



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20543

THIS IS THE END OF TAP # 2022

Date Filmed 6/13/86 Camera No. --- 2

Cameraman J. A. Q.

85040392212



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 30, 1986

C. Michael Deese
Webster, Chamberlain & Bean
1747 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

RE: MUR 2022
D. Gilbert Lehrman
Louis Lehrman

Dear Mr. Deese:

On May 28, 1985, the Commission accepted the conciliation agreement signed by you in settlement of violations of 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

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

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

86040592213

Citibank, N.A.
Citicorp Center
163 E. 53rd St.
New York, N.Y.
10043

Private
Banking
Division

CITIBANK

**LEWIS E. LEHRMAN
LOUISE S. LEHRMAN**

No 12538

1-8/210/940

PAY

June 4 19 86

***** Five Thousand and 00/100 *****

\$ 5,000.00

TO
THE
ORDER
OF

Treasurer of the United States
Department of the Treasury
Washington, D. C. 20000

⑈012538⑈ ⑆021000089⑆ 400 37156834⑈

CCC# 686

MEMORANDUM

TO: Debra A. Reed Judy Smith

FROM: Judy Smith FROM: Debra A. Reed

CHECK NO. 12538 (a copy of which is attached) RELATING
TO MUR 2022 (Levin) AND NAME Fund to Keep America #1
Frank Trotta, Jr., treasurer
WAS RECEIVED ON 6/9/86. PLEASE INDICATE THE ACCOUNT INTO
WHICH IT SHOULD BE DEPOSITED:

- / / BUDGET CLEARING ACCOUNT (#95F3875.16)
- / / CIVIL PENALTIES ACCOUNT (#95-1099.160)
- / / OTHER _____

SIGNATURE Debra A. Reed DATE 6/10/86

JUN 10 1986
GENERAL INVESTMENTS

592214

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED BY THE FEC
CCE # 686
36 JUN 9 9:17

In the Matter of)
Fund to Keep America #1)
Frank Trotta, Jr., as treasurer) MUR 2022
D. Gilbert Lehrman)
Louis Lehrman, II)

36 JUN 10 9:52

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found probable cause to believe that Respondents D. Gilbert Lehrman and Louis Lehrman, II, each violated 2 U.S.C. § 441a(a)(1)(C) by making a \$10,000 contribution to the Fund to Keep America #1. The Commission also found probable cause to believe that Respondents Fund to Keep America #1 ("the Committee") and Frank Trotta, Jr., as current treasurer, violated 2 U.S.C. § 441a(f) by accepting contributions in excess of the limits of 2 U.S.C. § 441a(a)(1)(C).

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

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

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

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

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

1. Respondent Fund to Keep America #1 is a political committee registered with the Commission since May 3, 1983. It is not a candidate's authorized political committee or a national party committee.

2. Respondent Frank Trotta, Jr., is currently the treasurer of Fund to Keep America #1. Respondent Trotta was not the treasurer of the Committee at the time of the contributions at issue herein and did not become the treasurer of the Committee until after the Commission found reason to believe that the law had been violated.

3. Respondents D. Gilbert Lehrman and Louis Lehrman, II, are persons under 2 U.S.C. § 431(11).

4. On November 2, 1984, Respondent Fund to Keep America #1 received a \$10,000 contribution from D. Gilbert Lehrman and a \$10,000 contribution from Louis Lehrman, II. On or about December 20, 1984, the Committee filed its November, 1984, monthly report with the Commission, formally disclosing that those contributions had been received and that \$5,000 had, on December 19, 1984, been refunded to each of the aforementioned contributors.

5. Section 441a(a)(1)(C) of Title 2 states that no person shall make contributions to any political committee, other than a candidate's authorized political committee or a national

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party committee, which, in the aggregate in any calendar year, exceed \$5,000.

6. Section 441a(f) of Title 2 prohibits the knowing acceptance or receipt of a contribution in violation of the provisions of 2 U.S.C. § 441a.

