



FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, D.C. 20543

THIS IS THE END OF MUR # 1966

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

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05040561201

routing cards ; circulation sheets

duplicates

GC kept re civil penalty.

RAD info

12 Day Pre-Brief Rep.

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):

- | | |
|--|---|
| <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 checked="" 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

J. Gurr

date

11/14/85

05040561202



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 20, 1985

John Muehlke, Jr.
Muehlke for Congress Committee
P.O. Box 595
Moultonboro, New Hampshire 03254

RE: MUR 1966
Muehlke for Congress Committee
John Muehlke, Jr., Treasurer

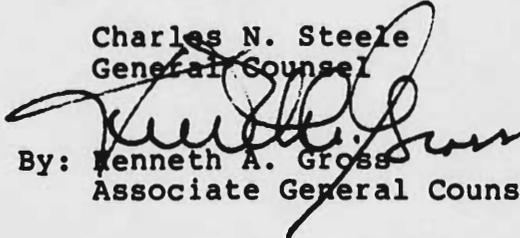
Dear Mr. Muehlke:

On September 11, 1985, the Commission accepted the conciliation agreement signed by you in settlement of violations of 2 U.S.C. §§ 434(a)(2)(A)(i) and (ii) provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

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

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

SG #1

85040561203

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Muehlke for Congress Committee) MUR 1966
John G.H. Muehlke, Jr.,)
Treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Muehlke for Congress Committee and John Muehlke, Jr., as treasurer (hereinafter "the Respondents"), violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (ii) .

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

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding.

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

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

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

1. Muehlke for Congress Committee is a political committee registered with the Commission.

2. John Muehlke, Jr. is the treasurer of the Muehlke for Congress Committee.

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3. The Respondents were required to file the 1984 12 Day Pre-General Report by October 25, 1984. The report was filed on May 7, 1985, 187 days late.

4. The Respondents were required to file the 1984 30-Day Post-General Report by December 6, 1984. The report was filed on May 7, 1985, 152 days late.

V. Respondents violated 2 U.S.C. § 434(a)(2)(A)(i) by failing to file timely file a 1984 12 Day Pre-General Report.

VI. Respondents violated 2 U.S.C. § 434(a)(2)(A)(ii) by failing to timely file the 1984 30 Day Post General Report.

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of Three Hundred and Twenty-Five Dollars (\$325.00) pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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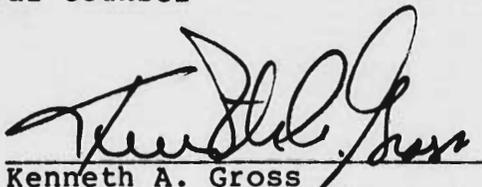
X. This agreement shall become effective as of the date that all parties hereto have executed the same and the Commission has approved the entire agreement.

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

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

FOR THE COMMISSION:

Charles N. Steele
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel

Sept. 19, 1985
Date

FOR THE RESPONDENT:



August 23, 1985
Date

85040561206

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Muehlke for Congress Committee) MUR 1966
John Muehlke, Jr., Treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 13, 1985, the Commission decided by a vote of 5-0 to take the following actions in MUR 1966:

1. Accept the conciliation agreement attached to the General Counsel's Report signed September 9, 1985 in settlement of this matter.
2. Close the file.

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

Attest:

Sept. 13, 1985

Date

Cheryl A. Fleming
for Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: Tues., 9-10-85, 3:07
Circulated on 48 hour tally basis: Wed., 9-11-85, 11:00
Deadline for vote: Fri., 9-13-85, 11:00

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1966
Muehlke for Congress Committee)
John Muehlke, Jr., treasurer)
)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 9, 1985, the Commission decided by a vote of 4-0 to take the following actions in MUR 1966:

1. Enter into conciliation with the Muehlke for Congress Committee and John Muehlke, Jr., as treasurer, prior to a finding of probable cause to believe.
2. Approve and authorize the sending of the proposed conciliation agreement and letter attached to the General Counsel's Report signed August 5, 1985.

