determined that both contributions were permissible when combined with previous contributions made to the candidates. However, because

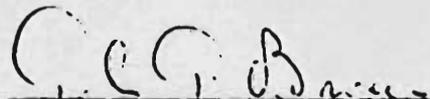
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EPEC/IUOE had already contributed \$5,000 to the primary election campaign of candidate Fithian, I approved a \$1,000 contribution to his campaign with the specific notation, in my handwriting appearing at the bottom of the March 11 letter, that the Fithian check be marked "General Election."

The notation, addressed to my secretary Kay McGrath reads as follows: "Kay, start memo as requested for Adam Benjamin and Fithian - but Fithian check mark General Election."

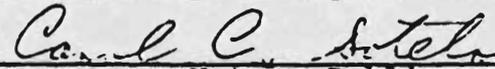
5. Subsequently the requested memo was prepared to President Turner from me, recommending a \$1,000 contribution to candidate Fithian. A copy of that memo, dated April 2, 1982, is attached as Exhibit B. Typed on the memo is the notation "Check should indicate General Election."

6. In connection with MUR 1753 pending before the Federal Election Commission, I have reviewed IUOE/EPEC's cancelled check of the \$1,000 contribution to candidate Fithian and found that, in spite of my notations, it did not carry the intended general election designation.



John J. Brown

Subscribed and sworn to before me
this 23rd day of August 1984.



Notary Public

My Commission Expires

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ATTACHMENT

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

Evelyn Dubrow, being duly sworn, deposes and says:

1. I am the Executive Secretary of the I.L.G.W.U. Campaign Committee ("Campaign Committee"). I also served in that capacity throughout 1982. I was personally involved in the political contributions made by the Campaign Committee to the Fithian Senatorial Campaign, and I am fully familiar with the facts and circumstances relating thereto. This affidavit responds to the complaint filed against the I.L.G.W.U. Campaign Committee and its treasurer in MUR 1753.

2. Political contributions made by the Campaign Committee in 1982, as is now also the case, were made from the Campaign Committee's New York City office. Most of my working time is spent in my office in Washington, D.C.. In 1982, the Campaign Committee's records in New York City were maintained by a comparatively new and inexperienced clerical employee, who, as we have only recently learned, frequently made errors.

3. The Campaign Committee made contributions to the Fithian Campaign in 1982 from New York City on six separate dates, which resulted in inadvertent and imprecise allocations of contributions between elections. The contributions made

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5. In June 1984, the Campaign Committee conducted an audit of its records of 1982 contributions to Senatorial candidates and discovered a number of inadvertent record-keeping errors, including those relating to the Fithian Campaign. Accordingly, on June 12, 1984, it filed with the FEC an amendment to its pre-general election report for the period October 1 to October 13, 1982, a copy of which is attached hereto. With respect to the October 6, 1982 contribution to Fithian, the Campaign Committee corrected the allocations of the \$4000 contribution to correctly reflect its intention to make contributions to the Fithian Campaign within the respective \$5000 maximum contributions to the primary and general elections permitted by law. Thus, of the \$4000 contributed to the Fithian Campaign on October 6, 1982, \$3000 was allocated for the primary deficit making a total primary election contribution of \$4800, and \$1000 was allocated to the general election making a total general election contribution of \$5000.

6. It is therefore clear that the misallocations of the \$4000 contribution made to the Fithian primary and general elections on October 6, 1982 were inadvertent and a result of clerical errors, and that the corrected allocations reflected in the amended FEC filing accurately reflect the actual intention

of the Campaign Committee. It is therefore respectfully requested that no action be taken by the Commission against the Campaign Committee or its treasurer in MUR 1753.

Evelyn Dubrow
Evelyn Dubrow

Sworn to before me this
30th day of August, 1984

Max Zimny
Notary Public

MAX ZIMNY
Notary Public, State of New York
No. 30-4342983
Qualified in Nassau County
Certificate filed in New York County
Commission Expires March 30, 1985

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Fithian Committee

Interrogatories

Please answer the following questions.

According to reports filed by the Fithian Committee, it received a \$1,000 contribution from Engineers Political Education Committee/International Union of Operating Engineers (hereinafter EPEC/IUOE) on May 5, 1982.

1. On what date did you receive the contribution from EPEC/IUOE?

The Fithian for U.S. Senate Committee received the contribution from EPEC/IUOE on May 5, 1982.

2. Did you receive the contribution by mail or was it hand delivered?

I have been unable to ascertain whether the contribution was received by mail or hand delivered.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

w/d by
OGC
4/11/85

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *CA*
DATE: April 2, 1985
SUBJECT: MUR 1753 - General Counsel's Report

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

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

BEFORE THE FEDERAL ELECTION COMMISSION

ED
FEC
CLERK

05 APR 2 AIO: 03

In the Matter of)
)
 Fithian for U.S. Senate and)
 William Davis as treasurer)
 Engineers Political Education)
 Committee/International Union)
 of Operating Engineers and)
 Frank Hanley as treasurer)
 International Ladies Garment)
 Workers Union Campaign Committee)
 and Lawrence Dock)

MUR 1753

GENERAL COUNSEL'S REPORT

I. BACKGROUND/PREVIOUS COMMISSION ACTION

This matter was generated by a complaint filed by James Edward Antosh against Fithian for U.S. Senate and William Davis as treasurer (hereinafter "Fithian Committee"); Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley as treasurer (hereinafter "EPEC/IUOE") and International Ladies Garment Workers Union Campaign Committee and Lawrence Dock as treasurer (hereinafter "ILGWUC Committee"), alleging violations of the Federal Campaign Act of 1971, as amended (hereinafter the "Act").

On December 18, 1984, the Commission found reason to believe that:

- 1) The Fithian Committee and William Davis, as treasurer, violated 2 U.S.C. § 441a(f) by accepting contributions in excess of the contribution limits from EPEC/IUOE and ILGWUC.
- 2) The Fithian Committee and William Davis, as treasurer, violated 11 C.F.R. § 104.14(d) by failing to properly report contributions from EPEC/IUOE and ILGWUC Committee.

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3) EPEC/IUOE and Frank Hanley, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions in excess of the limits to the Fithian Committee.

4) ILGWUC Committee and Lawrence Dock, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions in excess of the limits to the Fithian Committee and;

5) ILGWUC Committee and Lawrence Dock, as treasurer, violated 2 U.S.C. § 104.14(d) in failing to properly report contributions to the Fithian Committee.

The Commission also on that same date approved the letters attached to the report and directed the Office of General Counsel to send interrogatories in connection with the findings. On January 3, 1985, letters and interrogatories were sent to Respondents.

II. ANALYSIS

On January 17, 1985, the Office of General Counsel received a response from the ILGWUC Committee. In that response the ILGWUC Committee requested pre-probable cause conciliation (Attachment 1). On January 15, 1985, the Office of General Counsel received a response to the letter and interrogatories sent to EPEC/IUOE. (Attachment 2)

The response of EPEC/IUOE states that the check for \$1,000 to the Fithian Committee was dated April 2, 1982. According to EPEC/IUOE the check was mailed to the IUOE local union in Illinois to be hand delivered to the Fithian Committee by a representative of the local. Additionally, EPEC/IUOE states that

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the check was mailed on or about April 2, 1985. EPEC/IUOE concluded its response to the interrogatories stating that the local union was unable to ascertain the exact date of delivery of the check to the Fithian Committee. Moreover, EPEC/IUOE indicated in its response a desire to enter into pre-probable cause conciliation.

As noted in previous reports, the Office of General Counsel has had difficulty in locating the Fithian Committee (or Floyd Fithian) and in determining whether notification of the complaint or the reason to believe finding had been received. The Office of General Counsel has recently located Mr. Fithian. On February 13, 1985, copies of the notification of complaint and reason to believe finding and interrogatories were sent to the new address. Mr. Fithian has been in telephone contact with this office and on February 25, 1985, Mr. Fithian responded to the above described materials received on February 19, 1985. Mr. Fithian requested an 30 day extension of time to answer the reason to believe finding and interrogatories.

Mr. Fithian requested the extension of time because his bookkeeper is out of the country for three weeks and the records are at her residence in Lafayette, Indiana. The extension of time was granted by the Office of General Counsel. The new due date for the submission of a response by the Fithian Committee is March 31, 1985.

Mr. Fithian viewed the complaint, reason to believe findings and interrogatories for the first time on February 19, 1985.

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Mr. Fithian stated in his letter requesting an extension of time that, in the absence of his bookkeeper and the records of the committee, he would "not be able to reconstruct the specifics of the campaign contributions in question" Furthermore, Mr. Fithian's answers to the interrogatories bear directly on the analysis of the EPEC/IUOE contribution. Additionally, Mr. Fithian's response may or may not have consequences with regard to the contributions made by the ILGWUC Committee.

For these reasons the Office of General Counsel recommends that the Commission deny the requests for pre-probable cause conciliation of EPEC/IUOE and the ILGWUC Committee at this time pending further investigation.

III. RECOMMENDATIONS

1. Deny the request of Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as treasurer, for pre-probable cause conciliation at this time pending further investigation.
2. Deny the request of the International Ladies Garment Workers Campaign Committee and Lawrence Dock, as treasurer, at this time pending further investigation.
3. Approve attached letters.

Charles N. Steele
General Counsel

March 18, 1985
Date

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

Attachments

1. Response of ILGWUC Committee
2. Response of EPEC/IUOE
3. Letters to Respondents

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LEGAL DEPARTMENT

MAX ZIMNY
General Counsel

Attachment

MUR 1753
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①

January 14, 1985

pp: 18

Federal Election Commission
Washington, D. C. 20463

Attention: Deborah Curry

Re: MUR 1753
ILGWU Campaign Committee
and Larry Dock, As Treasurer

Gentlemen:

Your letter dated January 3, 1985, from Chairman John Warren McGarry, came to my attention today when I returned to my office from an out-of-town trip.

My clients, ILGWU Campaign Committee and Lawrence Dock, as Acting Treasurer, are interested in pre-probable cause conciliation of the matter. I await further word from the office of General Counsel regarding the same.

Sincerely yours,

Max Zimny
Max Zimny
General Counsel

Certified: Ret. Rec. Req.

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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 THE FEC
15 OCT #64-61
358 2/15/85

OFFICE OF GENERAL PRESIDENT • (202) 429-9100

Attachment 2

②

January 14, 1985

Ms. Deborah Curry
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1753

Dear Ms. Curry:

Reference is made to Chairman McGarry's January 3, 1985 letter in the above-captioned matter, advising that the Commission has found reason to believe that the Act has been violated herein, and requesting certain additional information.

Please be advised that EPEC/IUOE desires to settle this matter through informal conciliation prior to a finding of probable cause, and will await further information from your office with regard thereto.

The following answers are provided to the questions which were appended to Chairman McGarry's letter:

1. Question: Please give the date found on the check for \$1,000 to the Fithian Committee (Submit photo copy of check if possible.)

Answer: April 2, 1982. Phtocopy attached.

2. Question: Was the check for \$1,000 to the Fithian Committee mailed or hand delivered?

Answer: The check was mailed to IUOE Local Union No. 150, Countryside, Illinois, for hand delivery to the Fithian Committee by a representative of the Local Union.

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3. Question: If the check was mailed, on what date was it mailed?

Answer: The check was mailed to the Local Union on or about April 2, 1982.

4. Question: If the check was hand delivered, on what date was it personally delivered to the Fithian Committee?

Answer: In response to our inquiries the Local Union has been unable to ascertain the exact date of delivery of the check to the Fithian Committee.

If any further information is required, please advise.

Sincerely,

Michael R. Fanning
Michael R. Fanning
Counsel

MRF/jlw

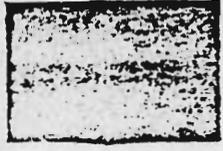
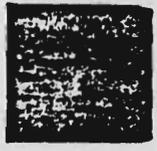
Attachment

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FOR DEPOSIT ONLY
FITHIAN FOR U.S. SENATE
2-504-615



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BANK OF CHICAGO
CHICAGO ILL

MAY 8 1962





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

6

Attachment 3

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

RE: MUR 1753
International Ladies Garment
Workers Union Campaign
Committee and Lawrence Dock,
as treasurer

Dear Mr. Zimny:

The Commission acknowledges receipt of your request for pre-probable cause conciliation on behalf of your client. However, on , 1985, the Commission denied your request for pre-probable cause conciliation on behalf of your client at this time. When the investigation is complete you will be contacted with regard to conciliation.

If you have any questions, please contact Deborah Curry, the attorney handling this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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7



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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

Re: MUR 1753
Engineers Political Education
Committee/International
Union of Operating Engineers

Dear Mr. Fanning:

The Commission acknowledges receipt of your request for pre-probable cause conciliation on behalf of your client. However, on , 1985, the Commission denied your request for pre-probable cause conciliation on behalf of your client at this time. When the investigation is complete you will be contacted with regard to conciliation.

If you have any questions, please contact Deborah Curry, the attorney handling this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

85040371688



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

March 6, 1985

Floyd Fithian
3707 Pleasant Ridge Road
Annandale, Virginia 22003

Re: MUR 1753
Fithian for U.S. Senate and
William G. Davis, as treasurer

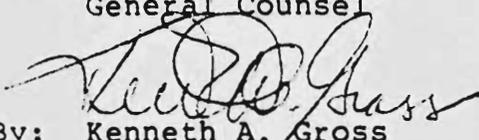
Dear Mr. Fithian:

This is in reference to your letter dated February 22, 1985, requesting an extension of thirty days until March 30, 1985, to respond to the Commission's questions in connection with its notice that it has reason to believe that the Fithian for U.S. Senate Committee and William G. Davis, as treasurer, violated the Act. The Office of General Counsel has granted your request for an extension of time. The new due date for your response is March 30, 1985.

If you have any questions, please contact Deborah Curry, the attorney handling this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

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U.S. GOVERNMENT PRINTING OFFICE: 1984-77-701

FEDERAL ELECTION COMMISSION CORRESPONDENCE CONTROL SLIP Do Not Separate From Document	For Division Use <small>350221122230</small>	Suspense No. <small>300003</small>	
	Name and Address of Sender 		
	Subject of Correspondence <small>RUE 1753</small>		
	Date Received <small>02/25/85</small>	Suspense Date <small>03/18/85</small>	
	Referred to		Action (Optional)
	1. <i>SECRET / OCC # 6765 / Curry</i>		
	2.		
	3.		
	4.		
	5.		
Answer Date		File Designation	
Special Instructions: 			

6765

United States Senate
WASHINGTON, DC 20510

05 FEB 25 P 1: 50

February 22, 1985

Mssrs. Charles N. Steel, General Counsel
Kenneth A. Gross, Associate General Counsel
Federal Election Commission
Washington, DC 20463
ATTN: Deborah Curry

RE: MUR 1753
Fithian for U.S. Senate
and William G. Davis, Treasurer

Dear Mssrs. Steel and Gross:

I am in receipt of your letter of February 13, 1986 and the enclosed notification of complaint and notification of reason to believe.

Since receiving these documents on February 19, I have contacted my former campaign manager and made efforts to contact the campaign bookkeeper. Unfortunately, the bookkeeper is out of the country and will not be back for three more weeks.

I shall make every effort to comply with a response within the ten days provided by FECA. It is highly likely however, that in the absence of my campaign bookkeeper and some of the records, which are at her residence in Lafayette, Indiana, we will not be able to reconstruct the specifics of the campaign contributions in question within the ten days allowed.

I request, therefore, an extension of the response time to March 31, 1985. The 30 day extension should allow me to prepare a full and accurate response to your letter and the enclosures thereto.

I apologize for the extraordinary difficulty you have had in locating the remnants of my U.S. Senate campaign. I have been in telephone contact with Ms. Deborah Curry and she now has my office address and phone number as well as my home address and phone number. I am confident that there shall be no further breakdown in communications.

I would appreciate your favorable consideration of this request for a 30 day extension for my committee's response

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Steel & Gross
February 22, 1985
Page Two

to the notification received. If you decide to grant the extension, please sign the enclosed copy of this letter and return it to my office.

Thank you.

Sincerely,


Floyd Fithian

FF/kas

86040394602

United States Senate
WASHINGTON, DC 20510

February 22, 1985

Mssrs. Charles N. Steel, General Counsel
Kenneth A. Gross, Associate General Counsel
Federal Election Commission
Washington, DC 20463
ATTN: Deborah Curry

RE: MUR 1753
Fithian for U.S. Senate
and William G. Davis, Treasurer

Dear Mssrs. Steel and Gross:

I am in receipt of your letter of February 13, 1986 and the enclosed notification of complaint and notification of reason to believe.

Since receiving these documents on February 19, I have contacted my former campaign manager and made efforts to contact the campaign bookkeeper. Unfortunately, the bookkeeper is out of the country and will not be back for three more weeks.

