



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1791

Date Filmed 3/18/85 Camera No. --- 3

Camerman JRL

85040515120

FEDERAL ELECTION COMMISSION

ROUTING SLIPS, INTERIM MEMORANDA, FILE, FEDERAL
COUNSEL'S REPORT WHICH WAS WITHDRAWN, COMMENT SLIPS,
12 DAY REPORT, MEMO FROM DOCKET RE: NAMES & ADDRESSES
OF COMPLAINANT & RESPONDENT, ASSIGNMENT MEMO

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 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
date

Stephen Levin
3-14-85

FEC 9-21-77

JD
3/15/85

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1791
Bartley for Senate Committee)
J. John Fox, Treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 22, 1985, the Commission decided by a vote of 5-0 to take the following actions in MUR 1791:

1. Find reason to believe that the Bartley for Senate Committee and J. John Fox, as treasurer, violated 2 U.S.C. § 434(b)(8), but take no further action.
2. Approve and send the letter to complainant and respondent as submitted with the First General Counsel's Report signed January 16, 1985.
3. Close the file.

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

Attest:

1-22-85
Date

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

Received in Office of Commission Secretary: 1-17-85, 8:57
Circulated on 48 hour tally basis: 1-17-85, 11:00

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 30, 1985

J. John Fox, Treasurer
Bartley for Senate Committee
5 Doan Street
Boston, Massachusetts 02109

RE: MUR 1791
Bartley for Senate Committee

Dear Mr. Fox:

The Federal Election Commission notified you on September 24, 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; to date we have not received a reply from you.

Upon further review of the allegations contained in the complaint, the Commission, on January 22, 1985 determined that there is reason to believe that Bartley for Senate Committee and you, as treasurer, have violated 2 U.S.C. § 438(b)(8), a provision of the Act. However, after considering the circumstances of the matter the Commission has determined to take no further action and close the file.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

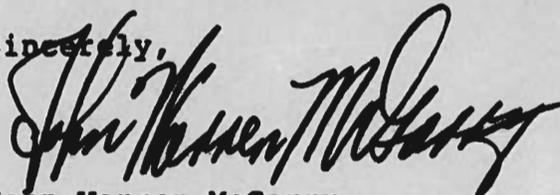
The Commission reminds you that your failure to continuously report the debt owed to the Flying Locksmith until it was paid on November 7, 1984, appears to be a violation of 2 U.S.C. § 438(b)(8). You should take immediate steps to insure that this type of failure to report does not occur in the future.

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MUR 1891
Bartley for Senate Committee
Page 2

If you have any questions, please contact Conley
Edwards, Jr., at (202) 523-4000.

Sincerely,



John Warren McGarry
Chairman

Enclosure
General Counsel's Report

85040515124



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1985

William R. McMenimon, Jr., Esquire
66 Rockefeller Street
Randolph, Massachusetts 02368

RE: MUR 1791
Bartley for Senate Committee

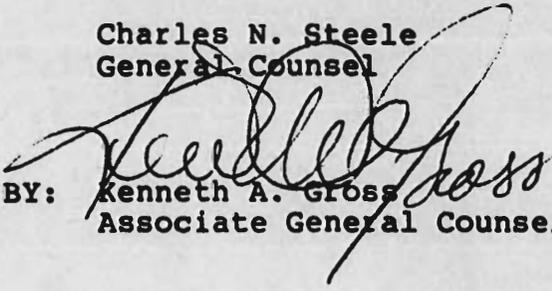
Dear Mr. McMenimon:

The Federal Election Commission has reviewed the allegation of your complaint, dated September 18, 1984 as well as your letter of December 3, 1984, and determined that on the basis of the information you provided, that there is reason to believe that respondent violated 2 U.S.C. § 438(b)(8) by failing to report the debt owed to your client until it was paid. However, the Commission decided to take no further action and close the file.