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

Attest:

8-13-85
Date

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

85040561208



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 21, 1985

John Muehlke, Jr., Treasurer
Muehlke for Congress Committee
Box 595
Moultonboro, New Hampshire 03254

Re: MUR 1966
Muehlke for Congress Committee
John Muehlke, Jr., Treasurer

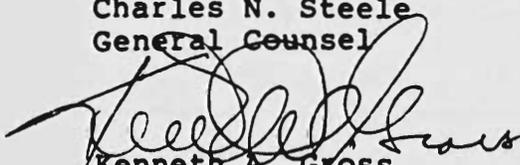
Dear Mr. Muehlke:

On April 2, 1985, the Commission found reason to believe that the Muehlke for Congress Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (ii). At your request, the Commission determined on August 9, 1985, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. Please note that the 30 day time period in this matter expires on September 23, 1985. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Shelley Garr, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel


Kenneth A. Gross
Associate General Counsel

Enclosures

85040561200

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Muehlke for Congress Committee) MUR 1966
John G.H. Muehlke, Jr.,)
Treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Muehlke for Congress Committee and John Muehlke, Jr., as treasurer (hereinafter "the Respondents"), violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (ii) .

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

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding.

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

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

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

1. Muehlke for Congress Committee is a political committee registered with the Commission.

2. John Muehlke, Jr. is the treasurer of the Muehlke for Congress Committee.

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3. The Respondents were required to file the 1984 12 Day Pre-General Report by October 25, 1984. The report was filed on May 7, 1985, 187 days late.

4. The Respondents were required to file the 1984 30-Day Post-General Report by December 6, 1984. The report was filed on May 7, 1985, 152 days late.

V. Respondents violated 2 U.S.C. § 434(a)(2)(A)(i) by failing to file timely file a 1984 12 Day Pre-General Report.

VI. Respondents violated 2 U.S.C. § 434(a)(2)(A)(ii) by failing to timely file the 1984 30 Day Post General Report.

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of Three Hundred and Twenty-Five Dollars (\$325.00) pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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Mushtke, Jr.
595
Amherst, N.H.
54

03612



Shelley Garr
Federal Election Commission
Washington, D.C. 20463

CERTIFIED

P 098 832 546

MAIL

85 JUL 15 P 3:10

85 JUL 15 P 3: 10

GCC# 8013

July 12, 1985
 Box 595
 Mountboro, N.H. 03254
 (603) 544-2657

Shelley Carr
 Federal Election Commission
 Washington, D.C. 20463

Dear Ms. Carr:

One hour ago I received General Counsel Steele's letter to me of July 3, 1985. I immediately called you, first on (202) 523-4000 and then on (800) 424-9530. I would like to enter into pre probable cause conciliation. If I violated any laws or regulations I am sorry; it certainly wasn't intentional or deliberate. We had no lawyer on our tiny election staff of amateurs. My assistant, Diane Merski, has advised me she did send you the 30-day report on time out that we made an error in not sending the 12-day report on time. These problems were brought to our attention around April 1985 and we immediately and fully took corrective action. You have in your files all our reports now. Ms. Steele's letter frightened me a great deal. I have been unemployed until last week and my wife is working as a waitress nights. We are fully up to date on our loan payments but any additional expenses such as fines would be very difficult for us to bear. We have about \$4,500 now. We cannot afford a lawyer for this matter. I would appeal to you not to hit us with heavy fines. We have 12 small boys, aged 1 1/2 and 3 and must maintain our resources for any emergency. Sincerely,

John Muhlke, Jr.

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P.S. Please call Diane immediately on (office)
(617) 482-6640 or (Home) (617) 789-
4526 and offer her advice in filling out
the forms due July 31, 1985

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 3, 1985

John G.H. Muehlke, Treasurer
Muehlke for Congress Committee
Box GAA-215 R.F.D. #44
Gilford, NH 03246

RE: MUR 1966
Muehlke for Congress Committee
John G.H. Muehlke, Treasurer

Dear Mr. Muehlke:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on April 2, 1985, found reason to believe that the Muehlke for Congress Committee and you, as treasurer, had violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (ii) instituted an investigation in this matter.

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

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

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

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Letter to John G.H. Muehlke, Treasurer
Page 2

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

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

Sincerely,

Charles N. Steele
Charles N. Steele
General Counsel *CSM*

Enclosure
Brief

85040561217

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Muehlke for Congress Committee) MUR 1966
John G.H. Muehlke, Treasurer)
)

GENERAL COUNSEL'S BRIEF

I. Statement of the Case

On April 2, 1985, the Commission found reason to believe that the Muehlke for Congress Committee and John G.H. Muehlke, Jr., as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (ii) by failing to file the 1984 12 Day Pre-General and 30 Day Post General Reports of Receipts and Disbursements.

Mr. Muehlke contacted the Office of General Counsel on April 18, 1985, to request an extension of time. On May 7, 1985, the Committee filed both reports. The 12 Day Pre-General Report, due on October 25, 1984, was filed 187 days late; the 30 Day Post General Report, due on December 6, 1984, was filed 152 days late.