I shall make every effort to comply with a response within the ten days provided by FECA. It is highly likely however, that in the absence of my campaign bookkeeper and some of the records, which are at her residence in Lafayette, Indiana, we will not be able to reconstruct the specifics of the campaign contributions in question within the ten days allowed.

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I apologize for the extraordinary difficulty you have had in locating the remnants of my U.S. Senate campaign. I have been in telephone contact with Ms. Deborah Curry and she now has my office address and phone number as well as my home address and phone number. I am confident that there shall be no further breakdown in communications.

I would appreciate your favorable consideration of this request for a 30 day extension for my committee's response

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Steel & Gross
February 22, 1985
Page Two

to the notification received. If you decide to grant the extension, please sign the enclosed copy of this letter and return it to my office.

Thank you.

Sincerely,

Floyd Fithian

FF/kas

Extension granted: _____

86040374694

Floyd Fitnian
3707 Pleasant Ridge Rd
Annandale, Va. , 22003



Messrs. Charles N. Steel, General Counsel
and Kenneth A Gross, Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Attn: Ms Deborah Curry

POSTED
DEC 29 1981





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 13, 1985

Fithian for U.S. Senate
c/o Floyd J. Fithian
Administrative Assistant
462 Dirksen State Office Building
Washington, D.C. 20510

RE: MUR 1753
Fithian for U.S. Senate and
William G. Davis, Treasurer

Dear Mr. Fithian:

Enclosed, please find the reason to believe notification in the above mentioned matter. The Commission on different occasions sent a notification of complaint and notification of reason to believe finding to the last known addresses of yourself and your committee. To date we have received no response from your committee.

We have recently discovered your location in Washington, D.C., so we are now sending you these materials with regard to the Fithian for Senate Committee and William G. Davis, as treasurer.

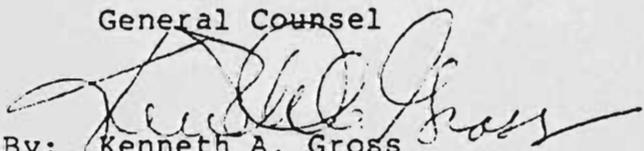
Please have your committee respond to the notification within ten days or as soon as possible.

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

If you have any questions, please contact Deborah Curry, the attorney assigned to this matter, at (202) 523-4000.

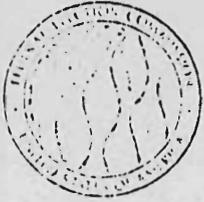
Sincerely,

Charles N. Steele
General Counsel

By: 
Kenneth A. Gross
Associate General Counsel

Enclosure

86040374696



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 3, 1985

William G. Davis, Treasurer
Fithian for U.S. Senate
1911 Rhode Island Avenue
McLean, Virginia 22101

RE: MUR 1753
Fithian for U.S. Senate and
William G. Davis, treasurer

Dear Mr. Davis:

The Federal Election Commission notified the Fithian for U.S. Senate Committee and you, as treasurer on August 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 you at that time.

Upon further review of the allegations contained in the complaint, the Commission on December 18, 1984, determined that there is reason to believe that Fithian for U.S. Senate and you, as treasurer, have violated 2 U.S.C. § 441a(f), and 11 C.F.R. § 104.14(d) a provision of the Act and a Commission regulation by: a) accepting contributions in excess of the limits from Engineers Political Education Committee/International Union of Operating Engineers and from the International Ladies Garment Workers Campaign Committee and b) failing to properly report contributions from these two committees.

Please submit answers to the enclosed questions within ten days of your receipt of this letter.

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

86040574697



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 14, 1985

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTENTION: DEBBIE CURRY

FROM: SHAWN WOODHEAD
SENIOR COMPLIANCE ANALYST
COMPLIANCE BRANCH, REPORTS ANALYSIS DIVISION

SUBJECT: MUR 1753: INTERNATIONAL LADIES GARMENT WORKERS
UNION CAMPAIGN COMMITTEE (ILGWUC)

Please review the attached Informational Notice which is to be sent to the ILGWUC for the 1984 30 Day Post-General Report. Any comments which you may have should be forwarded to RAD by 12:00 noon on Wednesday, January 16, 1985. Thank you.

COMMENTS:

Attachment

86040394598



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-5

Jay Mazur, Treasurer
International Ladies Garment
Workers Union Campaign
Committee
1710 Broadway
New York, NY 10019

Identification Number: C00004861

Reference: 30 Day Post-General Report (10/18/84-11/26/84)

Dear Mr. Mazur:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule B supporting Line 19 of your report discloses a disbursement in the amount of \$2,325 for "Communication with Members". Please provide the following information with regard to this disbursement: the type of communication (direct mail, telephone, telegram or other); the identification of the candidates, office sought, district and state and whether the communication was in support of or in opposition to those candidates; the election designation of the communication (primary or general); and the cost of the communication per candidate.

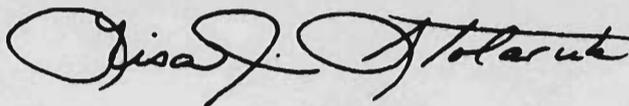
-Your report discloses in-kind contributions made on behalf of Federal candidates. The original payments for the goods and services have been itemized as operating expenditures and included in the total for Line 19 of the Detailed Summary Page. In addition, the attribution to each Federal candidate has been noted as a memo entry on supporting Schedule B for Line 21 (Contributions to Federal Candidates and Other Political Committees).

For future reporting, it is recommended that the amount of such activity be subtracted from Line 19 and added to Line 21 of the Detailed Summary Page. This method of reporting would clarify the public record to the extent that the total amount of contributions to Federal candidates (including in-kind contributions) would be reflected on Line 21 of the Detailed Summary Page.

35040574599

Any amendment or clarification should be filed with the Federal Election Commission. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,



Lisa J. Stolaruk
Senior Reports Analyst
Reports Analysis Division

8 6 0 4 0 3 9 4 7 0 0

3. Question: If the check was mailed, on what date was it mailed?

Answer: The check was mailed to the Local Union on or about April 2, 1982.

4. Question: If the check was hand delivered, on what date was it personally delivered to the Fithian Committee?

Answer: In response to our inquiries the Local Union has been unable to ascertain the exact date of delivery of the check to the Fithian Committee.

If any further information is required, please advise.

Sincerely,


Michael R. Fanning
Counsel

MRF/jlw

Attachment

85040374702

85040374704

FÖR DEPOSIT ONLY
FITHIAN FOR U. S. SENATE
2-504-615-4

MY '82 06 P.L.
AMES PLAT NTL. CK. # 31
BOSTON MASS. 02108
PAY ANY BANK

120604006

MY '82 07

PROCESSED IN
WASHINGTON, D.C.

NATIONAL

MAY 92



★
★ OFFICE OF GENERAL PRESIDENT

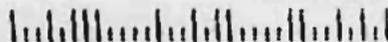
★
★ *International Union of Operating Engineers*

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

RECEIVED AT THE F
WASHINGTON
85 JAN 15
11:30
D.C.

Ms. Deborah Curry
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

040574705





LEGAL DEPARTMENT

MAX ZIMNY
General Counsel

MUR 1753
Curry

RECEIVED AT THE FEC
GCC # 6450
85 JAN 17 AM 11:33

January 14, 1985

JAN 17 1985
P12:18

Federal Election Commission
Washington, D. C. 20463

Attention: Deborah Curry

Re: MUR 1753
ILGWU Campaign Committee
and Larry Dock, As Treasurer

Gentlemen:

Your letter dated January 3, 1985, from Chairman John Warren McGarry, came to my attention today when I returned to my office from an out-of-town trip.

My clients, ILGWU Campaign Committee and Lawrence Dock, as Acting Treasurer, are interested in pre-probable cause conciliation of the matter. I await further word from the office of General Counsel regarding the same.

Sincerely yours,

Max Zimny
Max Zimny
General Counsel

Certified: Ret. Rec. Req.

86040374700



LEGAL DEPARTMENT

LGWU

INTERNATIONAL LADIES GARMENT WORKERS
UNION 140 BROADWAY NEW YORK, N.Y. 10014

85 JAN 17 9:33

Federal Election Commission
Washington, D. C. 20463

Att: Deborah Curry

Certified: Ret. Rec. Mkt.

P 270





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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

J.C

RE: MUR 1753
International Ladies Garment
Workers Union Campaign
Committee and Lawrence Dock,
as treasurer

Dear Mr. Zimny:

The Federal Election Commission notified you on August 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 you at that time. We acknowledge receipt of your explanation of this matter which was dated August 30, 1984.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on December , 1984, determined that there is reason to believe that your clients, International Ladies Garment Workers Union Campaign Committee and Lawrence Dock, 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.

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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 Deborah Curry, at (202)523-4000.

Sincerely,

Enclosures
Procedures

86040394709



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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

D. C.

RE: MUR 1753
Engineers Political Education
Committee/International Union
of Operating Engineers and
Frank Hanley, as treasurer

Dear Mr. Fanning:

The Federal Election Commission notified your client on August 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 you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by your client, the Commission, on December 18, 1984, determined that there is reason to believe that your client has violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act by making contributions in excess of the limits to the Fithian for U.S. Senate Committee.

Your client's response to the Commission's initial notification of this complaint did not provide complete information regarding the matter in question. Please submit answers to the enclosed questions within ten days of your receipt of this letter.

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

86040574710

Michael R. Fanning, 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 Deborah Curry, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Enclosure
Interrogatories

85040394711

EPEC/IUOE

Interrogatories

Please answer the following questions.

According to reports filed by EPEC/IUOE, it made a \$1,000 contribution to the Fithian Committee on April 2, 1982.

1. Please give the date found on the check for \$1,000 to the Fithian Committee (Submit photo copy of check if possible.)

2. Was the check for \$1,000 to the Fithian Committee mailed or hand delivered?

3. If the check was mailed, on what date was it mailed?

4. If the check was hand delivered, on what date was it personally delivered to the Fithian Committee?

8 6 0 4 0 5 7 4 7 1 2



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William G. Davis, Treasurer
Fithian for U.S. Senate
1911 Rhode Island Avenue
McLean, Virginia 22101

RE: MUR 1753
Fithian for U.S. Senate and
William G. Davis, treasurer

Dear Mr. Davis:

The Federal Election Commission notified the Fithian for U.S. Senate Committee and you, as treasurer on August 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 you at that time.

Upon further review of the allegations contained in the complaint, the Commission on December 18, 1984, determined that there is reason to believe that Fithian for U.S. Senate and you, as treasurer, have violated 2 U.S.C. § 441a(f), and 11 C.F.R. § 104.14(d) a provision of the Act and a Commission regulation by: a) accepting contributions in excess of the limits from Engineers Political Education Committee/International Union of Operating Engineers and from the International Ladies Garment Workers Campaign Committee and b) failing to properly report contributions from these two committees.

Please submit answers to the enclosed questions within ten days of your receipt of this letter.

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

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William G. Davis, Treasurer
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 Deborah Curry, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Enclosures
Procedures

8 6 0 4 0 3 9 4 7 1 4

Fithian Committee

Interrogatories

Please answer the following questions.

According to reports filed by the Fithian Committee, it received a \$1,000 contribution from Engineers Political Education Committee/International Union of Operating Engineers (hereinafter EPEC/IUOE) on May 5, 1982.

1. On what date did you receive the contribution from EPEC/IUOE?

2. Did you receive the contribution by mail or was it hand delivered?

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 3, 1985

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

RE: MUR 1753
International Ladies Garment
Workers Union Campaign
Committee and Lawrence Dock,
as treasurer

Dear Mr. Zimny:

The Federal Election Commission notified you on August 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 you at that time. We acknowledge receipt of your explanation of this matter which was dated August 30, 1984.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on December 18, 1984, determined that there is reason to believe that your clients, International Ladies Garment Workers Union Campaign Committee and Lawrence Dock, 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.

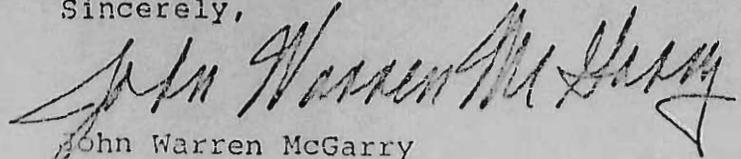
The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of General Counsel must proceed to the next compliance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

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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 Deborah Curry, at (202)523-4000.

Sincerely,



John Warren McGarry
Chairman

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 3, 1985

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

RE: MUR 1753
Engineers Political Education
Committee/International Union
of Operating Engineers and
Frank Hanley, as treasurer

Dear Mr. Fanning:

The Federal Election Commission notified your client on August 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 you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by your client, the Commission, on December 18, 1984, determined that there is reason to believe that your client has violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act by making contributions in excess of the limits to the Fithian for U.S. Senate Committee.

Your client's response to the Commission's initial notification of this complaint did not provide complete information regarding the matter in question. Please submit answers to the enclosed questions within ten days of your receipt of this letter.

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

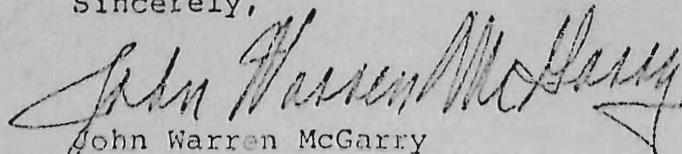
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Michael R. Fanning, Counsel
Page 2

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 Deborah Curry, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,


John Warren McGarry
Chairman

Enclosure
Interrogatories

86040594719

EPEC/IUOE

Interrogatories

Please answer the following questions.

According to reports filed by EPEC/IUOE, it made a \$1,000 contribution to the Fithian Committee on April 2, 1982.

1. Please give the date found on the check for \$1,000 to the Fithian Committee (Submit photo copy of check if possible.)

2. Was the check for \$1,000 to the Fithian Committee mailed or hand delivered?

3. If the check was mailed, on what date was it mailed?

4. If the check was hand delivered, on what date was it personally delivered to the Fithian Committee?

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 3, 1985

William G. Davis, Treasurer
Fithian for U.S Senate
1911 Rhode Island Avenue
McLean, Virginia 22101

RE: MUR 1753
Fithian for U.S. Senate and
William G. Davis, treasurer

Dear Mr. Davis:

The Federal Election Commission notified the Fithian for U.S. Senate Committee and you, as treasurer on August 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 you at that time.

Upon further review of the allegations contained in the complaint, the Commission on December 18, 1984, determined that there is reason to believe that Fithian for U.S. Senate and you, as treasurer, have violated 2 U.S.C. § 441a(f), and 11 C.F.R. § 104.14(d) a provision of the Act and a Commission regulation by: a) accepting contributions in excess of the limits from Engineers Political Education Committee/International Union of Operating Engineers and from the International Ladies Garment Workers Campaign Committee and b) failing to properly report contributions from these two committees.

Please submit answers to the enclosed questions within ten days of your receipt of this letter.

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

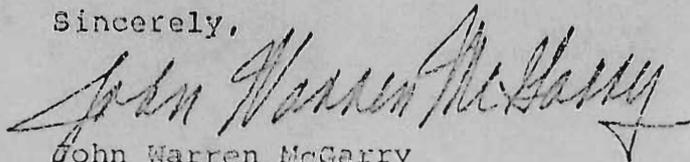
86040594721

William G. Davis, Treasurer
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 Deborah Curry, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,



John Warren McGarry
Chairman

Enclosures
Procedures

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Fithian Committee

Interrogatories

Please answer the following questions.

According to reports filed by the Fithian Committee, it received a \$1,000 contribution from Engineers Political Education Committee/International Union of Operating Engineers (hereinafter EPEC/IUOE) on May 5, 1982.

1. On what date did you receive the contribution from EPEC/IUOE?

2. Did you receive the contribution by mail or was it hand delivered?

86040394723

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Floyd Fithian, Fithian for U.S.)
Senate, and William Davis)
as treasurer)
Engineers Political Education)
Committee/International Union) MUR 1753
of Operating Engineers, and)
Frank Hanley as treasurer)
International Ladies Garment)
Workers Union Campaign)
Committee, and Lawrence)
Dock as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of December 18, 1984, do hereby certify that the Commission took the following actions in MUR 1753:

1. Decided by a vote of 4-2 to
 - a) find reason to believe Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions in excess of the limits to the Fithian for U.S. Senate Committee.

(continued)

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- b) find reason to believe that Fithian for U.S. Senate Committee and William Davis, as treasurer, violated --
 - i) 2 U.S.C. § 441a(f) by accepting contributions in excess of the limits from the Engineers Political Education Committee/ International Union of Operating Engineers; and
 - ii) 11 C.F.R. § 104.14(d) for failing to properly report a contribution from Engineers Political Education Committee/International Union of Operating Engineers; and
 - c) direct the Office of General Counsel to send interrogatories in connection with these findings.