V. Respondent Committee's acceptance of the aforementioned \$10,000 contributions, each of which was in excess of the contribution limitation of \$5,000, violated 2 U.S.C. § 441a(f). Respondent Committee contends that said violation was not knowing and willful and that said contributions were made as a result of the communication of erroneous information to said contributors by a representative of the Committee.

VI. The \$10,000 contributions of D. Gilbert Lehrman and Louis Lehrman, II, each were in excess of the contribution limit of \$5,000, in violation of 2 U.S.C. § 441a(a)(1)(C). Respondents contend that said violations were not knowing and willful and that the excessive contributions by the aforementioned contributors were made as a result of the communication of erroneous information to said contributors by a representative of the Committee.

VII. Pursuant to 2 U.S.C. § 437g(a)(5), a civil penalty in the amount of five thousand dollars (\$5,000) will be paid to the Treasurer of the United States.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at

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issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

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

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

FOR THE COMMISSION:

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

May 29, 1986
Date

FOR THE FUND TO KEEP AMERICA #1

Frank Trotta, Jr.
Frank Trotta, Jr., Treasurer

5/2/86
Date

FOR D. GILBERT LEHRMAN AND LOUIS LEHRMAN, II

C. Michael Deese
C. Michael Deese
Counsel for D. Gilbert Lehrman
and Louis Lehrman, II

5/5/86
Date

86040592218



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

C. Michael Deese
Webster, Chamberlain & Bean
1747 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

RE: MUR 2022
D. Gilbert Lehrman
Louis Lehrman

Dear Mr. Deese:

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

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

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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JS
5/29/86



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 30, 1986

Frank Trotta, Jr., Esquire
24 North Avenue
New Rochelle, NY 10805

RE: MUR 2022
Fund to Keep America # 1
Frank Trotta, Jr., as
treasurer

Dear Mr. Trotta:

On May 28, 1986, the Commission accepted the conciliation agreement signed by you in settlement of a violation of 2 U.S.C. § 441a(f) a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

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

Sincerely,

Charles N. Steele
General Counsel

[Signature]
By: Bennett R. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Frank Trotta, Jr., Esquire
24 North Avenue
New Rochelle, NY 10805

RE: MUR 2022
Fund to Keep America # 1
Frank Trotta, Jr., as
treasurer

Dear Mr. Trotta:

On , 1986, the Commission accepted the conciliation agreement signed by you in settlement of a violation of 2 U.S.C. § 441a(f) a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

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

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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JZ
5/29/86
JZ
5/29/86

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Fund to Keep America #1)	MUR 2022
Frank Trotta, Jr., as)	
treasurer)	
)	
D. Gilbert Lehrman)	
)	
Louis Lehrman)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 28, 1986, the Commission decided by a vote of 6-0 to take the following actions in MUR 2022:

1. Accept the conciliation agreement as recommended in the General Counsel's Report signed May 22, 1986.
2. Close the file in this matter.
3. Approve the letters attached to the General Counsel's Report signed May 22, 1986.

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

Attest:

5-28-86

Date

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

Received in Office of Commission Secretary:	Thurs.,	5-22-86,	4:25
Circulated on 48 hour tally basis:	Fri.,	5-23-86,	2:00
Deadline for vote:	Wed.,	5-28-86,	4:00

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Fund to Keep America #1)	
Frank Trotta, Jr., as treasurer)	MUR 2022
)	
D. Gilbert Lehrman)	
)	
Louis Lehrman, II)	

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found probable cause to believe that Respondents D. Gilbert Lehrman and Louis Lehrman, II, each violated 2 U.S.C. § 441a(a)(1)(C) by making a \$10,000 contribution to the Fund to Keep America #1. The Commission also found probable cause to believe that Respondents Fund to Keep America #1 ("the Committee") and Frank Trotta, Jr., as current treasurer, violated 2 U.S.C. § 441a(f) by accepting contributions in excess of the limits of 2 U.S.C. § 441a(a)(1)(C).