II. Legal Analysis

Pursuant to 2 U.S.C. § 434(a)(2)(A)(i) all political committees which are the principal campaign committees of a candidate are required to file a pre-election report, which shall be filed no later than the 12th day before an election in which such candidate is seeking election, and shall be complete as of the 20th day before such election.

Further, pursuant to 2 U.S.C. § 434(a)(2)(A)(ii) those committees are required to file a post-general election report, which shall be filed no later than the 30th day after any general

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election in which such candidate has sought election, and shall be complete as of the 20th day after such general election.

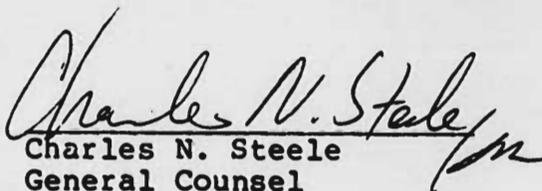
The Committee was required to file its 1984 12 Day Pre-General Report on October 25, 1984 and its 30 Day Post General Election Report on December 6, 1984. The Committee filed the reports 187 and 152 days late, respectively. The Committee's failure to comply with the reporting requirements in a timely manner is a violation of 2 U.S.C. §§ 434(a)(2)(A)(i) and (ii).

III. General Counsel's Recommendation

It is the recommendation of the General Counsel that the Commission find probable cause to believe that the Muehlke for Congress Committee and John G.H. Muehlke, as treasurer violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (ii).

Date

6/26/85


Charles N. Steele
General Counsel

85040561219



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 1, 1985

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele *CNS/amm*
General Counsel

SUBJECT: MUR 1966 - Muehlke for Congress Committee
John G.H. Muehlke, Treasurer

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on July 1, 1985. Following receipt of the Respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments

- I. Brief
- II. Letter to Respondent

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Muehlke for Congress Committee) MUR 1966
John G.H. Muehlke, Treasurer)
)

GENERAL COUNSEL'S BRIEF

I. Statement of the Case

On April 2, 1985, the Commission found reason to believe that the Muehlke for Congress Committee and John G.H. Muehlke, Jr., as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (ii) by failing to file the 1984 12 Day Pre-General and 30 Day Post General Reports of Receipts and Disbursements.

Mr. Muehlke contacted the Office of General Counsel on April 18, 1985, to request an extension of time. On May 7, 1985, the Committee filed both reports. The 12 Day Pre-General Report, due on October 25, 1984, was filed 187 days late; the 30 Day Post General Report, due on December 6, 1984, was filed 152 days late.

II. Legal Analysis

Pursuant to 2 U.S.C. § 434(a)(2)(A)(i) all political committees which are the principal campaign committees of a candidate are required to file a pre-election report, which shall be filed no later than the 12th day before an election in which such candidate is seeking election, and shall be complete as of the 20th day before such election.

Further, pursuant to 2 U.S.C. § 434(a)(2)(A)(ii) those committees are required to file a post-general election report, which shall be filed no later than the 30th day after any general

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election in which such candidate has sought election, and shall be complete as of the 20th day after such general election.

The Committee was required to file its 1984 12 Day Pre-General Report on October 25, 1984 and its 30 Day Post General Election Report on December 6, 1984. The Committee filed the reports 187 and 152 days late, respectively. The Committee's failure to comply with the reporting requirements in a timely manner is a violation of 2 U.S.C. §§ 434(a)(2)(A)(i) and (ii).

III. General Counsel's Recommendation

It is the recommendation of the General Counsel that the Commission find probable cause to believe that the Muehlke for Congress Committee and John G.H. Muehlke, as treasurer violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (ii).

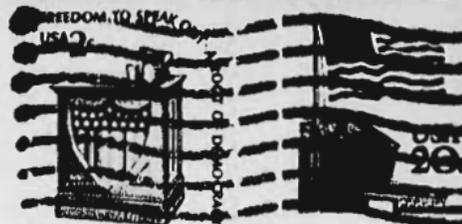
Date

6/26/85

Charles N. Steele
Charles N. Steele
General Counsel

85040561222

John Muehlke, Jr.
R.F.D. 7, Box 233
Laconia, N.H. 03246



Shelley Garr, Staff Member
Federal Election Commission
Washington, D.C. 20463

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RECEIVED
OFFICE OF THE
GENERAL CLERK

85 APR 18 P12:06

APR 18 P2:03

MUR 1966
Garr

April 16, 1985
R.F.D. 7, Box 233
Laconia, N.H. 03246
(603) 524-9507

Shelley Garr, Staff Member
Federal Election Commission
Washington, D.C. 20463
(202) 523-4143