If you have any further questions please contact Conley Edwards, Jr., at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

85040515125

SENSITIVE

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

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

85 JAN 17 A8:58

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY
OGC TO THE COMMISSION 1-17-85

9⁰⁰
2^m

MUR NO. 1791
DATE COMPLAINT RECEIVED BY
OGC September 20, 1984
DATE OF NOTIFICATION TO
RESPONDENT September 24, 1984
STAFF MEMBER
Conley Edwards, Jr.

COMPLAINANT'S NAME: The Flying Locksmiths, Inc.

RESPONDENT'S NAME: Bartley for Senate Committee
J. John Fox, Treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(b)(8)

INTERNAL REPORTS
CHECKED: Bartley for Senate Committee

FEDERAL AGENCIES
CHECKED: None

SUMMARY OF ALLEGATIONS

On September 20, 1984, the Commission received a formal complaint from the Flying Locksmiths, Inc. (hereinafter "the Complainant") concerning the non-payment of an outstanding debt. See Attachment I.

FACTUAL AND LEGAL ANALYSIS

According to the complaint and a copy of the invoice provided by the Complainant, as of March 16, 1984, the Bartley for Senate Committee (hereinafter "the Committee") owed \$40.80 to the Complainant for services rendered during its 1984 federal election campaign. The complaint states:

On March 15, 1984, our services were requested by the Committee to Elect David Bartley for U.S. Senator from Massachusetts.

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Such services were rendered on March 16, 1984. The work was signed for by a Susan Lynch, a committee member. However, no payment has yet been received.

The Bartley for Senate Committee was established on January 23, 1984, as the principal campaign committee for David M. Bartley.^{1/} A review of the Committee's 1984 April Quarterly Report, the first report filed, revealed that no disbursements were made to the Complainant, nor does the report disclose any outstanding debt(s) owed to the Complainant; a review of the Committee's 1984 July Quarterly indicates that on May 23, 1984, a disbursement of \$38.94^{2/} was made to the Complainant, The Flying Locksmiths, for keys. Attachment II.

Thus, the complaint alleged the non-payment of an outstanding debt, but the Committee reported a disbursement of \$38.94 on May 23, 1984; approximately two and one half months after the services were rendered. To date, the Committee has not responded to the complaint.

On December 6, 1984, this Office received a letter from the Complainant's counsel stating that on November 7, 1984, payment in full had been received from the Committee and " . . . the issue is now resolved." Attachment III. In light of the aforementioned, this Office reviewed the Committee's 1984

^{1/} Mr. Bartley was defeated in the 1984 Democratic Primary Election for the United States Senate in Massachusetts.

^{2/} The Complainant has assessed a \$1.77 late charge to the original bill of \$38.94 for a total of "\$40.80" that the complaint now states is outstanding for services rendered on March 16, 1984.

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Pre-Primary Election and October Quarterly Reports^{3/} and found no amended and/or additional information concerning the debt/disbursement. As of October 15, 1984, the Committee had \$30,151.58 in cash on hand and had \$118,909.92 in debts and obligations.

2 U.S.C. § 434(b)(8)^{4/} requires the continuous reporting of the amount and nature of all outstanding debts and obligations owed by a political committee until properly extinguished.

Based on the above it appears that the Bartley for Senate Committee and J. John Fox, as treasurer of the Committee, violated 2 U.S.C. § 434(b)(8) by continuing to fail to disclose all outstanding debt(s) and obligation(s) owed to the Complainant. However, in view of the fact that the amount of the debt was minimal, and that the debt has been paid, it is the conclusion of this Office that the Commission should take no further action in this matter and close the file.

RECOMMENDATIONS

1. Find reason to believe that the Bartley for Senate Committee and J. John Fox, as treasurer, violated 2 U.S.C. § 434(b)(8); but take no further action.
2. Approve and send the attached letter to Complainant and Respondent, and

^{3/} This is the most recent report filed by the Committee.

^{4/} See also 11 C.F.R. § 104.3(d) and 104.11.

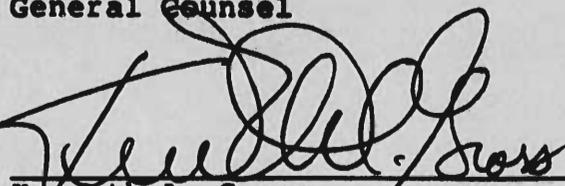
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3. Close the file.