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

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

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

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

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

1. Respondent Fund to Keep America #1 is a political committee registered with the Commission since May 3, 1983. It is not a candidate's authorized political committee or a national party committee.

2. Respondent Frank Trotta, Jr., is currently the treasurer of Fund to Keep America #1. Respondent Trotta was not the treasurer of the Committee at the time of the contributions at issue herein and did not become the treasurer of the Committee until after the Commission found reason to believe that the law had been violated.

3. Respondents D. Gilbert Lehrman and Louis Lehrman, II, are persons under 2 U.S.C. § 431(11).

4. On November 2, 1984, Respondent Fund to Keep America #1 received a \$10,000 contribution from D. Gilbert Lehrman and a \$10,000 contribution from Louis Lehrman, II. On or about December 20, 1984, the Committee filed its November, 1984, monthly report with the Commission, formally disclosing that those contributions had been received and that \$5,000 had, on December 19, 1984, been refunded to each of the aforementioned contributors.

5. Section 441a(a)(1)(C) of Title 2 states that no person shall make contributions to any political committee, other than a candidate's authorized political committee or a national

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party committee, which, in the aggregate in any calendar year, exceed \$5,000.

6. Section 441a(f) of Title 2 prohibits the knowing acceptance or receipt of a contribution in violation of the provisions of 2 U.S.C. § 441a.

V. Respondent Committee's acceptance of the aforementioned \$10,000 contributions, each of which was in excess of the contribution limitation of \$5,000, violated 2 U.S.C. § 441a(f). Respondent Committee contends that said violation was not knowing and willful and that said contributions were made as a result of the communication of erroneous information to said contributors by a representative of the Committee.

VI. The \$10,000 contributions of D. Gilbert Lehrman and Louis Lehrman, II, each were in excess of the contribution limit of \$5,000, in violation of 2 U.S.C. § 441a(a)(1)(C). Respondents contend that said violations were not knowing and willful and that the excessive contributions by the aforementioned contributors were made as a result of the communication of erroneous information to said contributors by a representative of the Committee.

VII. Pursuant to 2 U.S.C. § 437g(a)(5), a civil penalty in the amount of five thousand dollars (\$5,000) will be paid to the Treasurer of the United States.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at

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issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

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

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

FOR THE COMMISSION:

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

May 29, 1986
Date

FOR THE FUND TO KEEP AMERICA #1

Frank Trotta, Jr. AS TREASURER
Frank Trotta, Jr., Treasurer

5/2/86
Date

FOR D. GILBERT LEHRMAN AND LOUIS LEHRMAN, II

C. Michael Deese
C. Michael Deese
Counsel for D. Gilbert Lehrman
and Louis Lehrman, II

5/5/86
Date

86040392227

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Fund to Keep America #1)	
Frank Trotta, Jr., as treasurer)	MUR 2022
D. Gilbert Lehrman)	
Louis Lehrman)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of January 8, 1986, do hereby certify that the Commission decided by a vote of 4-0 to take the following actions in MUR 2022:

1. Find probable cause to believe that D. Gilbert Lehrman violated 2 U.S.C. § 441a(a)(1)(C).
2. Find probable cause to believe that Louis Lehrman violated 2 U.S.C. § 441a(a)(1)(C).
3. Find probable cause to believe that the Fund to Keep America #1 and Frank Trotta, Jr., as treasurer, violated 2 U.S.C. § 441a(f).
4. Approve the conciliation proposals attached to the General Counsel's report dated December 27, 1985.
5. Approve the letter attached to the General Counsel's report dated December 27, 1985.

Commissioners Aikens, Elliott, Harris, and Josefiak voted affirmatively for the decision; Commissioners McDonald and McGarry were not present.