Dear Shelley:

I appreciate having had the chance to chat with you yesterday about the letter sent to me on April 4, 1985 by Mr. John Warren McGarry. My correct address is R.F.D. 7, Box 233, Laconia, N.H. 03246 and not the address you have been using (Box GAA-215, R.F.D. 4, Gilford, N.H. 03246). I would appreciate your giving us an extension to get to you the requested reports. As I told you, Diane Merski, my assistant, is getting the information for the reports together and will send the reports to you as quickly as possible. If you don't receive the needed materials within two weeks, please call Diane at (617) 789-4526. Her address is #41, Chestnut Hill Avenue, apartment 44, Brighton, Massachusetts 02135. Please let Diane know if any other needed reports are missing. As I told you over the phone, we are pretty certain we sent you the 30 day post general election report, and we are absolutely certain we sent all the other reports. We'll send you copies, however, if you find that anything else is missing. I definitely sent, months ago, a letter informing you that Diane is authorized to send and receive election-related material. You indicated that you do not have that letter. Please accept this letter as a second statement of authorization for Diane. However, I and I only have legal responsibility for any problems that you may have with our reporting, the campaign, etc.

In accordance with your instructions, we are sending the two requested reports to both you and to the House of Representatives. There are a few expenses and receipts left over from the campaign and we will be sending to the House of Representatives before July 31, 1985 and report covering the period January 1, 1985 to June 30, 1985.

Please call me if you have any further questions.

Sincerely,

John Muehlke, Jr.
John Muehlke, Jr.

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SENSITIVE



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

REC'D
THE FEC
SECRETARY
05 APR 12 012:32

April 11, 1985

MEMORANDUM TO: The Commission
FROM: Charles N. Steele
General Counsel
By: Kenneth A. Gross
Associate General Counsel *KAG*
SUBJECT: RAD Referral 85NF-40

On April 2, 1985 the Commission approved the recommendation that RAD Referral 85NF-40 should become a MUR. Therefore, all documents which had previously been contained in RAD Referral 85NF-40 should now become MUR 1966.

Attachment
Copy of Certification

85040501

BEFORE THE FEDERAL ELECTION COMMISSION

M 1966
Garr

In the Matter of)	
)	
Muehlke for Congress Committee)	RAD Referral 85NF-40
John G.H. Muehlke, Jr., treasurer)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 2, 1985, the Commission decided by a vote of 4-0 to take the following actions in RAD Referral 85NF-40:

1. Open a MUR.
2. Find reason to believe that the Muehlke for Congress Committee and John G.H. Muehlke, Jr., as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (ii).
3. Approve the letter and legal and factual analysis attached to the First General Counsel's Report signed March 28, 1985.

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

Attest:

4-3-85
Date

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

Received in Office of Commission Secretary:	3-29-85, 9:54
Circulated on 48 hour tally basis:	3-29-85, 2:00

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) RAD Referral 85NF-40
Muehlke for Congress Committee)
John G.H. Muehlke, Jr., treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 2, 1985, the Commission decided by a vote of 4-0 to take the following actions in RAD Referral 85NF-40:

1. Open a MUR.
2. Find reason to believe that the Muehlke for Congress Committee and John G.H. Muehlke, Jr., as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (ii).
3. Approve the letter and legal and factual analysis attached to the First General Counsel's Report signed March 28, 1985.

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

Attest:

4-3-85
Date

Marjorie W Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: 3-29-85, 9:54
Circulated on 48 hour tally basis: 3-29-85, 2:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 4, 1985

John G.H. Muehlke, Jr.
Treasurer
Muehlke for Congress Committee
Box GAA-215, R.F.D. #4
Gilford, NH 03246

MUR 1966
Re: Muehlke for Congress Committee

Dear Mr. Muehlke:

On April 2, 1985, the Commission found reason to believe that the Muehlke for Congress Committee and you, as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (ii), provisions of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. §§ 104.5(a)(1)(i)(A) and (ii)(A) by failing to file a 12 Day Pre-General and a 30 Day Post General Report of Receipts and Expenditures. The General Counsel's factual and legal analysis, which formed a basis for the Commission's findings, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

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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John G.H. Muehlke, Jr., Treasurer
Page 2

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Shelley Garr, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,


John Warren McGarry
Chairman

Enclosures

General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

85040561229

FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 1966
STAFF MEMBER(S) & TEL NO.
GARR 523-4143

RESPONDENT: Muehlke for Congress Committee
John G.H. Muehlke, Treasurer

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

SUMMARY OF ALLEGATIONS

The Committee filed its first report, the 1984 October Quarterly Report, on November 2, 1984. The Report covered the period August 1, 1984, through October 1, 1984.