Charles N. Steele
General Counsel

January 16, 1985
Date

BY:


Kenneth A. Gross
Associate General Counsel

Attachments

- Copy of Complaint
- Copy of Committee report of itemized disbursements
- Letter to Respondent

85040515129

RECEIVED AT THE FED

815 - 245-2272

84 DEC 6 11 00
GCC # 5887

M. Edwards
1791
Edwards

Attorney at Law

William R. McMenimon Jr.

68 Rockefeller Street, Randolph, Massachusetts 02369

December 3, 1984

DEC 6 11 00
P 2: 04

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

Re: David Bartley for Senator (Complaint)
18 Tremont Street
Boston, MA 02108

To Whom It May Concern:

On or about September 20, 1984 I sent a complaint to the Federal Election Commission J. John Fox and the Bartley for Senator Committee in re non payment for services rendered by my client, The Flying Locksmiths, Inc. On or about 11/7/84 payment in full was received by my client.

Please advise whomever it concerns that the issue is now resolved.

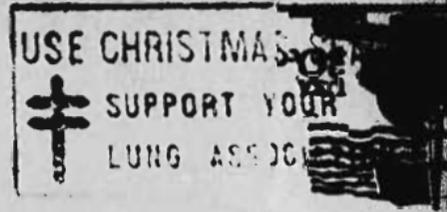
Respectfully,

William R. McMenimon, Jr.
William R. McMenimon, Jr., Esq.

WRM:m

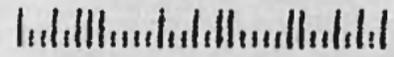
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William R. McMenimon Jr.
Attorney at Law
66 Rockefeller Street
Randolph, Massachusetts 02368



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



84 DEC 6
ALL: 12

All information reported from each Disbursement and Disbursement may not be used by any person for the purpose of advertising, solicitation or for other purposes, other than using the name and address of any disbursement committee to solicit contributions from such disbursement.

Name of Disbursement (in Full)

David Bartley for U.S. Senate Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Mike Doyle 190 Chestnut Street Holyoke, Mass. 01040	transportation Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	5/23/84	100.00
Boston Edison 800 Boylston Street Boston, Mass. 02199	Electricity payment Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	5/23/84	25.16
The Golden Print 86 Robertson Street Quincy, Mass.	printing Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	5/23/84	494.93
Xerox Corp. Route 303 Blauvelt, New York	supplies Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	5/23/84	233.10
Belmont Country Club Country Club Lane Belmont, Mass.	water Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	5/23/84	157.45
The Flying Locksmiths 1115 North Main Street Randolph, Mass. 02368	keys Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	5/23/84	38.94
Cambridge Strategies, Inc. P.O. Box 187 Cambridge, Mass. 02108	consulting Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	5/23/84	5000.00
Ken Cote 12 Montgomery Ave. Holyoke, Mass. 01040	advertising Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	5/25/84	223.00
E. Craig Lundberg P.O. Box 426 Salem, Mass.	reimbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	5/25/84	144.10

TOTAL of Disbursements This Page (optional)

TOTAL Disbursements (do not include any)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 24, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. John Fox
Treasurer
Bartley for Senate Committee
5 Doane Street
Boston, Massachusetts 02109

Re: MUR 1791

Dear Mr. Fox:

This letter is to notify you that on September 20, 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 1791. 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.

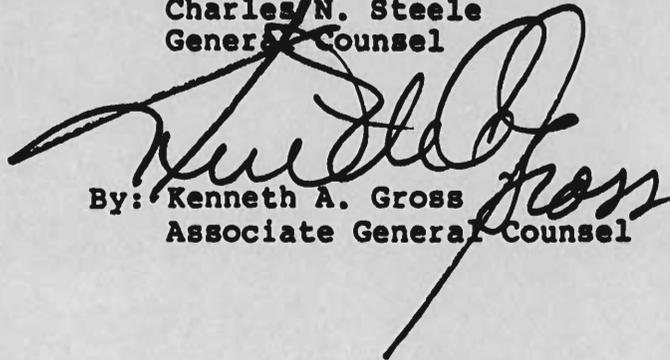
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Conley Edwards, Jr., the staff person 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