Attest:

1-10-86

Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Frank Trotta, Jr. Esquire
24 North Avenue
New Rochelle, New York 10805

RE: MUR 2022
Fund to Keep America #1
Frank Trotta, Jr., as
treasurer
D. Gilbert Lehrman
Louis Lehrman

Dear Mr. Trotta:

On _____, 198____, the Commission determined that there is probable cause to believe that D. Gilbert Lehrman and Louis Lehrman each violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by making contributions in excess of \$5,000 to the Fund to Keep America #1 ("the Committee"). On that date, the Commission also determined that there is probable cause to believe that the Committee and Frank Trotta, Jr., as treasurer, violated 2 U.S.C. § 441a(f), also a provision of the Act, for accepting the contributions.

We enclose conciliation agreements that this Office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreements, please have the agreements signed and returned along with the civil penalties to the Commission within ten days. I will then recommend that the Commission approve the agreements. Please have the checks for the civil penalties made payable to the U.S. Treasurer.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Jonathan Levin, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreements(3)

JZ
1/15/86

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Frank Trotta, Jr. Esquire
24 North Avenue
New Rochelle, New York 10805

RE: MUR 2022
Fund to Keep America #1
Frank Trotta, Jr., as
treasurer
D. Gilbert Lehrman
Louis Lehrman

Dear Mr. Trotta:

On _____, 198____, the Commission determined that there is probable cause to believe that D. Gilbert Lehrman and Louis Lehrman each violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by making contributions in excess of \$5,000 to the Fund to Keep America #1 ("the Committee"). On that date, the Commission also determined that there is probable cause to believe that the Committee and Frank Trotta, Jr., as treasurer, violated 2 U.S.C. § 441a(f), also a provision of the Act, for accepting the contributions.

We enclose conciliation agreements that this Office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreements, please have the agreements signed and returned along with the civil penalties to the Commission within ten days. I will then recommend that the Commission approve the agreements. Please have the checks for the civil penalties made payable to the U.S. Treasurer.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Jonathan Levin, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreements(3)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
 FROM: Office of General Counsel
 DATE: December 30, 1985
 SUBJECT: MUR 2022 - General Counsel's Report

The attached is submitted as an Agenda document
 for the Commission Meeting of January 7, 1986

Open Session _____

Closed Session XXX

CIRCULATIONS

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

Other [XX]
 Circulate on Blue Paper

Sensitive

On Agenda 1-7-86

DISTRIBUTION

Compliance [X]
 Audit Matters []
 Litigation []
 Closed MUR Letters []
 Status Sheets []
 Advisory Opinions []

Other (see distribution below) []

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RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION

CC REC 30 P 5: 24

In the Matter of)
)
Fund to Keep America #1) MUR 2022
Frank Trotta, Jr., as)
treasurer)
D. Gilbert Lehrman)
Louis Lehrman)

SENSITIVE

EXECUTIVE SESSION

GENERAL COUNSEL'S REPORT

JAN 07 1986

I. BACKGROUND

This matter involves the apparent receipt by the Fund to Keep America #1 ("the Committee") of contributions in excess of the limits of 2 U.S.C. § 441a(a)(1)(C).

The 1984 December Monthly Report of the Committee disclosed a \$10,000 contribution from D. Gilbert Lehrman and a \$10,000 contribution from Louis Lehrman, both on November 2, 1984. This report contained full disclosure of the contributions.

Underneath each entry, the Committee typed in the following statement:

Upon realization that this contribution may have been in excess of statutory limits, the Fund immediately reimbursed the excess \$5,000.00 to the contributor. These refunds will be reflected on the December 1984 statement.

The December Report was signed by Timothy S. Carey, the treasurer at that time, on December 20, 1984, and received by the Commission on December 26. The Committee's 1984 Year End Report reveals that the Committee refunded \$5,000 to each contributor on December 19, 1984.

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On June 4, 1985, the Commission found reason to believe that D. Gilbert Lehrman and Louis Lehrman each violated 2 U.S.C. § 441a(a)(1)(C) and that the Committee and Timothy S. Carey, as treasurer,^{1/} violated 2 U.S.C. § 441a(f).