On October 1, 1984, prior notice was sent informing the Committee that the 1984 12 Day Pre-General Report was due on October 25, 1984. No 12 Day Pre-General Report was filed; therefore a Non-Filer Notice was sent to the Committee on November 16, 1984.*/ The notice informed the Committee that failure to file the report might result in audit or legal enforcement action.

The Committee also failed to file its 30 Day Post General Election Report, due on December 6, 1984. On December 7, 1984, the Reports Analyst called the candidate. Mr. Muehlke stated that he had misinterpreted the regulations and thought that the Committee had to file quarterly reports. He said he would file the 12 Day Pre-Election and 30 Day Post-Election Reports. To date, these reports have not been filed.

*/ The Committee was not notified prior to Election Day of its failure to file the 12 Day Pre-General Report and the name of the Committee has not been published. Although 2 U.S.C. § 437g(b) indicates that notification and publication should occur prior to the election, the first report identifying Muehlke as a candidate under 2 U.S.C. § 431(2) was not filed until the Friday before the election.

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FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 434(a)(2)(A)(i) all political committees which are the principal campaign committees of a candidate are required to file a pre-election report, which shall be filed no later than the 12th day before an election in which such candidate is seeking election and shall be complete as of the 20th day before such election.

Further, pursuant to 2 U.S.C. § 434(a)(2)(A)(ii) those committees are required to file a post-general election report, which shall be filed no later than the 30th day after any general election in which such candidate has sought election, and shall be complete as of the 20th day after such general election.

The Committee was required to file its 1984 12 Day Pre-General Report on October 25, 1984 and its 30 Day Post General Election Report on December 6, 1984. The Committee failed to file both reports. The Committee's failure to comply with the reporting requirements is a violation of 2 U.S.C. §§ 434(a)(2)(A)(i) and (ii). Hence, it is the recommendation of the General Counsel that the Commission find reason to believe that the Committee violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (ii).

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SENSITIVE

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

RECEIVED
SECRETARY
MAR 20 10:54

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 3/29/85-9:55

RAD # 85NF-40
STAFF MEMBER
Shelley Garr

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

RESPONDENTS' NAME: Muehlke for Congress Committee
John G.H. Muehlke, Jr., Treasurer

RELEVANT STATUTE: 2 U.S.C. §§ 434(a)(2)(A)(i) and (ii)
11 C.F.R. §§ 104.5(a)(1)(i)(A) and (ii)(A)

INTERNAL REPORTS CHECKED: FEC Disclosure Documents

FEDERAL AGENCIES CHECKED: None

GENERATION OF MATTER

The Muehlke for Congress Committee ("Committee") was referred to the Office of General Counsel by the Reports Analysis Division for failing to file its 12 Day Pre-General Report of Receipts and Disbursements as of Election Day, November 6, 1984.

SUMMARY OF ALLEGATIONS

The Committee filed its first report, the 1984 October Quarterly Report, on November 2, 1984. The Report covered the period August 1, 1984, through October 1, 1984.

On October 1, 1984, prior notice was sent informing the Committee that the 1984 12 Day Pre-General Report was due on October 25, 1984. No 12 Day Pre-General Report was filed; therefore a Non-Filer Notice was sent to the Committee on

85040561232

November 16, 1984.* / The notice informed the Committee that failure to file the report might result in audit or legal enforcement action.

The Committee also failed to file its 30 Day Post General Election Report, due on December 6, 1984. On December 7, 1984, the Reports Analyst called the candidate. Mr. Muehlke stated that he had misinterpreted the regulations and thought that the Committee had to file quarterly reports. He said he would file the 12 Day Pre-Election and 30 Day Post-Election Reports. To date, these reports have not been filed.

FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 434(a)(2)(A)(i) all political committees which are the principal campaign committees of a candidate are required to file a pre-election report, which shall be filed no later than the 12th day before an election in which such candidate is seeking election and shall be complete as of the 20th day before such election.

Further, pursuant to 2 U.S.C. § 434(a)(2)(A)(ii) those committees are required to file a post-general election report, which shall be filed no later than the 30th day after any general election in which such candidate has sought election, and shall be complete as of the 20th day after such general election.

* / The Committee was not notified prior to Election Day of its failure to file the 12 Day Pre-General Report and the name of the Committee has not been published. Although 2 U.S.C. § 437g(b) indicates that notification and publication should occur prior to the election, the first report identifying Muehlke as a candidate under 2 U.S.C. § 431(2) was not filed until the Friday before the the election.