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

2. Decided by a vote of 6-0 to

- a) find reason to believe the International Ladies Garment Workers Union Campaign Committee and Lawrence Dock, as treasurer, violated --
 - i) 2 U.S.C. § 441a(a)(2)(A) in making excessive contributions to the Fithian for U.S. Senate Committee; and
 - ii) 11 C.F.R. § 104.14(d) for failing to properly report contributions to the Fithian for U.S. Senate Committee.

(continued)

- b) find reason to believe the Fithian for U.S. Senate Committee and William Davis, as treasurer, violated --
- i) 2 U.S.C. § 441a(f) in accepting excessive contributions from the International Ladies Garment Workers Campaign Committee; and
 - ii) violated 11 C.F.R. § 104.14(d) for failing to properly report contributions from the Ladies Garment Workers Union Campaign Committee; and
- c) approve and send the letters attached to the General Counsel's report dated December 6, 1984, subject to amendment to incorporate the interrogatories noted above.

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

Attest:

12-27-84

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

86040574726



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Cut*
DATE: December 7, 1984
SUBJECT: MUR 1753 - First General Counsel's Report

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

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

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SENSITIVE

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

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION

7/84
4:40

MUR NO. 1753

DATE COMPLAINT RECEIVED BY
OGC 7-30-84
DATE OF NOTIFICATION TO
RESPONDENT 8-6-84

COMPLAINANT'S NAME:

James Edward Antosh

RESPONDENTS' NAMES:

Floyd Fithian, Fithian for U.S. Senate,
and William Davis as treasurer
Engineers Political Education
Committee/International Union of
Operating Engineers, and Frank Hanley
as treasurer
International Ladies Garment Workers
Union Campaign Committee, and
Lawrence Dock as treasurer

RELEVANT STATUTE:

2 U.S.C. § 441a(a)(2)(A)
2 U.S.C. § 441a(f)
11 C.F.R. §§ 110.1(a) and 104.14(d)

INTERNAL REPORT CHECKED:

Fithian for U.S. Senate, Engineers
Political Education Committee/
International Union of Operating
Engineers, and International Ladies
Garment Workers Union Campaign Committee

SUMMARY OF ALLEGATIONS

On July 30, 1984, the Office of General Counsel received a signed, sworn and notarized complaint from James Edward Antosh (hereinafter "Complainant") alleging violations of the Federal Election Campaign Act of 1971, as amended (hereinafter the "Act") by Floyd J. Fithian, Fithian for U.S. Senate and William Davis, as treasurer (hereinafter "Fithian Committee"), Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as treasurer (hereinafter "EPEC/IUOE"), and International Ladies Garment Workers Union

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Campaign Committee and Lawrence Dock, as treasurer (hereinafter "ILGWUCC Committee"), (all hereinafter "Respondents").

Based on a review of the disclosure reports of Respondents, Complainant alleges that EPEC/IUOE made an excessive contribution to the Fithian Committee and that ILGWUCC made an excessive contribution to the Fithian Committee for the 1982 primary election. Complainant also alleges that the Fithian Committee accepted the excessive contributions made by EPEC/IUOE and ILGWUCC Committee for the 1982 primary election.

Therefore, Complainant alleges that Respondents have violated 2 U.S.C. §§ 441a(a)(2)(A) and 441a(f). Complainant also alleges violations of 11 C.F.R. § 104.14(d) by the treasurers of the Fithian Committee and EPEC/IUOE for failing to accurately report information on committee reports.

On August 20, 1984, the Office of General Counsel received a written request from ILGWUCC for a 15 day extension of time to answer the complaint. The Office of General Counsel granted ILGWUCC's request for an extension of time to answer the complaint until September 7, 1984.

The Office of General Counsel received the EPEC/IUOE's response (See Attachment 2) to notification of complaint on August 23, 1984, and ILGWUCC's response (See Attachment 3) to the notification of complaint on September 4, 1984.

On August 15, 1984, the notification of complaint sent to Floyd J. Fithian and his committee was returned marked addressee unknown. Another notification of complaint was sent to another

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address. To date there has been no response from Floyd J. Fithian or the Fithian Committee.

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, exceed \$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.

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

A review of the reports filed with the Federal Election Commission reveals that the following contributions were made to the Fithian 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>
EPEC/IUOE	\$5,000	3-9-82	Primary	3-29-82	Primary
EPEC/IUOE	\$1,000	4-2-82	no designation	5-5-82	General
total	\$6,000				

The Indiana primary election was held on May 4, 1982.

EPEC/IUOE is a multicandidate committee.

In response to the complaint, EPEC/IUOE states that the \$1,000 contribution to the Fithian Committee on April 2, 1982, was intended for the 1982 general election. (See Attachment 2, page 15 of the attachments). Attached to the EPEC/IUOE response is the affidavit of John J. Brown, Director of Legislation of the International Union of Operating Engineers. According to the EPEC/IUOE response and Brown affidavit, Mr. Brown is responsible for initiating authorization for contributions made by EPEC/IUOE. (See Attachment 2, pages 15 and 17 of the attachments).

Mr. Brown states and affirms that the \$1,000 April 2, 1982, contribution to the Fithian Committee was made in response to a request by the Business Manager of a IUOE local union in Chicago, Illinois in a letter dated March 11, 1982. A copy of the letter was attached to the Brown affidavit (See Attachment 2, page 19 of the attachments). According to the Brown affidavit, "Mr. Brown initiated the authorization for the contribution by noting at the bottom of the President-Business Manager's March 11 letter: "Kay,

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start memo as requested for Adam Benjamin and Fithian -- but Fithian check mark General Election." (See Attachment 2, pages 16 and 17-18 of the attachments). In further support of the contention that the April 2, 1982, contribution was intended for the 1982 general election a memo to the President-Business Manager is also attached to the Brown affidavit. (See Attachment 2, page 20 of the attachments). That memo contained a typed notation: "(Check should indicate General Election)". As noted by the EPEC/IUOE response, a review of the cancelled check disclosed that it did not carry the intended notation designating it for the 1982 general election. (See Attachment 2, pages 16 and 18 of the attachments). The EPEC/IUOE response concludes that the Fithian Committee allocated the \$1,000 to the general election.

The \$1,000 given on April 2, 1982, by EPEC/IUOE to the Fithian Committee was contributed prior to the primary election. Contributions made prior to the primary election are attributed to the primary election and contributions made after the primary election are attributed to the general election unless the contributor complies with 11 C.F.R. § 110.1(a)(2) in making a different designation. That provision requires that the designation must be in writing and contemporaneously communicated to the recipient with the contribution. Since EPEC/IUOE did not inform the Fithian Committee in writing at the time it gave the contribution that the \$1,000 was to be designated for the general election, the contribution must be attributed to the primary

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election. If the \$1,000 is attributed to the primary election, EPEC/IUOE made contributions and the Fithian Committee accepted contributions for the primary election in the amount of \$6,000, \$1,000 in excess of the limitations at 2 U.S.C. § 441a(a)(2)(A). Accordingly, the Office of General Counsel recommends that the Commission find reason to believe that EPEC/IUOE violated 2 U.S.C. § 441a(a)(2)(A) and that the Fithian Committee violated 2 U.S.C. § 441a(f).

With respect to the reporting of the April 2, 1982, \$1,000 contribution, EPEC/IUOE did not check a box on its report designating the contribution for either the primary or general election. In its response to the complaint EPEC/IUOE submitted an amended report in which it checked the general election box. (See Attachment 2, pages 22-23 of the attachments.) The Fithian Committee checked the general box on its report for the April 2, 1982, contribution. Pursuant to 11 C.F.R. § 110.1(a)(2) the contribution was for the primary election. Accordingly, the Fithian Committee should have checked the primary election box. Accordingly, the Office of General Counsel recommends that the Fithian Committee violated 11 C.F.R. § 104.14(d) by failing to properly report the \$1,000 contribution of April 2, 1982.

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b) ILGWUCC

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

<u>Contributor</u>	<u>Amount</u>	<u>Date Report- ed Given</u>	<u>Election Reported by Contributor</u>	<u>Date Reported Received</u>	<u>Election Reported by Recipient</u>
ILGWUCC	\$ 250	3-25-82	Primary	4-9-82	Primary
ILGWUCC	750	4-19-82	Primary	4-30-82	no designation
ILGWUCC	800	6-3-82	Primary	6-18-82	Primary
ILGWUCC	2,000	8-12-82	General		General
ILGWUCC	2,000	8-27-82	General	9-15-82	General
ILGWUCC	4,000	10-8-82	3,800 Primary 200 General	10-8-82	3,000 Primary 1,000 General
Total	<u>\$9,800</u>				

The Indiana primary election was held on May 4, 1982. ILGWUCC is a multicandidate committee.

ILGWUCC responded to the complaint by way of an affidavit signed by Evelyn Dubrow, Executive Secretary of ILGWUCC.

Ms. Dubrow states that while she worked in Washington, D.C., ILGWUCC's records in New York City were maintained by a new and inexperienced employee, who it has been learned, frequently made mistakes. (See Attachment 3, page 26 of the attachments).

Ms Dubrow states and affirms that early in 1982, ILGWUCC received a request from the Fithian Committee to help defray the primary deficit. Ms. Dubrow checked with the ILGWUCC New York office and was told that ILGWUCC had so far contributed \$1,200 to the Fithian Committee (In fact this was in error). According to the Dubrow affidavit, it was decided that \$4,000 would be contributed to the Fithian Committee with \$3,800 to be allocated to the

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primary deficit and \$200 to the general election. (See Attachment 3, pages 27 of the attachments).

Ms. Dubrow further explains in her affidavit that in June 1984 ILGWUCC "conducted an audit of its records of 1982 contributions to Senatorial candidates and discovered a number of inadvertent record-keeping errors, including those relating to the Fithian Committee."

Ms. Dubrow states that on June 12, 1984, ILGWUCC filed an amendment to its pre-general election report to correctly reflect its intention to make contributions to the Fithian Committee within the limits permitted by law. A copy of the amendment was attached to the Dubrow affidavit (See Attachment 3, pages 28 and 31-35 of the attachments). This amendment allocates the October 8, 1982, contribution as \$3,000 to the 1982 primary deficit and \$1,000 to the 1982 general election.

Therefore, ILGWUCC concludes that the misallocation of the October 8, 1982, \$4,000 contribution to the Fithian Committee was the inadvertent result of clerical errors and since that has been corrected by the amendment, the Commission should take no further action against ILGWUCC.

Contributions made prior to the primary election are attributable to the primary election and contributions made after the primary election are attributed to the general election unless the contributor complies with 11 C.F.R. § 110.1(a)(2) in making a different designation. That provision requires that the designation must be in writing and contemporaneously communicated

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to the recipient with the contribution.

ILGWUCC made two contributions to the Fithian Committee before the primary election totalling \$2,000. ILGWUCC made four contributions after the primary election totalling \$8,800. Since ILGWUCC did not inform the Fithian Committee in writing at the time it gave the four contributions totalling \$8,800 that they were to be designated for the primary election, the contributions must be attributed to the general election. Thus, ILGWUCC made and the Fithian Committee accepted contributions for the general election in the amount of \$8,800, \$3,800 in excess of the limitations at 2 U.S.C. § 441a(a)(2)(A). Accordingly, the Office of General Counsel recommends that the Commission find reason to believe that ILGWUCC violated 2 U.S.C. § 441a(a)(2)(A) and that the Fithian Committee violated 2 U.S.C. § 441a(f).

With respect to the reporting of the contributions, the Fithian Committee did not check a box on its report designating the April 19, 1982, \$750 contribution for either the primary or general election. The Fithian Committee checked the primary box for the June 3, 1982, \$800 contribution. Pursuant to 11 C.F.R. § 110.1(a)(2) the contribution was for the general election and the general election box should have been checked. For the October 9, 1982, contribution of \$4,000, the Fithian Committee checked the general box for \$1,000 and the primary box for \$3,000. Pursuant to 11 C.F.R. § 110.1(a)(2) the entire \$4,000 contribution was for the general election and the general election box should have been checked. Accordingly, the Office

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of General Counsel recommends that the Fithian Committee violated 11 C.F.R. § 104.14(d) by failing to properly report the \$800 contribution of June 3, 1982, and the \$4,000 contribution of October 8, 1982.

With respect to ILGWUCC, it reported the June 3, 1982, \$800 contribution for the primary election. Pursuant to 11 C.F.R. § 110.1(a)(2) the contribution was for the general election and the general election box should have been checked. For the October 8, 1982, \$4,000 contribution, ILGWUCC checked the general box for \$200 and the primary box for \$3,800. Pursuant to 11 C.F.R. § 110.1(a)(2) the entire \$4,000 contribution was for the general election and the general election box should have been checked. Accordingly, the Office of General Counsel recommends that the Fithian Committee violated 11 C.F.R. § 104.14(d).

RECOMENDATIONS

1. The Office of General Counsel recomends that the Commission:
 - A. find reason to believe Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions in excess of the limits to the Fithian for U.S. Senate Committee; and
 - B. find reason to believe that Fithian for U.S. Senate Committee and William Davis, as treasurer, violated --
 - i) 2 U.S.C. § 441a(f) by accepting contributions in excess of the limits from the Engineers Political Education Committee/International Union of Operating Engineers; and

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ii) 11 C.F.R. § 104.14(d) for failing to properly report a contribution from Engineers Political Education Committee/Internatinal Union of Operating Engineers;

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

A. find reason to believe the International Ladies Garment Workers Union Campaign Committee and Lawrence Dock, as treasurer, violated --

i) 2 U.S.C. § 441a(a) (2) (A) in making excessive contributions to the Fithian for U.S. Senate Committee; and

ii) 11 C.F.R. § 104.14(d), for failing to properly report contributions to the Fithian for U.S. Senate Committee; and

B. find reason to believe the Fithian for U.S. Senate Committee and William Davis, as treasurer, violated --

i) 2 U.S.C. § 441a(f) in accepting excessive contributions from the International Ladies Garment Workers Campaign Committee; and

ii) violated 11 C.F.R. § 104.14(d) for failing to properly report contributions from the Ladies Garment Workers Union Campaign Committee.

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3. The Office of General Counsel recommends that the Commission approve and authorize the sending of the attached letters.

Charles N. Steele
General Counsel

Dec 6, 1984
Date

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

Attachments

1. Complaint
2. Response of EPEC/IUOE
3. Response of ILGWUCC
4. Letter to 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, Floyd J. Fithian, Fithian for U.S. Senate, Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE"), 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. Floyd J. Fithian
1911 Rhode Island Avenue
McLean, Virginia 22101.

818 Connecticut Avenue, N.W.
Suite 300
Washington, D.C. 20036.

701 Main Street
Lafayette, Indiana 47901

b. William G. Davis, individually and in his capacity as treasurer of Fithian for U.S. Senate Committee, 1911 Rhode Island Avenue, McLean, Virginia 22101.

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818 Connecticut Avenue, N.W.
Suite 300
Washington, D.C. 20036.

701 Main Street
Lafayette, Indiana 47901

- c. Fithian for U.S. Senate
1911 Rhode Island Avenue
McLean, Virginia 22101.

818 Connecticut Avenue, N.W.
Suite 300
Washington, D.C. 20036.

701 Main Street
Lafayette, Indiana 47901

- d. Frank Hanley, individually and in his capacity as treasurer of Engineers Political Education Committee/International Union of Operating Engineers
1125 Seventeenth St., N.W.
Washington, D.C. 20036.
- e. Engineers Political Education Committee/International Union of Operating Engineers
1125 Seventeenth St., N.W.
Washington, D.C. 20036.
- f. Lawrence Dock, individually and in his capacity as treasurer of International Ladies Garment Workers Union Campaign Committee
1710 Broadway
New York, N.Y. 10019.
- g. International Ladies Garment Workers Union Campaign Committee
1710 Broadway
New York, N.Y. 10019.

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III. LIABILITY

3. Liability may be imposed upon the candidate, Floyd J. Fithian, Fithian for U.S. Senate, EPEC/IUOE and ILGWUCC pursuant to 2 U.S.C. §441a(a) which establishes the \$5,000.00 (FIVE THOUSAND

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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).

IV. OVERVIEW

5. Based on Complainant's information and belief, Respondents have contributed or received an aggregate in excess of \$5,000.00 (FIVE THOUSAND DOLLARS) for the 1982 federal primary election in which Floyd J. Fithian 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 Floyd J. Fithian; Fithian for U.S. Senate and its treasurer; EPEC/IUOE and its treasurer; and ILGWUCC and its treasurer filed for the 1982 federal primary election.