September 24, 1984

William R. McMenimon, Jr., Esquire
66 Rockefeller Street
Randolph, Massachusetts 02368

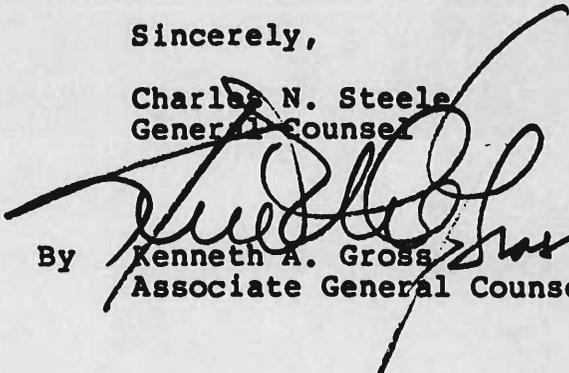
Dear Mr. McMenimon:

This letter is to acknowledge receipt of your complaint which we received on September 20, 1984, against J. John Fox and Bartley for Senate Committee, which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent will be notified of this complaint within five days.

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

Sincerely,

Charles N. Steele
General Counsel

By 
Kenneth A. Gross
Associate General Counsel

Enclosure

85040515133

RECEIVED AT THE FED
CCH # 1747
84 SEP 20 10:55
FBI

Attorney at Law

William R. McMenimon Jr.

66 Rockefeller Street, Randolph, Massachusetts 02368

September 18, 1984

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

Re: The Flying Locksmiths, Inc.
1115 North Main Street
Randolph, MA 02368

34 SEP 20 10:55
GENERAL COUNCIL
RECORDED

85040515136

To Whom It May Concern:

I represent the Flying Locksmiths, Inc. Enclosed is a copy of an unpaid invoice signed by Susan Lynch, a campaign worker for the Committee to Elect David Bartley for Senator.

Numerous requests were made to this Committee by my client before I personally called, on my client's behalf, for payment. On two occasions I was told by Ms. Lynch payment would be immediately forthcoming. This bill is still outstanding.

I then contacted your office and was apprised to file a written complaint with you in re this matter.

It is my understanding that this Committee must pay this debt before they can close their books with your office. Any further assistance you might offer, will be greatly appreciated.

Respectfully,

William R. McMenimon Jr.

William R. McMenimon, Jr., Esq.

WRM:m
Enclosure

COMPLAINT

On March 15, 1984 our services were requested by the Committee to Elect David Bartley for U.S. Senator from Massachusetts. Such services were rendered on March 16, 1984. The work was signed for by a Susan Lynch, a committee member, However, no payment has yet been received.

THE FLYING LOCKSMITHS.
Name of Complainant

Bruce L. McMinimon
Signature of Officer

Operations Manager
Title

State of Massachusetts

County of Norfolk

SS.

Bruce L. McMinimon, being duely sworn, deposes and says that he is the Operations Manager of the above-named complainant, that the statements contained in the foregoing statement are true.

William S. McMinimon Jr.

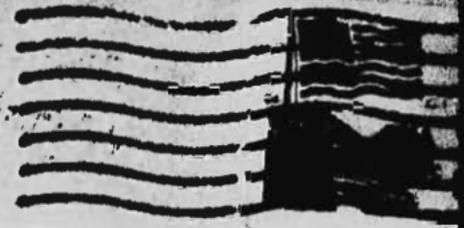
SUBSCRIBED and sworn to before me this 14th day of September, 1984

My commission expires 8/18/89

William S. McMinimon Jr.
Notary Public

85040515137

William R. McMenimon Jr.
Attorney at Law
66 Rockefeller Street
Randolph, Massachusetts 02368



8504051515

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

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FEDERAL ELECTION COMMISSION

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

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THIS IS THE BEGINNING OF MUR #

1791

Date Filmed 3/18/85 Camera No. ---3

Cameraman JRL