Counsel for the respondents responded to this finding in a letter received on July 2, 1985. On November 4, 1985, this Office sent counsel a brief for each respondent.

On December 2, 1985, this Office received the response of counsel for the respondents. Counsel does not deny the illegality of the making and acceptance of the contributions but presents a number of factors which he considers to be in mitigation of the violations. Counsel asserts that the Committee is small "with no employees and only two or three volunteers" and that, "[a]t the time in question," it was in the process of relocation. He states that the error was caused by the "honest mistake" of a Committee volunteer who told D. Gilbert Lehrman and Louis Lehrman that the contribution limit to the Committee was \$5,000 per election. Counsel further maintains that he reported the "error" to the Commission "within minutes" of discovering it during "the routine course of examining the November 1984 financial disclosure of the [Committee] in mid-December 1984 [December 18, 1984], immediately prior to its submission to the FEC." He states that the contributions were refunded within one day of this discovery. Counsel finally points to the fact that

^{1/} On August 15, 1985, the Commission received a letter designating Frank Trotta, Jr., as the new treasurer of the Committee.

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the Committee disclosed the excessive contributions in its December Monthly indicating that the excessive contributions had been refunded. He further states that the refund was disclosed and noted in the Year End Report.

Counsel has also addressed the fact that the Committee was operating at an \$11,802 deficit at the time that the contributions were made. Counsel states that "no part of the mistaken contribution was used to fund any political campaigns" and that the only candidate contributions made in November 1984 were made prior to the depositing of the contributions. Counsel adds that, between the time the excessive contributions were deposited until the day they were refunded, the Committee made no contributions.

Despite the contentions made by counsel as to the receipt of other contributions at the time of the excessive contributions and the use of the excessive contributions, the reports of the Committee appear to indicate otherwise. It appears that three contributions totalling \$450 were received on November 6, 1984, and two contributions totalling \$300 were made on November 14, 1984. In addition, the Year End report discloses that the Committee received \$5,000 loans from two other individuals on December 19, the date on which the Committee returned the excessive portions of the November 2 contributions. The December report, furthermore, discloses that the Committee made subsequent operating expenditures totalling \$2,843.88. The Year End report discloses another \$2,580.32 in operating expenditures between December 1 and December 19.

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II. LEGAL ANALYSIS

Section 441a(a)(1)(C) of Title 2 states that no person shall make contributions to any political committee, other than a candidate's authorized political committee or a national party committee, which, in the aggregate in any calendar year, exceed \$5,000. Section 441a(f) of Title 2 prohibits the knowing acceptance or receipt of a contribution in violation of the provisions of 2 U.S.C. § 441a. In this matter, the Committee accepted two contributions which were each in excess of the limit of 2 U.S.C. § 441a(a)(1)(C) by \$5,000.

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Counsel does not deny the fact that the contributions of D. Gilbert Lehrman and Louis Lehrman exceeded the limits of 2 U.S.C. § 441a(a)(1)(C). Counsel presents arguments intended to be in mitigation of the apparent violations. His arguments as to receipts and disbursements subsequent to the excessive contributions and prior to the refunds are somewhat vitiated by the information disclosed on the Committee's reports. Based upon the foregoing analysis, the Office of the General Counsel recommends that the Commission find probable cause to believe that D. Gilbert Lehrman and Louis Lehrman violated 2 U.S.C. § 441a(a)(1)(C) and that the Committee and Mr. Trotta, as treasurer, violated 2 U.S.C. § 441a(f) and proceed to conciliation.

III. DISCUSSION OF CONCILIATION AGREEMENT AND CIVIL PENALTY

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IV. RECOMMENDATIONS

1. Find probable cause to believe that D. Gilbert Lehrman violated 2 U.S.C. § 441a(a)(1)(C).
2. Find probable cause to believe that Louis Lehrman violated 2 U.S.C. § 441a(a)(1)(C).
3. Find probable cause to believe that the Fund to Keep America #1 and Frank Trotta, Jr., as treasurer, violated 2 U.S.C. § 441a(f).
4. Approve the attached conciliation proposals.
5. Approve the attached letter.