6. For the 1982 federal primary election, excessive funds were contributed to Floyd J. Fithian, Fithian for U.S. Senate and its treasurer by EPEC/IUOE and its treasurer; and ILGWUCC and its treasurer.

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

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(5)

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
FITHIAN FOR U.S. SENATE
IN THE 1982 FEDERAL PRIMARY ELECTION**

8. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Floyd J. Fithian, Fithian for U.S. Senate and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal primary election from EPEC/IUOE in the amount of \$6,000.00 (SIX THOUSAND DOLLARS).

9. Candidate Floyd J. Fithian, Fithian for U.S. Senate and its treasurer, for the 1982 federal primary election, accepted contributions from EPEC/IUOE in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>F.E.C. Microfilm Location</u>
3/29/82	\$5,000.00	82020041600
5/5/82	<u>\$1,000.00</u>	82020082208
Total	\$6,000.00	

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10. A running total of contributions from EPEC/IUOE would have put on notice Floyd J. Fithian, Fithian for U.S. Senate and its treasurer that they had received \$5,000.00 (FIVE THOUSAND DOLLARS) by March 29, 1982. On that date, Floyd J. Fithian, Fithian for U.S. Senate and its treasurer could no longer lawfully accept any contributions from EPEC/IUOE. In violation of 2 U.S.C. §441a(f), Floyd J. Fithian, Fithian for U.S. Senate and its treasurer accepted a contribution from this contributor in the amount of \$1,000.00 (ONE THOUSAND DOLLARS). This amount exceeded the statutory monetary ceiling by \$1,000.00 (ONE THOUSAND DOLLARS).

11. EPEC/IUOE and its treasurer failed to designate whether the \$1,000.00 (ONE THOUSAND DOLLAR) contribution made on April 2, 1982 was intended for the primary or the general election. (See F.E.C. Microfilm # 82032451343). However, the contribution was made more than one month before the Indiana Congressional primary election which was held on May 4, 1982. Therefore, the \$1,000.00 (ONE THOUSAND DOLLAR) contribution of April 2, 1982 is considered a contribution for the primary election in accordance with 11 C.F.R. §110.1(a)(2)(ii)(A). In violation of 11 C.F.R. §104.14(d), Floyd J. Fithian, Fithian for U.S. Senate and its treasurer reported it as a contribution for the general election. (See F.E.C. Microfilm # 82020032208, 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

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or statement and for the accuracy of any information or statement contained therein." Floyd J. Fithian, Fithian for U.S. Senate and its treasurer knowingly misreported the contribution in order to accept contributions in excess of the statutory limit.

12. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Floyd J. Fithian, Fithian for U.S. Senate and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal primary election from ILGWUCC in the amount of \$5,600.00 (FIVE THOUSAND SIX HUNDRED DOLLARS).

13. Candidate Floyd J. Fithian, Fithian for U.S. Senate and its treasurer, for the 1982 federal primary election, accepted contributions from ILGWUCC in the following amount:

<u>Date Received</u>	<u>Amount</u>	<u>F.E.C. Microfilm Location</u>
4/9/82	\$250.00	82020062388
4/30/82	\$750.00	82020062207
6/18/82	\$800.00	82020062210
10/8/82	<u>\$3,800.00</u>	82020162113
Total	\$5,600.00	

14. A running total of the amount of contributions received from ILGWUCC would have put on notice Floyd J. Fithian, Fithian

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for U.S. Senate and its treasurer that they had received \$1,800.00 (ONE THOUSAND EIGHT HUNDRED DOLLARS) by June 18, 1982. On that date, Floyd J. Fithian, Fithian for U.S. Senate and its treasurer were only permitted to accept an additional contribution of \$3,200.00 (THREE THOUSAND TWO HUNDRED DOLLARS). In violation of 2 U.S.C. §441a(f), they accepted additional contributions and thereby exceeded the maximum \$5,000.00 (FIVE THOUSAND DOLLARS) the statute permits them to accept.

15. ILGWUCC and its treasurer made a \$4,000.00 (FOUR THOUSAND DOLLAR) contribution to Floyd J. Fithian, Fithian for U.S. Senate and its treasurer on October 6, 1982. \$3,800.00 (THREE THOUSAND EIGHT HUNDRED DOLLARS) was designated as a contribution for the primary election deficit and \$200.00 (TWO HUNDRED DOLLARS) was designated as a contribution for the general election. (See F.E.C. Microfilm # 82032500147). In violation of 11 C.F.R. §104.14(d), Floyd J. Fithian, Fithian for U.S. Senate and its treasurer misreported the contributions. They designated \$3,000.00 (THREE THOUSAND DOLLARS) for the primary election and \$1,000.00 (ONE THOUSAND DOLLARS) for the general election. (See F.E.C. Microfilm # 82020162118). 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." Floyd J. Fithian, Fithian for U.S. Senate and its treasurer

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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
IN THE 1982 FEDERAL PRIMARY ELECTION**

16. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that EPEC/IUOE for the 1982 federal primary election contributed to candidate Floyd J. Fithian, Fithian for U.S. Senate and its treasurer a total of \$6,000.00 (SIX THOUSAND DOLLARS).

17. EPEC/IUOE contributed the following amounts:

a. On March 9, 1982, EPEC/IUOE contributed \$5,000.00 (FIVE THOUSAND DOLLARS). (See F.E.C. Microfilm # 82032290012).

b. On April 2, 1982, EPEC/IUOE contributed \$1,000.00 (ONE THOUSAND DOLLARS). (See F.E.C. Microfilm # 82032451343).

18. A running total of the amount contributed to Floyd J. Fithian, Fithian for U.S. Senate and its treasurer by EPEC/IUOE and its treasurer would have put them on notice that as of March 9, 1982 they had contributed \$5,000.00 (FIVE THOUSAND DOLLARS). In violation of 2 U.S.C. §441a(a)(2)(A), EPEC/IUOE made a \$1,000.00 (ONE THOUSAND DOLLAR) contribution on April 2, 1982, which exceeded

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the \$5,000.00 (FIVE THOUSAND DOLLAR) ceiling by \$1,000.00 (ONE THOUSAND DOLLARS).

19. EPEC/IUOE and its treasurer failed to accurately report the \$1,000.00 (ONE THOUSAND DOLLAR) contribution made to Floyd J. Fithian, Fithian for U.S. Senate and its treasurer on April 2, 1982. In violation of 11 C.F.R. §104.14(d), EPEC/IUOE and its treasurer failed to designate whether the contribution was intended for the primary or the general election. (See F.E.C. Micro-film # 82032451343). Since the contribution was made before the Indiana Congressional primary election which was held on May 4, 1982, it is considered a contribution for the primary election in accordance with 11 C.F.R. §110.1(a)(2)(ii)(A).

VII. VIOLATIONS OF THE F.E.C.A.
BY ILGWUC
IN THE 1982 FEDERAL PRIMARY ELECTION

20. 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 ILGWUC, for the 1982 federal primary election contributed to candidate Floyd J. Fithian, Fithian for U.S. Senate and its treasurer a total of \$5,600.00 (FIVE THOUSAND SIX HUNDRED DOLLARS).

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21. ILGWUCC contributed the following amounts:

a. On March 25, 1982, ILGWUCC contributed \$250.00 (TWO HUNDRED FIFTY DOLLARS). (See F.E.C. Microfilm # 82032294253).

b. On April 19, 1982, ILGWUCC contributed \$750.00 (SEVEN HUNDRED FIFTY DOLLARS). (See F.E.C. Microfilm # 82032313890).

c. On June 3, 1982, ILGWUCC contributed \$800.00 (EIGHT HUNDRED DOLLARS). (See F.E.C. Microfilm # 82032392743).

d. On October 6, 1982, ILGWUCC contributed \$3,800.00 (THREE THOUSAND EIGHT HUNDRED DOLLARS). (See F.E.C. Microfilm # 82032500147).

22. A running total of the amount contributed to Floyd J. Fithian, Fithian for U.S. Senate and its treasurer would have put on notice ILGWUCC that as of June 3, 1982, it had contributed \$1,800.00 (ONE THOUSAND EIGHT HUNDRED DOLLARS) and that it could only contribute an additional \$3,200.00 (THREE THOUSAND TWO HUNDRED DOLLARS) if it wished to meet the mandates of the law. In violation of 2 U.S.C. §441a(a)(2)(A), a \$3,800.00 (THREE THOUSAND EIGHT HUNDRED DOLLAR) contribution was made to Floyd J. Fithian, Fithian for U.S. Senate and its treasurer. This amount exceeded the statutory monetary ceiling by \$600.00 (SIX HUNDRED DOLLARS).

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IX. CONCLUSION

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

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

Michael Ernest Avakian
Michael Ernest Avakian
Center on National Labor Policy

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

Attorneys for Complainant

July 30, 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 7th day of July 1984.

[Signature]
Notary Public

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 attorney(s) identified below as complainant's attorney(s) of record. The Federal Election Commission shall direct all written and oral communications in connection with this matter to my designated counsel.

July 9, 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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Curry (15)

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

Attachment 2

August 23, 1984

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RECEIVED
OFFICE OF THE
GENERAL COUNSEL

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

Re: MUR 1753

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. Enclosed please find a duly executed Designation of Counsel form.

In paragraphs 16 through 19, the Complaint alleges that EPEC/IUOE violated 2 U.S.C. § 441a(a)(2)(A) by contributing a total of \$6,000.00 to the Fithian for U.S. Senate Committee (the Fithian Committee) in connection with the 1982 primary election of Floyd J. Fithian, a candidate for U.S. Senate, and that EPEC/IUOE violated 11 CFR § 104.14(d) by failing to designate on its FEC Form 3 Report whether its April 2, 1982 contribution of \$1,000.00 to the Fithian Committee was intended for the primary or general election.

With respect to the 2 U.S.C. § 441a(a)(2)(A) allegation, please be advised that the limitations set forth therein were not exceeded in this matter. The \$1,000 contribution to the Fithian Committee of April 2, 1982 was intended for the general election. Attached as Exhibit 1 is an affidavit of John J. Brown, Director of Legislation of the International Union of Operating Engineers. As Legislative Director Mr. Brown initiates authorizations for contributions made by EPEC/IUOE.

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Mr. Brown initiated the request for the April 2, 1982 contribution to Mr. Fithian based upon a request received from the Business Manager of the IUOE Local Union headquartered in Chicago, Illinois, contained in a letter dated March 11, 1982 forwarded to Mr. J. C. Turner, General President of the International Union of Operating Engineers. A copy of the March 11 letter is attached to Mr. Brown's affidavit. Mr. Brown initiated the authorization for the contribution by noting at the bottom of the President-Business Manager's March 11 letter: "Kay, start memo as requested for Adam Benjamin and Fithian--but Fithian check mark General Election."

Thereafter, in a memo to General President Turner, dated April 2, 1984, Mr. Brown recommended a check in the amount of \$1,000.00 to the Fithian Committee with the typed notation: "(Check should indicate General Election)". A copy of that memo is also attached to Mr. Brown's affidavit. While a review of the cancelled check discloses that, unfortunately, it did not carry the intended notation, the cover letter accompanying the check, attached hereto as Exhibit 2, in its final paragraph instructs the Fithian Committee to treat the contribution in compliance with applicable federal law. Upon information and belief, the Fithian Committee did, in fact, allocate the \$1,000.00 to the general election campaign and, accordingly, no violation of the Act occurred. The contribution was intended for the general election and was so applied.

With respect to the 11 CFR § 104.14(d) allegation, please be advised that it is the position of EPEC/IUOE that the regulation is jurisdictional in nature and not substantively violable. In this case, failure to mark the appropriate boxes resulted from clerical error. In order to clarify the record in this matter, EPEC/IUOE has filed an amended Form 3 report in connection therewith, a copy of which is attached as Exhibit 3.

Based upon the information contained herein it is respectfully requested that the General Counsel find no Act has been violated and recommend that the Federal Election Commission take no further action in this matter.

Sincerely,


 Michael R. Fanning
 Counsel

MRF/bu
 Enclosures

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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. In March of 1982, J. C. Turner, President of EPEC/IUOE referred to me a letter of March 11, 1982 in which Mr. Bill Martin, President and Business Manager of IUOE Local Union No. 150, requested that EPEC/IUOE make contributions of \$2,000 to candidate Adam Benjamin and \$1,000 to candidate Floyd Fithian.

4. Upon receipt of the March 11 letter, a copy of which is attached as Exhibit A, I reviewed the records of IUOE/EPEC and determined that both contributions were permissible when combined with previous contributions made to the candidates. However, because

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EPEC/IUOE had already contributed \$5,000 to the primary election campaign of candidate Fithian, I approved a \$1,000 contribution to his campaign with the specific notation, in my handwriting appearing at the bottom of the March 11 letter, that the Fithian check be marked "General Election."

The notation, addressed to my secretary Kay McGrath reads as follows: "Kay, start memo as requested for Adam Benjamin and Fithian - but Fithian check mark General Election."

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5. Subsequently the requested memo was prepared to President Turner from me, recommending a \$1,000 contribution to candidate Fithian. A copy of that memo, dated April 2, 1982, is attached as Exhibit B. Typed on the memo is the notation "Check should indicate General Election."

6. In connection with MUR 1753 pending before the Federal Election Commission, I have reviewed IUOE/EPEC's cancelled check of the \$1,000 contribution to candidate Fithian and found that, in spite of my notations, it did not carry the intended general election designation.

John J. Brown
John J. Brown

Subscribed and sworn to before me
this 23rd day of August 1984.

Carol C. Sotelo
Notary Public

INTERNATIONAL UNION OF OPERATING ENGINEERS

LOCAL UNION NO. 150, 150A, 150B, 150C

ATED WITH THE A.F.L.-C.I.O. AND BUILDING TRADES

WILLIAM F. MARTIN
PRESIDENT-BUSINESS MANAGER



Hanley
(312) 482-8800
8200 JOLIET ROAD
COUNTRYSIDE, ILLINOIS 60525

Exhibit A

19

March 11, 1982

Mr. J. C. Turner - General President
International Union of Operating Engineers
1125 Seventeenth Street NW
Washington, D. C. 20036

Dear "J":

Enclosed find a check in the amount of Thirty Thousand Dollars, (\$30,000) which is voluntary money contributed by the members of Local 150, to be used in Federal elections.

I know this may be rather soon to make requests but would you please return to me a check for Two Thousand Dollars (\$2000) for Congressman Adam Benjamin from the 1st District, State of Indiana and One Thousand Dollars (\$1000) for Congressman Fithian from the 2nd Congressional District of Indiana, who we are supporting to run against our avowed enemy, Senator Luger.

We will continue our effort on this voluntary contribution drive until it is possible for us to incorporate our Vacation Plan for contributions.

Sincerely,

W. F. Martin

Bill Martin
President-Business Manager

WFM/e
ENCL: Check #1001

Certified Mail/RRR
#P14 1304902

Tom Ried

*1/2000
Start money as
requested for Adam Benjamin
and Fithian -
but Fithian's check
- General election*

85040504738

Inter-office Memorandum
INTERNATIONAL UNION OF OPERATING ENGINEERS

20

To: J. C. Turner, General President

From: John J. Brown

Date: April 2, 1982

Subject: EPEC VOLUNTARY FUNDS
Cong. Floyd J. Fithian (D) Candidate
U. S. Senate - Indiana

Recommend a check in the amount of \$1,000 payable to:

FITHIAN FOR U. S. SENATE
1911 Rhode Island Avenue
McLean, Virginia 22101

(Check should indicate General Election)

JJB/kmg

cc: House Counsel

(Personal request of Bus. Mgr. Bill Martin - L.U. 150)

86040574759

J. C. TURNER
Chairman

FRANK HANLEY
Treasurer

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

Engineers ²¹ Political Education Committee



April 2, 1982

FITHIAN FOR U. S. SENATE
1911 Rhode Island Avenue
McLean, Virginia 22101

Attn: Treasurer

Dear Sir:

Attached hereto is our check No. 000612 in the amount of \$1,000.00 as a contribution from the Engineers Political Education Committee of the International Union of Operating Engineers and Local Union #150, Countryside, Illinois.