05040561200

The Committee was required to file its 1984 12 Day Pre-General Report on October 25, 1984, and its 30 Day Post General Election Report on December 6, 1984. The Committee failed to file both reports. The Committee's failure to comply with the reporting requirements is a violation of 2 U.S.C. §§ 434(a)(2)(A)(i) and (ii). Hence, it is the recommendation of the General Counsel that the Commission find reason to believe that the Committee violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (ii).

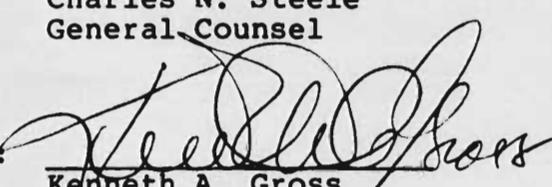
RECOMMENDATION

1. Open a MUR.
2. Find reason to believe that the Muehlke for Congress Committee and John G.H. Muehlke, Jr., as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (ii).
3. Approve the attached letter and legal and factual analysis.

Charles N. Steele
General Counsel

March 28, 1985
Date

By:


Kenneth A. Gross
Associate General Counsel

Attachments

1. Referral
2. Letter and Analysis

85040561234



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

31 January 1985

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA *JCS*
STAFF DIRECTOR

FROM: *JDG* JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: REFERRAL OF THE MUEHLKE FOR CONGRESS COMMITTEE

This is a referral of the Muehlke for Congress Committee (the "Committee"). The Committee has failed to file the 1984 12 Day Pre-General Report of Receipts and Disbursements as of Election Day, November 6, 1984. According to the RAD Review and Referral Procedures for Authorized Committees (Standard 1), further examination is required by your office.

John Muehlke Jr. was an independent candidate in the First Congressional District in the State of New Hampshire for the General Election. The candidate lost the General Election with less than one percent (1%) of the vote.

For your information, the Committee was also sent a Notice of Failure to File for the 30 Day Post-General Report. This report has not been received to date.

If you have any further questions regarding this matter, please contact Libby Cooperman at 523-4048.

Attachment

85040561235

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 31 January 1985

ANALYST: Libby Cooperman

I. COMMITTEE: Muehlke for Congress
(C00190561)
John Muehlke Jr., Treasurer
Box GAA-215
R.F.D. 4
Gilford, NH 03246

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(2)(A)(i)
11 CFR 104.5(a)(1)(i)(A)

III. BACKGROUND:

Failure to File a Required Report as of Election Day

The Muehlke for Congress Committee ("the Committee") failed to file the 12 Day Pre-General Report of Receipts and Disbursements as of Election Day, November 6, 1984. The first report filed by the Committee was the 1984 October Quarterly Report received on November 2, 1984. The report covered August 1, 1984 through October 1, 1984 (Attachment 2).

Mr. John Muehlke was notified on October 1, 1984 that the 12 Day Pre-General Report was due on October 25, 1984 (Attachment 3). The Committee was sent a Notice of Failure to File the 12 Day Pre-General Report on November 16, 1984 (Attachment 4).^{*} The notice informed the Committee that failure to file the report might result in audit or legal enforcement action.

^{*}/ The Committee was not notified prior to Election Day of its failure to file the 12 Day Pre-General Report and the name of the Committee has not been published. Although 2 U.S.C. §437g(b) indicates that notification and publication should occur prior to the election, the first report identifying Muehlke as a candidate under 2 U.S.C. §431(2) was not filed until the Friday before the election.

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MUEHLKE FOR CONGRESS
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

On December 7, 1984, the Reports Analyst called the candidate. Mr. Muehlke stated that he had misinterpreted the regulations and thought that the Committee had to file Quarterly Reports. He said he would file the 12 Day Pre-Election and 30 Day Post-Election Reports (Attachment 5). To date, these reports have not been filed.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None

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FEDERAL ELECTION COMMISSION
1983-1984