12/27/55
Date:

Charles N. Steele
Charles N. Steele
General Counsel

- Attachments
1. Reply brief of respondents
 2. Letter and conciliation proposals

~~Handwritten~~ / J. Levin

Frank Trolley, Jr.
ATTORNEY - AT - LAW

TWENTY-FOUR NORTH AVENUE
NEW ROCHELLE, NEW YORK 10805
TELEPHONE: (914) 952-7069

November 19, 1985

DEC 2 1985
P 3:46

Federal Election Commission
1323 K Street, N.W.
Washington, D.C. 20463

RE: MUR #2022

Ladies and Gentlemen:

I represent all three respondents in this matter, to wit, the Fund to Keep America Number One (hereinafter "FUND"), D. Gilbert Lehrman, and Louis Lehrman II. Respondent "FUND" mistakenly accepted and Respondents "Lehrmans" mistakenly gave excessive funds based upon an erroneous representation by a FUND volunteer.

There are several mitigating circumstances, presented hereafter, which suggest that the FEC should pursue this matter no further.

- 1) The FUND is a small PAC, with no employees and only two or three volunteers. At the time in question, it was in the process of relocating, and thus in a state of flux and confusion.
- 2) The error was caused solely by the honest mistake of one of the FUND's volunteers. (That volunteer was since asked to disassociate herself from the PAC.) Respondents D. Gilbert Lehrman and Louis Lehrman II acted, in good faith, upon the advice of said volunteer.
- 3) The error was reported to the FEC within minutes of discovery by counsel herein, and was handled according to the exact instructions of the FEC. Counsel herein discovered said excessive contribution in the routine course of examining the November 1984

Attachment 1 - p. 1 of 4

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financial disclosure of the FUND in mid-December 1984, immediately prior to its submission to the FEC.

- 4) The excessive contributions were refunded within one day of discovery by the FUND.
- 5) No contributions were made to any candidates during the time the excessive funds were held in the FUND's accounts.
- 6) In an effort to live up to the spirit of the FECA, the FUND disclosed the excessive contribution in its November disclosure with a footnote indicating that the excess had already -- even before the November disclosure was filed -- been refunded to the contributors. This refund was disclosed in the FUND's December disclosure and again appropriately footnoted.
- 7) General Counsel for the FEC incorrectly states that "the Committee was operating at a deficit of \$11,802 at the time that it received \$10,000 in excess contributions". The implication is that the excessive contribution was used, in effect, to wipe out the deficit.

FACTS

In early November 1984, one of the FUND's volunteers was attempting to raise money for the FUND. She called upon two of her former colleagues for contributions. Both former colleagues agreed to give the maximum amount to the PAC, and asked the volunteer what the maximum contribution was. She told each contributor -- mistakenly -- that \$5,000 was the maximum contribution for a primary and also for general elections or, in otherwords, \$10,000 per election cycle could be given to the PAC. Each contributor, acting upon this erroneous information, presented to the volunteer a check for what they all believed to be the maximum contribution: \$10,000.

In mid-December 1984, the FUND was preparing its November 1984 disclosure report. The reports were prepared by the volunteer who gave the erroneous advice and a volunteer accountant. (Both of these volunteers have since disassociated themselves from the FUND at the request of the FUND.) The reports

1 - p. 2 of 4

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were then routinely reviewed by counsel before being signed by the Treasurer and submitted to the FEC. The November 1984 disclosures were reviewed by counsel herein, on or about December 18, 1984.

Upon my review, I discovered the excessive contributions, immediately contacted the FEC and was advised to have the FUND refund the excess and disclose the correction. I immediately ordered the refunds (which were made December 19, 1984) and amended the November 1984 disclosure by a footnote indicating the action taken to correct the mistake. The December 19 refund checks were again disclosed on the December 1984 FUND disclosure statement and were again footnoted.