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
GENERAL PRESIDENT

Frank Hanley
Frank Hanley
TREASURER

JCT:FH/kmg

Enc. (1)

bcc: F. Hanley (Checks were mailed directly to Local Union #150)

85040394750

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

EXHIBIT 3

22

(Summary Page)

ALIGN AREA

ALIGN AREA

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

Address (Number and Street)
1125 17th Street, N.W.
Washington, D.C. 20036

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

Check here 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)

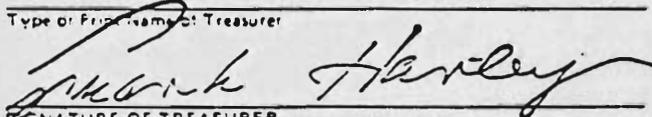
(a) April 15 Quarterly Report October 15 Quarterly Report
 July 15 Quarterly Report January 31 Year End Report
 July 31 Mid Year Report (Non-Election Year Only)
 Monthly Report for April, 1982
 Twelfth day report preceding _____ (Type of Election)
election on _____ in the State of _____
 Thirtieth day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

(b) Is this Report an Amendment?
 YES NO

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>4/1/82</u> through <u>4/30/82</u>		
6. (a) Cash on hand January 1, 19 _____		\$ 148,383.83
(b) Cash on Hand at Beginning of Reporting Period	\$ 207,265.27	
(c) Total Receipts (from Line 18)	\$ 21,783.58	\$ 184,626.06
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 229,048.85	\$ 333,009.89
7. Total Disbursements (from Line 28)	\$ 26,801.16	\$ 130,762.20
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 202,247.69	\$ 202,247.69
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)	\$ -0-	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	\$ -0-	

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

Frank Hanley
Type or Print Name of Treasurer

SIGNATURE OF TREASURER
Date 8/22/84

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-523-4068

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

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

LINE NUMBER 21
 (Use separate schedules for each category of the Detailed Summary Page)

23

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) **Engineers Political Education Committee (EPEC) / International Union of Operating Engineers (IUOE)**

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Fithian for U.S. Senate 1911 Rhode Island Avenue McLean, VA 22101	Purpose of Disbursement: \$6,000.00 Cand. Floyd J. Fithian U.S. Senate, IN Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	4/2/82	\$1,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			

85040394752

INTERNATIONAL LADIES' GARMENT WORKERS' UNION

AFL-CIO

1710 BROADWAY • NEW YORK, N.Y. 10019

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

GCC # 454E
84 SEP 4 P 1: 22

LEGAL DEPARTMENT

MAX ZIMNY
General Counsel

Attachment 3

24

CERTIFIED RRR

August 30, 1984

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

Re: MUR 1753
Attention: Deborah Curry

Dear Sir:

Enclosed is the response to the complaint in the captioned case filed on behalf of the I.L.G.W.U. Campaign Committee and its treasurer.

Also enclosed is a designation of the under-
signed as Counsel.

Sincerely yours,

Max Zimny
Max Zimny
General Counsel

MZ:cs
Enclosure

84 SEP 4 P 2: 57

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STATEMENT OF DESIGNATION OF COUNSEL

25

MR 1753

NAME OF COUNSEL: MAX ZIMNY

ADDRESS: 1710 Broadway

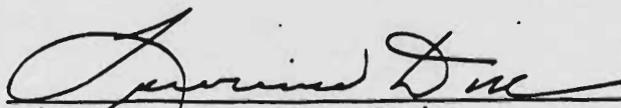
New York, New York

10019

TELEPHONE: (212) 265-7000

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.

August 30, 1984
Date


Signature Lawrence Dock
Acting Treasurer,
I.L.G.W.U. Campaign Committee

RESPONDENT'S NAME: I.L.G.W.U. Campaign Committee

ADDRESS: 1710 Broadway

New York, New York

10019

HOME PHONE: N.A.

BUSINESS PHONE: (212) 265-7000

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through August of 1982 were as follows:

<u>Date</u>	<u>Amount</u>	<u>Election</u>
3/25/82	\$ 250	Primary
4/20/82	750	Primary
6/3/82	800	Primary
8/12/82	2000	General
8/27/82	2000	General

Thus, by the end of August 1982, the Campaign Committee's 1982 contributions to the Fithian Campaign were \$1800 for the primary election and \$4000 for the general election.

4. In early October 1982, I received a request from the Fithian Campaign to help defray a primary deficit and to make an additional contribution to the general election, up to the limits permitted by the Federal Election Campaign Act. I checked with the Campaign Committee's New York office and was informed that the Campaign Committee had so far contributed \$1200 to Fithian's primary election and that it could therefore contribute an additional \$3800 to the \$5000 legal limit for the primary deficit. The Campaign Committee had decided to contribute \$4000 to Fithian, properly allocated between primary and general elections. I therefore authorized a \$3800 contribution to the primary deficit to make a total of \$5000 in contributions to the primary, and a \$200 contribution to the general election for a total of \$4200 for the general election. A report of October 1982 contributions was then filed with the FEC accordingly.

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5. In June 1984, the Campaign Committee conducted an audit of its records of 1982 contributions to Senatorial candidates and discovered a number of inadvertent record-keeping errors, including those relating to the Fithian Campaign. Accordingly, on June 12, 1984, it filed with the FEC an amendment to its pre-general election report for the period October 1 to October 13, 1982, a copy of which is attached hereto. With respect to the October 6, 1982 contribution to Fithian, the Campaign Committee corrected the allocations of the \$4000 contribution to correctly reflect its intention to make contributions to the Fithian Campaign within the respective \$5000 maximum contributions to the primary and general elections permitted by law. Thus, of the \$4000 contributed to the Fithian Campaign on October 6, 1982, \$3000 was allocated for the primary deficit making a total primary election contribution of \$4800, and \$1000 was allocated to the general election making a total general election contribution of \$5000.

6. It is therefore clear that the misallocations of the \$4000 contribution made to the Fithian primary and general elections on October 6, 1982 were inadvertent and a result of clerical errors, and that the corrected allocations reflected in the amended FEC filing accurately reflect the actual intention

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of the Campaign Committee. It is therefore respectfully requested that no action be taken by the Commission against the Campaign Committee or its treasurer in MUR 1753.

Evelyn Dubrow
Evelyn Dubrow

Sworn to before me this
30th day of August, 1984

Man Henry
Notary Public

MAN HENRY
Notary Public, State of New York
No. 56-12-2200
Qualified in Nassau County
Certificate filed in New York County
Commission Expires March 10, 1985

8 5 0 4 0 3 9 4 7 6 8

ILGWU CAMPAIGN COMMITTEE

NATIONAL COMMITTEE OFFICE • 1710 BROADWAY • NEW YORK, N.Y. 10019

PHONE: COLUMBUS 5-7012

30

SOL C. CHAIKIN
CHAIRMAN
JAY MAZUR
TREASURER
WILBUR DANIELS
IRWIN SOLOMON
VICE CHAIRMAN
GUS TYLER
DIRECTOR
EVELYN DUBROW
EXECUTIVE SECRETARY
DAVID I. WELLS
ASSISTANT DIRECTOR

June 12, 1984

Ms. Pamela Brown
Senior Reports Analyst
Federal Election Commission
Washington, D.C. 20463

Identification # C 0000 4861

Dear Ms. Brown:

Enclosed is an Amendment to our Pre General Election Report for the period of October 1 to October 13, 1982.

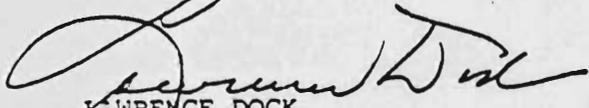
On page 1, Line 21 I, Lautenberg for U.S. Senate 1982, \$5,000.00, 10/6/82, was for Primary and not General as previously shown.

Page 2, Line 21 D, Jerry Brown for Senate, \$1,000.00, 10/6/82 was for Primary and not General as previously shown.

Page 6 Line 21 D - Fithian for U.S. Senate, \$4,000.00, 10/6/82 was \$1,000.00 General and \$3,000.00 Primary and not as previously shown \$3,800 and \$200.00 General.

If there are any questions in connection with this matter, feel free to contact me at (212) 265 - 7000.

Very truly yours,


LAWRENCE DOCK
Acting Treasurer

LD/cf
opeiu - 153
Encl.

EXECUTIVE COMMITTEE
RONALD ALMAN
NICHOLAS BONANNO
GLENWOOD CLAY
CLIFFORD DEPIN
JOSEPH FISHER
SALVATORE GIARDINA
SOL GOLDBERG
MANUEL GONZALEZ
GERALD GROSSMAN
SOL HOFFMAN
MATTIE JACKSON
DOUGLAS LEVIN
FRANK LONGO
LOU MONTENEGRO
PETER NADASH
SAMUEL NEMAZER
EDWARD SCHNEIDER
THEW SCHOENWALD
CORNELIUS WALL

9504032475

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

(Summary Page)

31

1. Name of Committee (in Full)
INTERNATIONAL LADIES GARMENT WORKERS UNION
CAMPAIGN COMMITTEE

Address (Number and Street)
1710 BROADWAY

City, State and ZIP Code
NEW YORK, NEW YORK 10019

Check if address is different than previously reported.

2. FEC Identification Number
C 0000 4861

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 Pre General Election
 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

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SUMMARY		Column A This Period	Column B Calendar Year-to-Date
5. Covering Period	<u>October 1</u> Through <u>October 13, 1982</u>		
6. (a) Cash on Hand January 1, 19 <u>82</u>	.....		\$ 1,021,041.41
(b) Cash on Hand at Beginning of Reporting Period	.....	\$ 937,258.64	
(c) Total Receipts (from Line 18)	.....	\$ 3,532.29	\$ 452,637.52
(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B)	.....	\$ 940,790.93	\$ 1,473,678.93
7. Total Disbursements (from Line 28)	.....	\$ 212,660.00	\$ 745,548.00
8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d))	.....	\$ 728,130.93	\$ 728,130.93
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D)	.....	\$ -0-	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	.....	\$ -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 202-523-4068

LAWRENCE DOCK, Acting Treasurer
 Type or Print Name of Treasurer

Lawrence Dock
 SIGNATURE OF TREASURER

6/12/84
 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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32

Name of Committee (in Full) INTERNATIONAL CLOTHES GARMENT WORKERS UNION CAMPAIGN COMMITTEE

From 10/1/82 To 10/13/82

	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date	
I. RECEIPTS			
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees	25.00	372,054.69	11(a)
(Memo Entry Unitemized \$ 25.00)			
(b) Political Party Committees	-0-	-0-	11(b)
(c) Other Political Committees	-0-	-0-	11(c)
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11(a), 11(b) and 11(c))	25.00	372,054.69	11(d)
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES	-0-	-0-	12
13. ALL LOANS RECEIVED	-0-	-0-	13
14. LOAN REPAYMENTS RECEIVED	-0-	-0-	14
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	-0-	-0-	15
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	-0-	1,000	16
17. OTHER RECEIPTS (Dividends, Interest, etc.)	3,507.29	79,582.83	17
18. TOTAL RECEIPTS (Add 11(d), 12, 13, 14, 15, 16 and 17)	3,532.29	452,637.52	18
II. DISBURSEMENTS			
19. OPERATING EXPENDITURES	-0-	82,006.50	19
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES	-0-	-0-	20
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	132,855.00	518,944.05	21
22. INDEPENDENT EXPENDITURES (use Schedule E)	-0-	-0-	22
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. § 441 (a)(d)) (Use Schedule F)	-0-	-0-	23
24. LOAN REPAYMENTS MADE	-0-	-0-	24
25. LOANS MADE	-0-	-0-	25
26. REFUNDS OF CONTRIBUTIONS TO			
(a) Individuals/Persons Other Than Political Committees	-0-	359.03	26(a)
(b) Political Party Committees	-0-	-0-	26(b)
(c) Other Political Committees	-0-	478.00	26(c)
(d) TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c))	-0-	837.03	26(d)
27. OTHER DISBURSEMENTS	79,805.00	143,760.42	27
28. TOTAL DISBURSEMENTS (add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	212,660.00	745,548.00	28
III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES			
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)	25.00	372,054.69	29
30. TOTAL CONTRIBUTION REFUNDS from Line 26(d)	-0-	837.03	30
31. NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29)	25.00	372,817.66	31
32. TOTAL OPERATING EXPENDITURES from Line 19	-0-	82,006.50	32
33. OFFSETS TO OPERATING EXPENDITURES from Line 15	-0-	-0-	33
34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32)	-0-	82,006.50	34

8604052477

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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)
INTERNATIONAL LADIES GARMENT WORKERS UNION CAMPAIGN COMMITTEE

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Bill Gray for Congress Committee P.O. Box 37561 Washington, D.C.	Contribution - ticket Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/1/82	250.00
B. Full Name, Mailing Address and ZIP Code Wheat for Congress Committee 308 Constitution Ave., N.E. Washington, D.C. 20002	Contribution- ticket Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/1/82	150.00
C. Full Name, Mailing Address and ZIP Code John F. Kennedy Regular Democratic Club - Contribution-tickets 117-09 Hillside Avenue Richmond Hill, New York 11418	Contribution-tickets Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify):	10/4/82	210.00
D. Full Name, Mailing Address and ZIP Code Democatic Women of Philadelphia 1421 Walnut Street Philadelphia, Pa. 19102	Contribution - tickets Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify):	10/4/82	500.00
E. Full Name, Mailing Address and ZIP Code Ed Markey for Congress Committee P.O. Box 8753 Boston, Mass. 02114	Contribution Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/5/82	750.00
F. Full Name, Mailing Address and ZIP Code Dante Fascell 1982 Headquarters 4617 Le Jeune Road Coral Gables, Fla. 33146	Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/5/82	750.00
G. Full Name, Mailing Address and ZIP Code Cannon for Senate Committee P.O. Box 2884 Washington, D.C. 20013	Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/5/82	5,000.00
H. Full Name, Mailing Address and ZIP Code Buzz Andrezeski for Congress 5323 Woodward Drive Erie, Pa. 16505	Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/5/82	500.00
I. Full Name, Mailing Address and ZIP Code Lautenberg for U.S. Senate 1982 495 Franklin Avenue Nutley, New Jersey 07110	Contribution Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/6/82	5,000.00

SUBTOTAL of Disbursements This Page (optional) 13,110.00

TOTAL This Period (last page this line number only)

85040394772

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Any information contained 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)
INTERNATIONAL LADIES GARMENT WORKERS UNION CAMPAIGN COMMITTEE

777
 34
 54
 040
 85040

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Contribution	Date (month, day, year)	Amount of Each Disbursement This Period
Billy Joe Camp for Congress P.O. Box 1002 Montgomery, Alabama 36102	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/6/82	500.00
B. Full Name, Mailing Address and ZIP Code Commissioner Ben Erdreich for Congress P.O. Box 751 Birmingham, Alabama 35201	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/6/82	Amount of Each Disbursement This Period 500.00
C. Full Name, Mailing Address and ZIP Code DeConcini for Re-Election P.O. Box 25460 Phoenix, Arizona 85002	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/6/82	Amount of Each Disbursement This Period 3,000.00
D. Full Name, Mailing Address and ZIP Code Jerry Brown for Senate 1125 W. 6th Street Los Angeles, Calif. 90017	Purpose of Disbursement Contribution Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/6/82	Amount of Each Disbursement This Period 1,000.00
E. Full Name, Mailing Address and ZIP Code Esco for Congress Committee P.O. Box 1494 Santa Rosa, Calif. 95402	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/6/82	Amount of Each Disbursement This Period 500.00
F. Full Name, Mailing Address and ZIP Code Barbara Boxer Campaign Committee P.O. Box 4881 San Francisco, Calif. 94104	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/6/82	Amount of Each Disbursement This Period 500.00
G. Full Name, Mailing Address and ZIP Code Pete Stark Re-Election Committee 7 Eastmont Hall Oakland, Calif. 94605	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/6/82	Amount of Each Disbursement This Period 500.00
H. Full Name, Mailing Address and ZIP Code Tom Lantos for Congress P.O. Box 611 Burlingame, Calif. 94010	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/6/82	Amount of Each Disbursement This Period 1,000.00
I. Full Name, Mailing Address and ZIP Code Reed for Congress P.O. Box 338 Midrand, Calif.	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/6/82	Amount of Each Disbursement This Period 500.00

SUBTOTAL of Disbursements This Page (optional) 8,000.00

TOTAL This Period (last page this line number only)

SCHEDULE B

ITEMIZED DISBURSEMENTS

(Use separate schedules for each category of the Detailed Summary Page)

35

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)
INTERNATIONAL LADIES GARMENT WORKERS UNION CAMPAIGN COMMITTEE

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Contribution	Date (month, day, year)	Amount of Each Disbursement This Period
John Gwinn for Congress P.O. Box 9882 Wihana, Ill. 61801	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/6/82	500.00
B. Full Name, Mailing Address and ZIP Code Durbin for Congress Committee P.O. Box 1949 Springfield, Ill. 62705	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/6/82	1,000.00
C. Full Name, Mailing Address and ZIP Code Paul Simon for Congress P.O. Box 3301 Carbondale, Ill. 62901	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/6/82	500.00
D. Full Name, Mailing Address and ZIP Code Fithian for U.S. Senate 701 Main Street Lafayette, Indiana 47901	Disbursement for: <input checked="" type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/6/82	\$3,000.00-Primary 1,000.00-General
E. Full Name, Mailing Address and ZIP Code Kate Hall for Congress 1937 Madison Street Gary, Indiana 46407	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/7/82	1,000.00
F. Full Name, Mailing Address and ZIP Code Friends of Phil Sharp Mary Augburn, Treasurer P.O. Box 1046 Muncia, Indiana 47305	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/7/82	500.00
G. Full Name, Mailing Address and ZIP Code Bodine for Congress 113 Lincoln Way West Michawaka, Indiana 46544	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/7/82	1,000.00
H. Full Name, Mailing Address and ZIP Code McCloskey for Congress P.O. Box 70 Bloomington, Indiana 47401	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/7/82	750.00
I. Full Name, Mailing Address and ZIP Code Gluba for Congress Committee P.O. Box 2126 Davenport, Iowa 52809	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/7/82	500.00

SUBTOTAL of Disbursements This Page (optional) 9,750.00

TOTAL This Period (last page this line number only)

9504074774



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

36

Attachment 4

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

RE: MUR 1753
Engineers Political Education
Committee/International Union
of Operating Engineers and
Frank Hanley, as treasurer

Dear Mr. Fanning:

The Federal Election Commission notified you on August 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 you at that time. We acknowledge receipt of your explanation of this matter which was dated August 23, 1984.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on December , 1984, determined that there is reason to believe that your client, Engineers Political Education Committee/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 Internorth, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures.