DATE 7JAN85

CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			
MUEHLKE, JOHN JR	HOUSE 01	INDEPENDENT					1984 ELECTION	ID# HANHO1102	
1. STATEMENT OF CANDIDATE									
1984 STATEMENT OF CANDIDATE							21SEP84		1 84HSE/268/5167
2. CANDIDATE REPORTS OF RECEIPTS & EXPENDITURES									
3. PRINCIPAL CAMPAIGN COMMITTEE									
MUEHLKE FOR CONGRESS COMMITTEE								ID# C00190561 HOUSE	
1984 STATEMENT OF ORGANIZATION							21SEP84		3 84HSE/268/5179
STATEMENT OF ORGANIZATION - AMENDMENT							10DEC84		1 84HSE/280/0832
OCTOBER QUARTERLY			8,580			8,580	1AUG84 - 1OCT84		8 84HSE/277/0528
NOTICE OF FAILURE TO FILE							1OCT84 - 17OCT84		1 84FEC/349/0198
NOTICE OF FAILURE TO FILE							18OCT84 - 26NOV84		1 84FEC/357/2713
TOTAL			0	8,580	0	8,580			14 TOTAL PAGES
4. AUTHORIZED COMMITTEES									
4B. TRANSFERS IN FROM JOINT FUNDRAISING COMMITTEES									

All reports reviewed

Cash on hand as of 10/1/84 - \$98.80

Debts owed by committee - \$ 0

ATTACHMENT 1

REPORTS OF RECEIPTS AND DISBURSEMENTS
For Authorized Committees

OCT 30 1984

(Summary Page)

113743

1 Name of Committee (on Ballot)
MUEHLKE FOR CONGRESS
Address (Number and Street)
Box 6AA-213, R.F.D. 4
City, State and Zip Code
Gilford, N.H. 03046

2 FEC Identification Number
None yet
3 Is this Report of Amendment?
 YES NO

TYPE OF REPORT

- April 15 Quarterly Report
- July 15 Quarterly Report
- October 15 Quarterly Report
- January 15 Quarterly Report
- July 31 Mid Year Report (Non-election Year Only)
- Termination Report

This report contains activity for: Primary Election General Election Special Election Recall Election

OFFICE OF THE CLERK
 STATE OF NEW HAMPSHIRE
 10/2 AM 8 4 1
 RECEIVED

64012710528

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SUMMARY		COLUMN A This Period	COLUMN B Calendar Year to Date
5	Covering Period August 1 through October 1, 1984		
6	Net Contributions (other than loans)		
	(a) Total Contributions (other than loans) (From Line 11 (a))	8586.45	8586.45
	(b) Total Contribution Refunds (from Line 20 (d))		
	(c) Net Contributions (other than loans) (subtract Line 6 (b) from 6 (a))	8586.45	8586.45
7	Net Operating Expenditures		
	(a) Total Operating Expenditures (from Line 17)	2586.45	2586.45
	(b) Total Offsets to Operating Expenditures (from Line 14)	-	-
	(c) Net Operating Expenditures (subtract Line 7 (b) from 7 (a))	8586.45	8586.45
8	Cash on Hand at Close of Reporting Period (from Line 27)	98.80	98.80
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)		

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 6630
Local 202 673 4800

JOHN G. H. MUEHLKE, JR.
Type or Print Name of Treasurer

John G. H. Muehlke, Jr. 10/1/84
SIGNATURE OF TREASURER Date

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

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

FEC FORM 3 (3/81)

Statement of the Donor
(Summary Page)

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 that of the name and address of any political committee to solicit contributions from such individuals.

Name of Committee (in Full)

MULLIKE For Congress

A. Full Name, Mailing Address and ZIP Code

John MULLIKE, Jr.
Box 688-015, R.F.D. #4
Gilford, NH 03246

Name of Employer

Date (month, day, year)

8/1/84

Amount of Cash Receipt This Period

7415.45

Occupation Retired Foreign
Officer - U.S. Army

Aggregate Year-to-Date-\$

Receipt For:

Primary

General

Other (specify):

B. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Cash Receipt This Period

Occupation

Aggregate Year-to-Date-\$

Receipt For:

Primary

General

Other (specify):

C. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Cash Receipt This Period

Occupation

Aggregate Year-to-Date-\$

Receipt For:

Primary

General

Other (specify):

D. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Cash Receipt This Period

Occupation

Aggregate Year-to-Date-\$

Receipt For:

Primary

General

Other (specify):

E. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Cash Receipt This Period

Occupation

Aggregate Year-to-Date-\$

Receipt For:

Primary

General

Other (specify):

F. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Cash Receipt This Period

Occupation

Aggregate Year-to-Date-\$

Receipt For:

Primary

General

Other (specify):

G. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month, day, year)

Amount of Cash Receipt This Period

Occupation

Aggregate Year-to-Date-\$

Receipt For:

Primary

General

Other (specify):

PERCENTAGE of Receipts This Page (optional)

TOTAL This Period (omit page title line number only)

7415.45

04012770530



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 1, 1984

**GENERAL ELECTION FILING NOTICE
FOR AUTHORIZED COMMITTEES**

WHO MUST FILE

The principal campaign committee of candidates* who are seeking election in the 1984 general elections must file the pre-election report due October 25, 1984, and the post-election report due December 6, 1984.