Further, it should be noted that no part of the mistaken contribution was used to fund any political campaigns. The only candidate contributions made in November 1984 (two on November 1 and one on November 2) were made prior to the depositing of the contributions in question. From the time the excessive contributions were deposited until the day they were refunded, no campaign contributions were made by the FUND.

CONCLUSION

The FUND, through one of its former volunteers, made an honest mistake. Acting on the basis of this mistake Messrs. Lehrman each gave an excessive contribution -- which was refunded immediately upon discovery. There was no "corruption" nor was there even the "appearance of corruption". A simple mistake was made and immediately corrected -- in accordance with the specific instructions of the Commission. We respectfully submit that no further action should be taken in this matter.

There is no damage and therefore no need for punitive action by the FEC. The excess was immediately refunded. The volunteer making the mistake, and even the accountant who prepared the disclosure, are no longer associated with the FUND -- at the FUND's request. No part of the money in question was given to candidates.

In the past year, the FUND and people associated with the FUND have been the subject of no less than five Matters Under Review -- none of which has reached the "probable cause" stage. This regular barrage of FEC legal action has resulted in the resignation of the FUND's Treasurer, due to what he termed the "nuisance factor" of these MURs, and further resulted in the

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elimination of nearly all political activity on the part of the FUND.

Certainly, the intent of the FECA was not to "drive out of business" any PAC without the wherewithal to pay full-time staff. However, that is exactly what is occurring by the prosecution of innocent mistakes of volunteers, such as the matter herein.

We urge that no further action be taken in this matter.

Respectfully submitted,

Frank Trotta
SA

Frank Trotta

FT/sa

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1 - p. 4 of 4



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Frank Trotta, Jr. Esquire
24 North Avenue
New Rochelle, New York 10805

RE: MUR 2022
Fund to Keep America #1
Frank Trotta, Jr., as
treasurer
D. Gilbert Lehrman
Louis Lehrman

Dear Mr. Trotta:

On _____, 198____, the Commission determined that there is probable cause to believe that D. Gilbert Lehrman and Louis Lehrman each violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by making contributions in excess of \$5,000 to the Fund to Keep America #1 ("the Committee"). On that date, the Commission also determined that there is probable cause to believe that the Committee and Frank Trotta, Jr., as treasurer, violated 2 U.S.C. § 441a(f), also a provision of the Act, for accepting the contributions.

We enclose conciliation agreements that this Office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreements, please have the agreements signed and returned along with the civil penalties to the Commission within ten days. I will then recommend that the Commission approve the agreements. Please have the checks for the civil penalties made payable to the U.S. Treasurer.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Jonathan Levin, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreements (3)

Attachment 2 - p. 1 of 10

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GCC # 9108

Frank Trotta, Jr.
ATTORNEY - AT - LAW

TWENTY-FOUR NORTH AVENUE
NEW ROCHELLE, NEW YORK 10805
TELEPHONE: (914) NE 2-7069

November 19, 1985

DEC 2 1985
FEDERAL ELECTION COMMISSION
GENERAL OFFICE

Federal Election Commission
1323 K Street, N.W.
Washington, D.C. 20463

RE: MUR #2022

Ladies and Gentlemen:

I represent all three respondents in this matter, to wit, the Fund to Keep America Number One (hereinafter "FUND"), D. Gilbert Lehrman, and Louis Lehrman II. Respondent "FUND" mistakenly accepted and Respondents "Lehrmans" mistakenly gave excessive funds based upon an erroneous representation by a FUND volunteer.

There are several mitigating circumstances, presented hereafter, which suggest that the FEC should pursue this matter no further.