85040594775

37

Michael K. Fanning, 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 Deborah Curry, at (202)523-4000.

Sincerely,

Enclosures
Procedures

86040374770



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

38

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

RE: MUR 1753
International Ladies Garment
Workers Union Campaign
Committee and Lawrence Dock,
as treasurer

Dear Mr. Zimny:

The Federal Election Commission notified you on August 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 you at that time. We acknowledge receipt of your explanation of this matter which was dated August 30, 1984.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on December , 1984, determined that there is reason to believe that your clients, International Ladies Garment Workers Union Campaign Committee and Lawrence Dock, 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.

86040594777

39

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 Deborah Curry, at (202)523-4000.

Sincerely,

Enclosures
Procedures

86040594778



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

40

William G. Davis, Treasurer
Fithian for U.S. Senate
1911 Rhode Island Avenue
McLean, Virginia 22101

RE: MUR 1753
Fithian for U.S. Senate and
William G. Davis, treasurer

Dear Mr. Davis:

The Federal Election Commission notified you on August 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 you at that time.

Upon further review of the allegations contained in the complaint the Commission, on December , 1984, determined that there is reason to believe that your committee, Fithian for U.S. Senate Committee and you 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.

86040574779

41

William G. Davis
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 Deborah Curry, at (202)523-4000.

Sincerely,

Enclosures
Procedures

86040594780

FEDERAL ELECTRICITY COMMISSION

WASHINGTON, D.C. 20461

MEMORANDUM TO: *D. Curry*

FROM: Barbara A. Johnson
Pocket Clerk

SUBJECT: Returned Letters

DATE: *8/27/84*

The following letter MUR/753 was returned. Please write a memo to the file and advise on what to do. If you wish to resend the letter, please have the envelope(s) and green card(s) made.

William G. Davis ^{Thank:} *Treasurer*
Fithian for U. S. Senate
~~*1911 Rhode*~~ *Committee*
1911 Rhode Island Avenue
McLean, Virginia
22101

86040544781

1325 K STREET, NW
WASHINGTON, DC 20463

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

3 5 0 4 0 7 1 7 3 1

RETURNED TO SENDER
UNCLAIMED-15 DAY
RETENTION PERIOD
HAS ELAPSED

*Noted
11/28/81
W.G.*

William G. Davis, Treasurer
Fithian for U.S. Senate Committee
916 Teal Road
Lafayette, Indiana 47905

CERTIFIED

943 318

Second Notice. No Reply
To First Notice Mailed

[Handwritten signature]

AUG 9 1981

POSTAGE AND FEES PAID
FEDERAL ELECTION COMMISSION



PS Form 3811, Dec. 1980

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

(CONSULT POSTMASTER FOR FEES)

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

TOTAL \$ _____

3. **ARTICLE ADDRESSED TO:**
*Wm G. Davis, Jr. Sr.
 Eithian for U.S. Sen Crte
 916 Teal Road
 Lafayette, Indiana 47905*

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

REGISTERED INSURED
 CERTIFIED COD
 EXPRESS MAIL

943318

(Always obtain signature of addressee or agent)

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

5. **DATE OF DELIVERY** **POSTMARK**

SEP 11 1984

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

7. **UNABLE TO DELIVER BECAUSE:** **7a. EMPLOYEE'S INITIALS**

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

MUR 1753 Curry 8-6-84



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 31, 1984

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

Re: MUR 1753

Dear Mr. Zimny:

On August 20, 1984, the Office of General Counsel received your written request for a 15 day extension of time to answer the complaint against your client International Ladies' Garment Workers Union Campaign Committee.

The Office of General Counsel has granted you an extension of time to answer the complaint. Therefore, the due date of your response is September 7, 1984.

If you have any questions, please contact Deborah Curry, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

86040594784

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1753

NAME OF COUNSEL: MAX ZIMNY

ADDRESS: 1710 Broadway

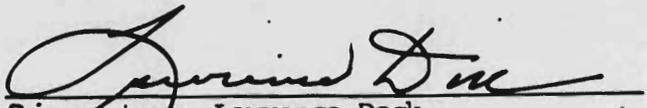
New York, New York

10019

TELEPHONE: (212) 265-7000

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.

August 30, 1984
Date


Signature Lawrence Dock
Acting Treasurer,
I.L.G.W.U. Campaign Committee

RESPONDENT'S NAME: I.L.G.W.U. Campaign Committee

ADDRESS: 1710 Broadway

New York, New York

10019

HOME PHONE: N.A.

BUSINESS PHONE: (212) 265-7000

86040394785

GCC# 4548
84 SEP 4 P 1: 22

INTERNATIONAL LADIES' GARMENT WORKERS' UNION
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 RRR

August 30, 1984

84 SEP 4 P 2: 57

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

Re: MUR 1753
Attention: Deborah Curry

Dear Sir:

Enclosed is the response to the complaint in the captioned case filed on behalf of the I.L.G.W.U. Campaign Committee and its treasurer.

Also enclosed is a designation of the under-
signed as Counsel.

Sincerely yours,

Max Zimny
Max Zimny
General Counsel

MZ:cs
Enclosure

35040374730

through August of 1982 were as follows:

<u>Date</u>	<u>Amount</u>	<u>Election</u>
3/25/82	\$ 250	Primary
4/20/82	750	Primary
6/3/82	800	Primary
8/12/82	2000	General
8/27/82	2000	General

Thus, by the end of August 1982, the Campaign Committee's 1982 contributions to the Fithian Campaign were \$1800 for the primary election and \$4000 for the general election.

4. In early October 1982, I received a request from the Fithian Campaign to help defray a primary deficit and to make an additional contribution to the general election, up to the limits permitted by the Federal Election Campaign Act. I checked with the Campaign Committee's New York office and was informed that the Campaign Committee had so far contributed \$1200 to Fithian's primary election and that it could therefore contribute an additional \$3800 to the \$5000 legal limit for the primary deficit. The Campaign Committee had decided to contribute \$4000 to Fithian, properly allocated between primary and general elections. I therefore authorized a \$3800 contribution to the primary deficit to make a total of \$5000 in contributions to the primary, and a \$200 contribution to the general election for a total of \$4200 for the general election. A report of October 1982 contributions was then filed with the FEC accordingly.

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5. In June 1984, the Campaign Committee conducted an audit of its records of 1982 contributions to Senatorial candidates and discovered a number of inadvertent record-keeping errors, including those relating to the Fithian Campaign. Accordingly, on June 12, 1984, it filed with the FEC an amendment to its pre-general election report for the period October 1 to October 13, 1982, a copy of which is attached hereto. With respect to the October 6, 1982 contribution to Fithian, the Campaign Committee corrected the allocations of the \$4000 contribution to correctly reflect its intention to make contributions to the Fithian Campaign within the respective \$5000 maximum contributions to the primary and general elections permitted by law. Thus, of the \$4000 contributed to the Fithian Campaign on October 6, 1982, \$3000 was allocated for the primary deficit making a total primary election contribution of \$4800, and \$1000 was allocated to the general election making a total general election contribution of \$5000.

6. It is therefore clear that the misallocations of the \$4000 contribution made to the Fithian primary and general elections on October 6, 1982 were inadvertent and a result of clerical errors, and that the corrected allocations reflected in the amended FEC filing accurately reflect the actual intention

of the Campaign Committee. It is therefore respectfully requested that no action be taken by the Commission against the Campaign Committee or its treasurer in MUR 1753.

Evelyn Dubrow
Evelyn Dubrow

Sworn to before me this
30th day of August, 1984

Max Zimny
Notary Public

MAX ZIMNY
Notary Public, State of New York
No. 10-4392588
Qualified in Nassau County
Certificate filed in New York County
Commission Expires March 30, 1985

86040594790

ILGWU CAMPAIGN COMMITTEE

NATIONAL COMMITTEE OFFICE • 1710 BROADWAY • NEW YORK, N.Y. 10019

PHONE: COLUMBUS 5-7012

SOL C. CHAIKIN
CHAIRMAN

JAY MAZUR
TREASURER

WILBUR DANIELS
IRWIN SOLOMON
VICE CHAIRMAN

GUS TYLER
DIRECTOR

EVELYN DUBROW
EXECUTIVE SECRETARY

DAVID I. WELLS
ASSISTANT DIRECTOR

June 12, 1984

Ms. Pamela Brown
Senior Reports Analyst
Federal Election Commission
Washington, D.C. 20463

Identification # C 0000 4861

Dear Ms. Brown:

Enclosed is an Amendment to our Pre General Election Report for the period of October 1 to October 13, 1982.

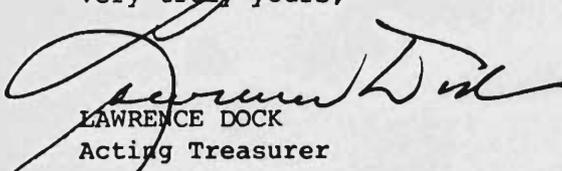
On page 1, Line 21 I, Lautenberg for U.S. Senate 1982, \$5,000.00, 10/6/82, was for Primary and not General as previously shown.

Page 2, Line 21 D, Jerry Brown for Senate, \$1,000.00, 10/6/82 was for Primary and not General as previously shown.

Page 6 Line 21 D - Fithian for U.S. Senate, \$4,000.00, 10/6/82 was \$1,000.00 General and \$3,000.00 Primary and not as previously shown \$3,800 and \$200.00 General.

If there are any questions in connection with this matter, feel free to contact me at (212) 265 - 7000.

Very truly yours,


LAWRENCE DOCK
Acting Treasurer

LD/cf
opeiu - 153
Encl.

8504034791

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

(Summary Page)

1. Name of Committee (in Full)
INTERNATIONAL LADIES GARMENT WORKERS UNION
CAMPAIGN COMMITTEE

Address (Number and Street)
1710 BROADWAY

City, State and ZIP Code
NEW YORK, NEW YORK 10019

Check if address is different than previously reported.

2. FEC Identification Number
C 0000 4861

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 Pre General Election
 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 October 1 Through October 13, 1982

6. (a) Cash on Hand January 1, 1982

(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
6. (a) Cash on Hand January 1, 19 <u>82</u>		\$ 1,021,041.41
(b) Cash on Hand at Beginning of Reporting Period	\$ 937,258.64	
(c) Total Receipts (from Line 18)	\$ 3,532.29	\$ 452,637.52
(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B)	\$ 940,790.93	\$ 1,473,678.93
7. Total Disbursements (from Line 28)	\$ 212,660.00	\$ 745,548.00
8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d))	\$ 728,130.93	\$ 728,130.93
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D)	\$ -0-	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	\$ -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 202-523-4068

LAWRENCE DOCK, Acting Treasurer

Type or Print Name of Treasurer

Lawrence Dock
SIGNATURE OF TREASURER

6/12/84
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)

9504054792

**DETAILED SUMMARY PAGE
of Receipts and Disbursements
(Page 2, FEC FORM 3X)**

Name of Committee (In Full) **INTERNATIONAL LADIES GARMENT WORKERS
UNION CAMPAIGN COMMITTEE**

Report Covering the Period
From: **10/1/82** To: **10/13/82**

	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date	
I. RECEIPTS			
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees	25.00	372,054.69	11(a)
(Memo Entry Unitemized \$ <u>25.00</u>)			
(b) Political Party Committees	-0-	-0-	11(b)
(c) Other Political Committees	-0-	-0-	11(c)
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11(a), 11(b) and 11(c))	25.00	372,054.69	11(d)
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES	-0-	-0-	12
13. ALL LOANS RECEIVED	-0-	-0-	13
14. LOAN REPAYMENTS RECEIVED	-0-	-0-	14
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	-0-	-0-	15
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES	-0-	1,000	16
AND OTHER POLITICAL COMMITTEES			
17. OTHER RECEIPTS (Dividends, Interest, etc.)	3,507.29	79,582.83	17
18. TOTAL RECEIPTS (Add 11(d), 12, 13, 14, 15, 16 and 17)	3,532.29	452,637.52	18
II. DISBURSEMENTS			
19. OPERATING EXPENDITURES	-0-	82,006.50	19
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES	-0-	-0-	20
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND	132,855.00	518,944.05	21
OTHER POLITICAL COMMITTEES			
22. INDEPENDENT EXPENDITURES (use Schedule E)	-0-	-0-	22
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES	-0-	-0-	23
(2 U.S.C. § 441 a(d)) (Use Schedule F)			
24. LOAN REPAYMENTS MADE	-0-	-0-	24
25. LOANS MADE	-0-	-0-	25
26. REFUNDS OF CONTRIBUTIONS TO			
(a) Individuals/Persons Other Than Political Committees	-0-	359.03	26(a)
(b) Political Party Committees	-0-	-0-	26(b)
(c) Other Political Committees	-0-	478.00	26(c)
(d) TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c))	-0-	837.03	26(d)
27. OTHER DISBURSEMENTS	79,805.00	143,760.42	27
28. TOTAL DISBURSEMENTS (add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	212,660.00	745,548.00	28
III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES			
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)	25.00	372,054.69	29
30. TOTAL CONTRIBUTION REFUNDS from Line 26(d)	-0-	837.03	30
31. NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29)	25.00	372,817.66	31
32. TOTAL OPERATING EXPENDITURES from Line 19	-0-	82,006.50	32
33. OFFSETS TO OPERATING EXPENDITURES from Line 15	-0-	-0-	33
34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32)	-0-	82,006.50	34

86040394793

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)
INTERNATIONAL LADIES GARMENT WORKERS UNION CAMPAIGN COMMITTEE

8504054794

A. Full Name, Mailing Address and ZIP Code Bill Gray for Congress Committee P.O. Box 37561 Washington, D.C.	Purpose of Disbursement Contribution - ticket Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/1/82	Amount of Each Disbursement This Period 250.00
B. Full Name, Mailing Address and ZIP Code Wheat for Congress Committee 308 Constitution Ave., N.E. Washington, D.C. 20002	Purpose of Disbursement Contribution- ticket Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/1/82	Amount of Each Disbursement This Period 150.00
C. Full Name, Mailing Address and ZIP Code John F. Kennedy Regular Democratic Club - Contribution-tickets 117-09 Hillside Avenue Richmond Hill, New York 11418	Purpose of Disbursement Contribution-tickets Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify):	Date (month, day, year) 10/4/82	Amount of Each Disbursement This Period 210.00
D. Full Name, Mailing Address and ZIP Code Democratic Women of Philadelphia 1421 Walnut Street Philadelphia, Pa. 19102	Purpose of Disbursement Contribution - tickets Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify):	Date (month, day, year) 10/4/82	Amount of Each Disbursement This Period 500.00
E. Full Name, Mailing Address and ZIP Code Ed Markey for Congress Committee P.O. Box 8753 Boston, Mass. 02114	Purpose of Disbursement Contribution Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/5/82	Amount of Each Disbursement This Period 750.00
F. Full Name, Mailing Address and ZIP Code Dante Fascell 1982 Headquarters 4617 Le Jeune Road Coral Gables, Fla. 33146	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/5/82	Amount of Each Disbursement This Period 750.00
G. Full Name, Mailing Address and ZIP Code Cannon for Senate Committee P.O. Box 2884 Washington, D.C. 20013	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/5/82	Amount of Each Disbursement This Period 5,000.00
H. Full Name, Mailing Address and ZIP Code Buzz Andrezeski for Congress 5323 Woodward Drive Erie, Pa. 16505	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/5/82	Amount of Each Disbursement This Period 500.00
I. Full Name, Mailing Address and ZIP Code Lautenberg for U.S. Senate 1982 495 Franklin Avenue Nutley, New Jersey 07110	Purpose of Disbursement Contribution Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/6/82	Amount of Each Disbursement This Period 5,000.00
SUBTOTAL of Disbursements This Page (optional)			13,110.00
TOTAL This Period (last page this line number only)			