WHAT MUST BE REPORTED

The pre-election report must disclose all financial activity of the campaign from the later of, the last report filed or the date of candidate status** through October 17, 1984. The post-election report must cover all financial activity of the campaign from October 18 through November 26, 1984. (See the chart below.)

WHEN TO FILE

Pre-election reports sent by registered or certified mail must be postmarked no later than October 22, 1984. Reports hand delivered or mailed first class must be received no later than close of business October 25, 1984.

Post-election reports sent by registered or certified mail must be postmarked no later than December 6, 1984. Reports hand delivered or mailed first class must be received no later than close of business December 6, 1984.

NOTE: Last Minute Contributions

Last minute contributions of \$1,000 or more received, by authorized committees, between two and 20 days before the general election must be reported within 48 hours of their receipt.

WHERE AND HOW TO FILE

Committees should consult the instructions on the enclosed FEC Form 3, for details.

*Individuals should refer to the enclosed brochure for the definition of the term "candidate," and the registration requirements. If you determine that you meet the definition of candidate, your principal campaign committee should comply with the above reporting requirements. Appropriate forms are enclosed.

**The first report filed by a committee shall include all amounts received or disbursed prior to authorization by the candidate, even if such amounts were not received during the current reporting period. See 11 CFR 101.3; 104.3(a) and (b)

REPORTS DUE DURING OCTOBER, DECEMBER AND JANUARY

<u>Name of Report</u>	<u>Period Covered</u>	<u>Reg/Cert.</u>	<u>Mailing Date</u>	<u>Filing Date</u>
3rd Quarterly*	7/01** - 9/30/84		10/15/84	10/15/84
Pre-General	10/01 - 10/17/84		10/22/84	10/25/84
Post-General	10/18 - 11/26/84		12/06/84	12/06/84
Year-end	11/27 - 12/31/84		1/31/85	1/31/85

*Presidential committees that file monthly need not file this report.

Presidential committees of candidates who are not participating in the general election may continue to file monthly reports, or file pre-general and post-general election reports as indicated above. Monthly reports are due the twentieth of each month and should cover all financial activity of the previous month. The next two monthly reports are due November 20 and December 20, 1984.

**Committees that file quarterly reports should use this date, the date of the last report filed, or the date of candidate status, whichever is the latest.

COMPLIANCE

Political committees are fully liable for failure to file any report required under the Act. Failure to file in a timely fashion is a serious violation. Committees are subject to enforcement action for late filing. Illegible reports which can not be clearly reproduced and reports submitted on non-FEC forms will not be accepted. Committees filing such documents will be required to refile.

FOR INFORMATION CALL: Office of Public Communications
800/424-9530 or 202/523-4068

95040561240



FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

NOV 16 1984

HQ-7

John G.H. Muehlke Jr., Treasurer
 Muehlke for Congress
 Box GAA-215, R.F.D. 4
 Gilford, NH 03246

Identification Number: C00190561

Reference: 12 Day Pre-General Report (10/1/84-10/17/84)

Dear Mr. Muehlke:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced Report of Receipts and Disbursements as required by the Federal Election Campaign Act. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, DC 20515, or the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510, as appropriate. A copy of the report should also be filed with the Secretary of State or equivalent state officer of your state.

The failure to file this report may result in an audit or legal enforcement action.

If you have any questions regarding this matter, please contact Libby Cooperman on our toll-free number (800) 424-9530. Our local number is (202) 523-4048.

Sincerely,

John D. Gibson
 Assistant Staff Director
 Reports Analysis Division

9 4 7 3 3 1 9 0 1 0 9

DATE: December 7, 1984

FROM: Libby Cooperman, Reports Analyst

TO: John Muehlke, Jr., Candidate - 603-528-4088

NAME OF COMMITTEE: Muehlke for Congress - C00190561 - New Hampshire

The Reports Analyst called the candidate in reference to the failure to file the 1984 12 Day Pre-general Report. The candidate stated that he had misinterpreted the regulations and thought that the committee only had to file quarterly reports. The candidate was also reminded that the 1984 30 Day Post-General Report was due on December 6, 1984. He stated that he would file both of these reports.

65040561245



FEDERAL ELECTION COMMISSION

1325 K STREET NW
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1966

Date Filmed 11/12/65 Camera No. ---4

Cameraman AS

65040561246