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)
INTERNATIONAL LADIES GARMENT WORKERS UNION CAMPAIGN COMMITTEE

360405795

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Contribution	Date (month, day, year)	Amount of Each Disbursement This Period
Billy Joe Camp for Congress P.O. Box 1002 Montgomery, Alabama 36102	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/6/82	500.00
Commissioner Ben Erdreich for Congress P.O. Box 751 Birmingham, Alabama 35201	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/6/82	500.00
DeConcini for Re-Election P.O. Box 25460 Phoenix, Arizona 85002	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/6/82	3,000.00
Jerry Brown for Senate 1125 W. 6th Street Los Angeles, Calif. 90017	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/6/82	1,000.00
Bosco for Congress Committee P.O. Box 1494 Santa Rosa, Calif. 95402	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/6/82	500.00
Barbara Boxer Campaign Committee P.O. Box 4881 San Francisco, Calif. 94104	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/6/82	500.00
Pete Stark Re-Election Committee 7 Eastmont Hall Oakland, Calif. 94605	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/6/82	500.00
Tom Lantos for Congress P.O. Box 611 Burlingame, Calif. 94010	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/6/82	1,000.00
Reed for Congress P.O. Box 338 Midrand, Calif.	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/6/82	500.00

SUBTOTAL of Disbursements This Page (optional) **8,000.00**

TOTAL This Period (last page this line number only)

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)
INTERNATIONAL LADIES GARMENT WORKERS UNION CAMPAIGN COMMITTEE

95040594795

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Contribution	Date (month, day, year)	Amount of Each Disbursement This Period
John Gwinn for Congress P.O. Box 9882 Wihana, Ill. 61801	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/6/82	500.00
B. Full Name, Mailing Address and ZIP Code Durbin for Congress Committee P.O. Box 1949 Springfield, Ill. 62705	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/6/82	1,000.00
C. Full Name, Mailing Address and ZIP Code Paul Simon for Congress P.O. Box 3301 Carbondale, Ill. 62901	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/6/82	500.00
D. Full Name, Mailing Address and ZIP Code Fithian for U.S. Senate 701 Main Street Lafayette, Indiana 47901	Disbursement for: <input checked="" type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/6/82	\$3,000.00-Primary 1,000.00-General
E. Full Name, Mailing Address and ZIP Code Kate Hall for Congress 1937 Madison Street Gary, Indiana 46407	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/7/82	1,000.00
F. Full Name, Mailing Address and ZIP Code Friends of Phil Sharp Mary Augburn, Treasurer P.O. Box 1046 Muncia, Indiana 47305	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/7/82	500.00
G. Full Name, Mailing Address and ZIP Code Bodine for Congress 113 Lincoln Way West Michawaka, Indiana 46544	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/7/82	1,000.00
H. Full Name, Mailing Address and ZIP Code McCloskey for Congress P.O. Box 70 Bloomington, Indiana 47401	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/7/82	750.00
I. Full Name, Mailing Address and ZIP Code Gluba for Congress Committee P.O. Box 2126 Davenport, Iowa 52809	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/7/82	500.00
SUBTOTAL of Disbursements This Page (optional)			9,750.00
TOTAL This Period (last page this line number only)			

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206

From MZ Legal Dept.
ILGWU
INTERNATIONAL LADIES' GARMENT WORKERS'
UNION, 1710 BROADWAY, NEW YORK, N.Y. 10019

To

CHARLES N. STEELE
General Counsel
Federal Election Commission
Washington, D.C. 20463

Attention: Deborah Curry

426

CERTIFIED-RRR

CERTIFIED-RRR

CERTIFIED

No. 371069

MAIL

CC# 4426

Curry



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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

August 23, 1984

14 AUG 23 1984 P 3: 42

GENERAL COUNSEL

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

Re: MUR 1753

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. Enclosed please find a duly executed Designation of Counsel form.

In paragraphs 16 through 19, the Complaint alleges that EPEC/IUOE violated 2 U.S.C. § 441a(a)(2)(A) by contributing a total of \$6,000.00 to the Fithian for U.S. Senate Committee (the Fithian Committee) in connection with the 1982 primary election of Floyd J. Fithian, a candidate for U.S. Senate, and that EPEC/IUOE violated 11 CFR § 104.14(d) by failing to designate on its FEC Form 3 Report whether its April 2, 1982 contribution of \$1,000.00 to the Fithian Committee was intended for the primary or general election.

With respect to the 2 U.S.C. § 441a(a)(2)(A) allegation, please be advised that the limitations set forth therein were not exceeded in this matter. The \$1,000 contribution to the Fithian Committee of April 2, 1982 was intended for the general election. Attached as Exhibit 1 is an affidavit of John J. Brown, Director of Legislation of the International Union of Operating Engineers. As Legislative Director Mr. Brown initiates authorizations for contributions made by EPEC/IUOE.

35040574708

Mr. Brown initiated the request for the April 2, 1982 contribution to Mr. Fithian based upon a request received from the Business Manager of the IUOE Local Union headquartered in Chicago, Illinois, contained in a letter dated March 11, 1982 forwarded to Mr. J. C. Turner, General President of the International Union of Operating Engineers. A copy of the March 11 letter is attached to Mr. Brown's affidavit. Mr. Brown initiated the authorization for the contribution by noting at the bottom of the President-Business Manager's March 11 letter: "Kay, start memo as requested for Adam Benjamin and Fithian--but Fithian check mark General Election."

Thereafter, in a memo to General President Turner, dated April 2, 1984, Mr. Brown recommended a check in the amount of \$1,000.00 to the Fithian Committee with the typed notation: "(Check should indicate General Election)". A copy of that memo is also attached to Mr. Brown's affidavit. While a review of the cancelled check discloses that, unfortunately, it did not carry the intended notation, the cover letter accompanying the check, attached hereto as Exhibit 2, in its final paragraph instructs the Fithian Committee to treat the contribution in compliance with applicable federal law. Upon information and belief, the Fithian Committee did, in fact, allocate the \$1,000.00 to the general election campaign and, accordingly, no violation of the Act occurred. The contribution was intended for the general election and was so applied.

With respect to the 11 CFR § 104.14(d) allegation, please be advised that it is the position of EPEC/IUOE that the regulation is jurisdictional in nature and not substantively violable. In this case, failure to mark the appropriate boxes resulted from clerical error. In order to clarify the record in this matter, EPEC/IUOE has filed an amended Form 3 report in connection therewith, a copy of which is attached as Exhibit 3.

Based upon the information contained herein it is respectfully requested that the General Counsel find no Act has been violated and recommend that the Federal Election Commission take no further action in this matter.

Sincerely,


Michael R. Fanning
Counsel

MRF/bu
Enclosures

86040594799

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. In March of 1982, J. C. Turner, President of EPEC/IUOE referred to me a letter of March 11, 1982 in which Mr. Bill Martin, President and Business Manager of IUOE Local Union No. 150, requested that EPEC/IUOE make contributions of \$2,000 to candidate Adam Benjamin and \$1,000 to candidate Floyd Fithian.
4. Upon receipt of the March 11 letter, a copy of which is attached as Exhibit A, I reviewed the records of IUOE/EPEC and determined that both contributions were permissible when combined with previous contributions made to the candidates. However, because

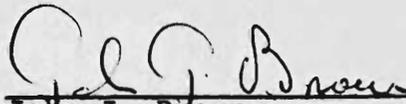
8504051900

EPEC/IUOE had already contributed \$5,000 to the primary election campaign of candidate Fithian, I approved a \$1,000 contribution to his campaign with the specific notation, in my handwriting appearing at the bottom of the March 11 letter, that the Fithian check be marked "General Election."

The notation, addressed to my secretary Kay McGrath reads as follows: "Kay, start memo as requested for Adam Benjamin and Fithian - but Fithian check mark General Election."

5. Subsequently the requested memo was prepared to President Turner from me, recommending a \$1,000 contribution to candidate Fithian. A copy of that memo, dated April 2, 1982, is attached as Exhibit B. Typed on the memo is the notation "Check should indicate General Election."

6. In connection with MUR 1753 pending before the Federal Election Commission, I have reviewed IUOE/EPEC's cancelled check of the \$1,000 contribution to candidate Fithian and found that, in spite of my notations, it did not carry the intended general election designation.



John J. Brown

Subscribed and sworn to before me
this 23rd day of August 1984.



Notary Public

My Commission Expires April 30, 1989

86040574801

INTERNATIONAL UNION OF OPERATING ENGINEERS

LOCAL UNION NO. 150, 150A, 150B.

AFFILIATED WITH THE A.F.L.-C.I.O. AND BUILDING TRADES DEPARTMENT

WILLIAM F. MARTIN
PRESIDENT-BUSINESS MANAGER



Hanley
(312) 482-0800
6200 JOLIET ROAD
COUNTRYSIDE, ILLINOIS 60525

Exhibit A

March 11, 1982

Mr. J. C. Turner - General President
International Union of Operating Engineers
1125 Seventeenth Street NW
Washington, D. C. 20036

Dear "J":

Enclosed find a check in the amount of Thirty Thousand Dollars, (\$30,000) which is voluntary money contributed by the members of Local 150, to be used in Federal elections.

I know this may be rather soon to make requests but would you please return to me a check for Two Thousand Dollars (\$2000) for Congressman Adam Benjamin from the 1st District, State of Indiana and One Thousand Dollars (\$1000) for Congressman Fithian from the 2nd Congressional District of Indiana, who we are supporting to run against our avowed enemy, Senator Luger.

We will continue our effort on this voluntary contribution drive until it is possible for us to incorporate our Vacation Plan for contributions.

Sincerely,

W. F. Martin

Bill Martin
President-Business Manager

WFM/e
ENCL: Check #1001

Certified Mail/RRR
#P14 1304902

Tom Rind

*1/2000
Start money as
requested for Adam Benjamin
and Fithian -
but Fithian check
... General election*

8504054802

Inter-office Memorandum
INTERNATIONAL UNION OF OPERATING ENGINEERS

To: J. C. Turner, General President

From: John J. Brown

Date: April 2, 1982

Subject: EPEC VOLUNTARY FUNDS
Cong. Floyd J. Fithian (D) Candidate
U. S. Senate - Indiana

Recommend a check in the amount of \$1,000 payable to:

FITHIAN FOR U. S. SENATE
1911 Rhode Island Avenue
McLean, Virginia 22101

(Check should indicate General Election)

JJB/kmg

cc: House Counsel

(Personal request of Bus. Mgr. Bill Martin - L.U. 150)

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5

J.C. TURNER
Chairman

FRANK HANLEY
Treasurer

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

Engineers Political Education Committee



April 2, 1982

FITHIAN FOR U. S. SENATE
1911 Rhode Island Avenue
McLean, Virginia 22101

Attn: Treasurer

Dear Sir:

Attached hereto is our check No. 000612 in the amount of
\$1,000.00 as a contribution from the Engineers
Political Education Committee of the International
Union of Operating Engineers and Local Union #150, Countryside,
Illinois.

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
GENERAL PRESIDENT

Frank Hanley
Frank Hanley
TREASURER

JCT:FH/kmg

Enc. (1)

bcc: F. Hanley (Checks were mailed directly to Local Union #150)

86040574804

REPORT OF RECEIPTS AND DISBURSEMENTS
Political Committee Other Than an Authorized Committee

Exhibit 3

(Summary Page)

ALIGN AREA	ALIGN AREA
1. Name of Committee (In Full) Engineers Political Education Committee (EPEC) / International Union of Operating Engineers	4. TYPE OF REPORT (Check appropriate boxes) (a) <input type="checkbox"/> April 15 Quarterly Report <input type="checkbox"/> October 15 Quarterly Report <input type="checkbox"/> July 15 Quarterly Report <input type="checkbox"/> January 31 Year End Report <input type="checkbox"/> July 31 Mid Year Report (Non-Election Year Only) <input checked="" type="checkbox"/> Monthly Report for <u>April, 1982</u> <input type="checkbox"/> Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____ <input type="checkbox"/> Thirtieth day report following the General Election on _____ in the State of _____ <input type="checkbox"/> Termination Report
Address (Number and Street) 1125 17th Street, N.W. Washington, D.C. 20036	
City, State and ZIP Code Washington, D.C. 20036	
<input type="checkbox"/> Check here if address is different than previously reported.	
2. FEC Identification Number C-00029504	
3. <input type="checkbox"/> This committee qualified as a multicandidate committee during this Reporting Period on _____ (Date)	(b) Is this Report an Amendment? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>4/1/82</u> through <u>4/30/82</u>		
6. (a) Cash on hand January 1, 19 _____		\$ 148,383.83
(b) Cash on Hand at Beginning of Reporting Period	\$ 207,265.27	
(c) Total Receipts (from Line 18)	\$ 21,783.58	\$ 184,626.06
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 229,048.85	\$ 333,009.89
7. Total Disbursements (from Line 28)	\$ 26,801.16	\$ 130,762.20
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 202,247.69	\$ 202,247.69
9. Debts and Obligations Owed TO The Committee	\$ -0-	
(Itemize all on Schedule C or Schedule D)		
10. Debts and Obligations Owed BY the Committee	\$ -0-	
(Itemize all on Schedule C or Schedule D)		

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

Frank Hanley

Type or Print Name of Treasurer

Frank Hanley
 SIGNATURE OF TREASURER

8/22/84

Date

For further information contact:

Federal Election Commission

Toll Free 800-424-9530

Local 202-523-4068

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)

85040574805

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) **Engineers Political Education Committee (EPEC)/
 International Union of Operating Engineers (IUOE)**

86040574806

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Fithian for U.S. Senate 1911 Rhode Island Avenue McLean, VA 22101	Purpose of Disbursement \$6,000.00 Cand. Floyd J. Fithian U.S. Senate, IN Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	4/2/82	\$1,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			

INTERNATIONAL UNION OF OPERATING ENGINEERS

25 SEVENTEENTH STREET, N.W.
WASHINGTON, D. C. 20036

8 5 0 4 0 5 9 4 8 0 7



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

ADDRESS CORRECTION REQUESTED

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

HAND DELIVERED

FIRST CLASS

FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

MEMORANDUM TO: D. Curry
FROM: Barbara A. Jonson
Docket Clerk
SUBJECT: Returned Letters
DATE: 8/15/84

The following letter MUR 1753 was returned. Please write a memo to the file and advise on what to do. If you wish to resend the letter, please have the envelope(s) and green card(s) made.

Thanks

Floyd S Fithian
1911 Rhode Island Avenue
McLean, Virginia 22101

86040574808

FEDERAL ELECTION COMMISSION

1100 K STREET, N.W.
WASHINGTON, DC 20003

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300



Floyd J. Fithian
818 Connecticut Avenue, N.W.
Suite 300
Washington, D. C. 20036

CERTIFIED

#943292

Handwritten signature



POSTAGE AND FEES PAID
FEDERAL ELECTION COMMISSION

U S A

8504074810

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
 Show to whom and date delivered —
 Show to whom, date, and address of delivery.. —
 RESTRICTED DELIVERY —
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ _____

3. **ARTICLE ADDRESSED TO:**
*Flora J. Fithian
 818 Conn. Ave NW
 Suite 300
 Wash DC 20036*

4. **TYPE OF SERVICE:** **ARTICLE NUMBER**
 REGISTERED INSURED *943296*
 CERTIFIED COD
 EXPRESS MAIL

(Always obtain signature of addressee or agent)

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

5. **DATE OF DELIVERY** **POSTMARK**

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

7. **UNABLE TO DELIVER BECAUSE:** **7a. EMPLOYEE'S INITIALS**

mur 1753 Curry 8-6-84

BCC # 4447

RECEIVED AT THE FEC

INTERNATIONAL LADIES' GARMENT WORKERS' UNION

AFL-CIO

1710 BROADWAY • NEW YORK, N.Y. 10019

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

LEGAL DEPARTMENT

MAX ZIMNY
General Counsel

August 22, 1984

Deborah Curry, Esq.
Federal Elections Commission
1325 K Street, NW
Washington, DC 20463

14 AUG 27 11:20
GENERAL COUNSEL

Re: MUR 1753
Antosh v. Floyd J. Fithian

Dear Ms. Curry:

I am Counsel for the International Ladies' Garment Workers' Union Campaign Committee. The complaint and your letter of August 6, 1984 in the above captioned case were received by the Campaign Committee on August 13, 1984. On August 15th Jean Grumet, an attorney in my office spoke to you about MUR's 1752 and 1753 and explained that I was on vacation and would return on August 20, 1984. She stated that I would need an extension of time to respond to the complaint. You said that I should make a written request for an extension.

I hereby request a 15-day extension until September 7, 1984 in order to fully respond to the allegations of the complaint.

Thank you very much for your assistance in this matter.

Very truly yours,

Max Zimny
Max Zimny

MZ:dp

11856704098

AL DEPARTMENT

EWU

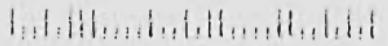
THE UNITED GARMENT WORKERS
ROADWAY, NEW YORK, N.Y. 10019

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Deborah Curry, Esq.
Federal Elections Commission
1325 K Street
Washington, DC 20463



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Curry
7/30/84
523-4000

MUP # 1753
DATE 8/1/84 4

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

8504057948

1. Floyd J. Fithian
~~1911 Rhode Island~~
818 Connecticut Ave, N.W.
Suite 300
Washington, D.C. 20036

2. William G. Davis, Treasurer *continues page*
Fithian for U.S. Senate Committee
916 Teal Road ~~911 Rhode Island Avenue~~
Lafayette Mekean, Virginia 22101
DN. 47905

3. Frank Hanley, Treasurer
Engineers Political Education Committee
International Union of Operating Engineers
1125 Seventh St. N.W.
Washington, D.C. 20036
→ oval



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 6, 1984

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

Dear Mr. Avakian and Ms. Poindexter:

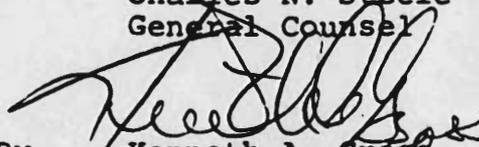
This letter is to acknowledge receipt of the complaint of your client, James Edward Antosh, which we received on July 30, 1984, against Floyd J. Fithian, William G. Davis, Fithian for U.S. Senate Committee, Frank Hanley, Engineers Political Education Committee/International Union of Operating Engineers, Lawrence Dock, and International Ladies Garment Workers Union Campaign Committee which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedure for handling complaints. If you have any questions, please contact Barbara A. Johnson at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By


Kenneth A. Gross
Associate General Counsel

Enclosure

96040574814



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 6, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Floyd J. Fithian
818 Connecticut Avenue, N.W. Suite 300
Washington, D.C. 20036

Re: MUR 1753

Dear Mr. Fithian:

This letter is to notify you that on July 30, 1984 the Federal Election Commission received a complaint which alleges that you, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1753. 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.

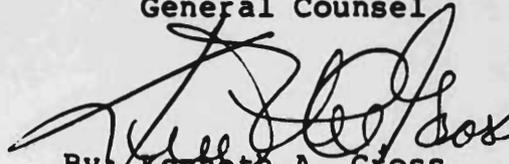
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Deborah Curry, the attorney 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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 6, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William G. Davis
Treasurer
Fithian for U.S. Senate
Committee 916 Teal Road
Lafayette, IN 47905

Re: MUR 1753

Dear Mr. Davis:

This letter is to notify you that on July 30, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, 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 1753. 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, 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.

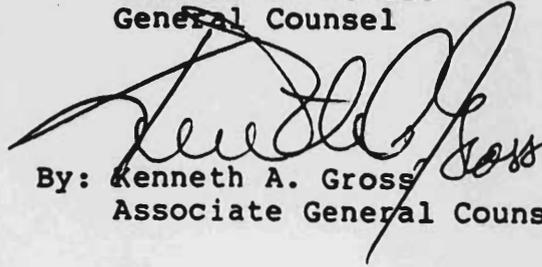
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Deborah Curry, the attorney 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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 6, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Re: MUR 1753

Dear Mr. Hanley:

This letter is to notify you that on July 30, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, 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 1753. 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, 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.

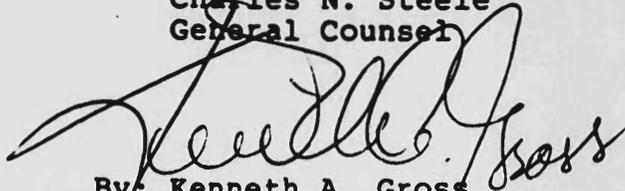
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Deborah Curry, the attorney 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

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PS Form 3811, Dec. 1980

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

(CONSULT POSTMASTER FOR FEES)

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

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

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

TOTAL \$

3. **ARTICLE ADDRESSED TO:**
 Frank Hooley, Pres.
 Eng. Pol. Educ. Cmty./Internatl.
 Union of Prof. Engs.
 1125 17th St NW
 Wash DC 20036

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

REGISTERED INSURED 943317
 CERTIFIED COD
 EXPRESS MAIL

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

5. **DATE OF DELIVERY**
 8/8/84

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

7. **UNABLE TO DELIVER BECAUSE:** 7b. **EMPLOYEE DETAILS**

POSTMARK: WASHINGTON, D.C. AUG 11 1984

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

mur 1753 Curry 8-6-84



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 6, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Re: MUR 1753

Dear Mr. Dock:

This letter is to notify you that on July 30, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, 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 1753. 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, 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.

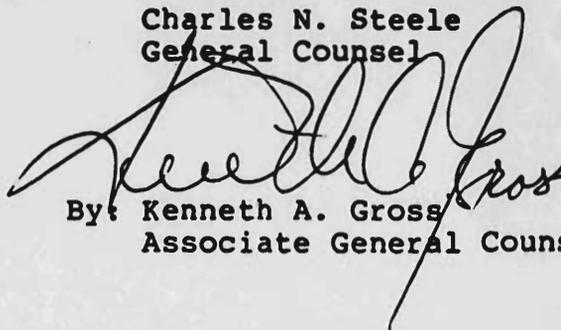
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Deborah Curry, the attorney 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

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

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

v.)

Complaint)
MUR No. 1753)

Floyd J. Fithian, Fithian for)
U.S. Senate, Engineers Political)
Education Committee/International)
Union of Operating Engineers,)
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, Floyd J. Fithian, Fithian for U.S. Senate, Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE"), 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. Floyd J. Fithian
1911 Rhode Island Avenue
McLean, Virginia 22101.

818 Connecticut Avenue, N.W.
Suite 300
Washington, D.C. 20036.

701 Main Street
Lafayette, Indiana 47901
- b. William G. Davis, individually and in his capacity as treasurer of Fithian for U.S. Senate Committee, 1911 Rhode Island Avenue McLean, Virginia 22101.

818 Connecticut Avenue, N.W.
Suite 300
Washington, D.C. 20036.

701 Main Street
Lafayette, Indiana 47901

- c. Fithian for U.S. Senate
1911 Rhode Island Avenue
McLean, Virginia 22101.

818 Connecticut Avenue, N.W.
Suite 300
Washington, D.C. 20036.

701 Main Street
Lafayette, Indiana 47901

- d. Frank Hanley, individually and in his capacity as
treasurer of Engineers Political Education Committee/
International Union of Operating Engineers
1125 Seventeenth St., N.W.
Washington, D.C. 20036.
- e. Engineers Political Education Committee/International
Union of Operating Engineers
1125 Seventeenth St., N.W.
Washington, D.C. 20036.
- f. Lawrence Dock, individually and in his capacity as
treasurer of International Ladies Garment Workers
Union Campaign Committee
1710 Broadway
New York, N.Y. 10019.
- g. International Ladies Garment Workers Union Campaign
Committee
1710 Broadway
New York, N.Y. 10019.

III. LIABILITY

3. Liability may be imposed upon the candidate, Floyd J. Fithian, Fithian for U.S. Senate, EPEC/IUOE 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).

IV. OVERVIEW

5. Based on Complainant's information and belief, Respondents have contributed or received an aggregate in excess of \$5,000.00 (FIVE THOUSAND DOLLARS) for the 1982 federal primary election in which Floyd J. Fithian 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 Floyd J. Fithian; Fithian for U.S. Senate and its treasurer; EPEC/IUOE and its treasurer; and ILGWUCC and its treasurer filed for the 1982 federal primary election.

6. For the 1982 federal primary election, excessive funds were contributed to Floyd J. Fithian, Fithian for U.S. Senate and its treasurer by EPEC/IUOE and its treasurer; and ILGWUCC and its treasurer.

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

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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
FITHIAN FOR U.S. SENATE
IN THE 1982 FEDERAL PRIMARY ELECTION**

8. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Floyd J. Fithian, Fithian for U.S. Senate and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal primary election from EPEC/IUOE in the amount of \$6,000.00 (SIX THOUSAND DOLLARS).

9. Candidate Floyd J. Fithian, Fithian for U.S. Senate and its treasurer, for the 1982 federal primary election, accepted contributions from EPEC/IUOE in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>F.E.C. Microfilm Location</u>
3/29/82	\$5,000.00	82020041600
5/5/82	<u>\$1,000.00</u>	82020082208
Total	\$6,000.00	

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10. A running total of contributions from EPEC/IUOE would have put on notice Floyd J. Fithian, Fithian for U.S. Senate and its treasurer that they had received \$5,000.00 (FIVE THOUSAND DOLLARS) by March 29, 1982. On that date, Floyd J. Fithian, Fithian for U.S. Senate and its treasurer could no longer lawfully accept any contributions from EPEC/IUOE. In violation of 2 U.S.C. §441a(f), Floyd J. Fithian, Fithian for U.S. Senate and its treasurer accepted a contribution from this contributor in the amount of \$1,000.00 (ONE THOUSAND DOLLARS). This amount exceeded the statutory monetary ceiling by \$1,000.00 (ONE THOUSAND DOLLARS).

11. EPEC/IUOE and its treasurer failed to designate whether the \$1,000.00 (ONE THOUSAND DOLLAR) contribution made on April 2, 1982 was intended for the primary or the general election. (See F.E.C. Microfilm # 82032451343). However, the contribution was made more than one month before the Indiana Congressional primary election which was held on May 4, 1982. Therefore, the \$1,000.00 (ONE THOUSAND DOLLAR) contribution of April 2, 1982 is considered a contribution for the primary election in accordance with 11 C.F.R. §110.1(a)(2)(ii)(A). In violation of 11 C.F.R. §104.14(d), Floyd J. Fithian, Fithian for U.S. Senate and its treasurer reported it as a contribution for the general election. (See F.E.C. Microfilm # 82020082208). 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." Floyd J. Fithian, Fithian for U.S. Senate and its treasurer knowingly misreported the contribution in order to accept contributions in excess of the statutory limit.

12. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Floyd J. Fithian, Fithian for U.S. Senate and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal primary election from ILGWUC in the amount of \$5,600.00 (FIVE THOUSAND SIX HUNDRED DOLLARS).

13. Candidate Floyd J. Fithian, Fithian for U.S. Senate and its treasurer, for the 1982 federal primary election, accepted contributions from ILGWUC in the following amount:

<u>Date Received</u>	<u>Amount</u>	<u>F.E.C. Microfilm Location</u>
4/9/82	\$250.00	82020062388
4/30/82	\$750.00	82020082207
6/18/82	\$800.00	82020082210
10/8/82	<u>\$3,800.00</u>	82020162118
Total	\$5,600.00	

14. A running total of the amount of contributions received from ILGWUC would have put on notice Floyd J. Fithian, Fithian

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for U.S. Senate and its treasurer that they had received \$1,800.00 (ONE THOUSAND EIGHT HUNDRED DOLLARS) by June 18, 1982. On that date, Floyd J. Fithian, Fithian for U.S. Senate and its treasurer were only permitted to accept an additional contribution of \$3,200.00 (THREE THOUSAND TWO HUNDRED DOLLARS). In violation of 2 U.S.C. §441a(f), they accepted additional contributions and thereby exceeded the maximum \$5,000.00 (FIVE THOUSAND DOLLARS) the statute permits them to accept.

15. ILGWUCC and its treasurer made a \$4,000.00 (FOUR THOUSAND DOLLAR) contribution to Floyd J. Fithian, Fithian for U.S. Senate and its treasurer on October 6, 1982. \$3,800.00 (THREE THOUSAND EIGHT HUNDRED DOLLARS) was designated as a contribution for the primary election deficit and \$200.00 (TWO HUNDRED DOLLARS) was designated as a contribution for the general election. (See F.E.C. Microfilm # 82032500147). In violation of 11 C.F.R. §104.14(d), Floyd J. Fithian, Fithian for U.S. Senate and its treasurer misreported the contributions. They designated \$3,000.00 (THREE THOUSAND DOLLARS) for the primary election and \$1,000.00 (ONE THOUSAND DOLLARS) for the general election. (See F.E.C. Microfilm # 82020162118). 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." Floyd J. Fithian, Fithian for U.S. Senate and its treasurer

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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
IN THE 1982 FEDERAL PRIMARY ELECTION**

16. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that EPEC/IUOE for the 1982 federal primary election contributed to candidate Floyd J. Fithian, Fithian for U.S. Senate and its treasurer a total of \$6,000.00 (SIX THOUSAND DOLLARS).

17. EPEC/IUOE contributed the following amounts:

a. On March 9, 1982, EPEC/IUOE contributed \$5,000.00 (FIVE THOUSAND DOLLARS). (See F.E.C. Microfilm # 82032290012).

b. On April 2, 1982, EPEC/IUOE contributed \$1,000.00 (ONE THOUSAND DOLLARS). (See F.E.C. Microfilm # 82032451343).

18. A running total of the amount contributed to Floyd J. Fithian, Fithian for U.S. Senate and its treasurer by EPEC/IUOE and its treasurer would have put them on notice that as of March 9, 1982 they had contributed \$5,000.00 (FIVE THOUSAND DOLLARS). In violation of 2 U.S.C. §441a(a)(2)(A), EPEC/IUOE made a \$1,000.00 (ONE THOUSAND DOLLAR) contribution on April 2, 1982, which exceeded

the \$5,000.00 (FIVE THOUSAND DOLLAR) ceiling by \$1,000.00 (ONE THOUSAND DOLLARS).

19. EPEC/IUOE and its treasurer failed to accurately report the \$1,000.00 (ONE THOUSAND DOLLAR) contribution made to Floyd J. Fithian, Fithian for U.S. Senate and its treasurer on April 2, 1982. In violation of 11 C.F.R. §104.14(d), EPEC/IUOE and its treasurer failed to designate whether the contribution was intended for the primary or the general election. (See F.E.C. Micro-film # 82032451343). Since the contribution was made before the Indiana Congressional primary election which was held on May 4, 1982, it is considered a contribution for the primary election in accordance with 11 C.F.R. §110.1(a)(2)(ii)(A).

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

20. 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 primary election contributed to candidate Floyd J. Fithian, Fithian for U.S. Senate and its treasurer a total of \$5,600.00 (FIVE THOUSAND SIX HUNDRED DOLLARS).

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21. ILGWUCC contributed the following amounts:

a. On March 25, 1982, ILGWUCC contributed \$250.00 (TWO HUNDRED FIFTY DOLLARS). (See F.E.C. Microfilm # 82032294253).

b. On April 19, 1982, ILGWUCC contributed \$750.00 (SEVEN HUNDRED FIFTY DOLLARS). (See F.E.C. Microfilm # 82032313890).

c. On June 3, 1982, ILGWUCC contributed \$800.00 (EIGHT HUNDRED DOLLARS). (See F.E.C. Microfilm # 82032392743).

d. On October 6, 1982, ILGWUCC contributed \$3,800.00 (THREE THOUSAND EIGHT HUNDRED DOLLARS). (See F.E.C. Microfilm # 82032500147).

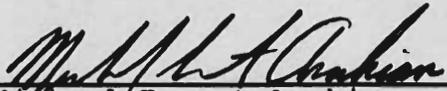
22. A running total of the amount contributed to Floyd J. Fithian, Fithian for U.S. Senate and its treasurer would have put on notice ILGWUCC that as of June 3, 1982, it had contributed \$1,800.00 (ONE THOUSAND EIGHT HUNDRED DOLLARS) and that it could only contribute an additional \$3,200.00 (THREE THOUSAND TWO HUNDRED DOLLARS) if it wished to meet the mandates of the law. In violation of 2 U.S.C. §441a(a)(2)(A), a \$3,800.00 (THREE THOUSAND EIGHT HUNDRED DOLLAR) contribution was made to Floyd J. Fithian, Fithian for U.S. Senate and its treasurer. This amount exceeded the statutory monetary ceiling by \$600.00 (SIX HUNDRED DOLLARS).

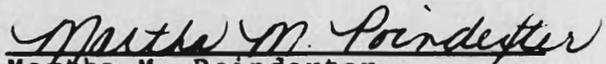
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IX. CONCLUSION

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

24. 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

July 30, 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 9th day of July 1984.

Denise K. Almon
Notary Public

My Commission expires:

Oct. 17, 1986

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FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1753

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