- 1) The FUND is a small PAC, with no employees and only two or three volunteers. At the time in question, it was in the process of relocating, and thus in a state of flux and confusion.
- 2) The error was caused solely by the honest mistake of one of the FUND's volunteers. (That volunteer was since asked to disassociate herself from the PAC.) Respondents D. Gilbert Lehrman and Louis Lehrman II acted, in good faith, upon the advice of said volunteer.
- 3) The error was reported to the FEC within minutes of discovery by counsel herein, and was handled according to the exact instructions of the FEC. Counsel herein discovered said excessive contribution in the routine course of examining the November 1984

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financial disclosure of the FUND in mid-December 1984, immediately prior to its submission to the FEC.

- 4) The excessive contributions were refunded within one day of discovery by the FUND.
- 5) No contributions were made to any candidates during the time the excessive funds were held in the FUND's accounts.
- 6) In an effort to live up to the spirit of the FECA, the FUND disclosed the excessive contribution in its November disclosure with a footnote indicating that the excess had already -- even before the November disclosure was filed -- been refunded to the contributors. This refund was disclosed in the FUND's December disclosure and again appropriately footnoted.
- 7) General Counsel for the FEC incorrectly states that "the Committee was operating at a deficit of \$11,802 at the time that it received \$10,000 in excess contributions". The implication is that the excessive contribution was used, in effect, to wipe out the deficit.

FACTS

In early November 1984, one of the FUND's volunteers was attempting to raise money for the FUND. She called upon two of her former colleagues for contributions. Both former colleagues agreed to give the maximum amount to the PAC, and asked the volunteer what the maximum contribution was. She told each contributor -- mistakenly -- that \$5,000 was the maximum contribution for a primary and also for general elections or, in other words, \$10,000 per election cycle could be given to the PAC. Each contributor, acting upon this erroneous information, presented to the volunteer a check for what they all believed to be the maximum contribution: \$10,000.

In mid-December 1984, the FUND was preparing its November 1984 disclosure report. The reports were prepared by the volunteer who gave the erroneous advice and a volunteer accountant. (Both of these volunteers have since disassociated themselves from the FUND at the request of the FUND.) The reports

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were then routinely reviewed by counsel before being signed by the Treasurer and submitted to the FEC. The November 1984 disclosures were reviewed by counsel herein, on or about December 18, 1984.

Upon my review, I discovered the excessive contributions, immediately contacted the FEC and was advised to have the FUND refund the excess and disclose the correction. I immediately ordered the refunds (which were made December 19, 1984) and amended the November 1984 disclosure by a footnote indicating the action taken to correct the mistake. The December 19 refund checks were again disclosed on the December 1984 FUND disclosure statement and were again footnoted.

Further, it should be noted that no part of the mistaken contribution was used to fund any political campaigns. The only candidate contributions made in November 1984 (two on November 1 and one on November 2) were made prior to the depositing of the contributions in question. From the time the excessive contributions were deposited until the day they were refunded, no campaign contributions were made by the FUND.

CONCLUSION

The FUND, through one of its former volunteers, made an honest mistake. Acting on the basis of this mistake Messrs. Lehrman each gave an excessive contribution -- which was refunded immediately upon discovery. There was no "corruption" nor was there even the "appearance of corruption". A simple mistake was made and immediately corrected -- in accordance with the specific instructions of the Commission. We respectfully submit that no further action should be taken in this matter.

There is no damage and therefore no need for punitive action by the FEC. The excess was immediately refunded. The volunteer making the mistake, and even the accountant who prepared the disclosure, are no longer associated with the FUND -- at the FUND's request. No part of the money in question was given to candidates.

In the past year, the FUND and people associated with the FUND have been the subject of no less than five Matters Under Review -- none of which has reached the "probable cause" stage. This regular barrage of FEC legal action has resulted in the resignation of the FUND's Treasurer, due to what he termed the "nuisance factor" of these MURs, and further resulted in the

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elimination of nearly all political activity on the part of the FUND.

Certainly, the intent of the FECA was not to "drive out of business" any PAC without the wherewithal to pay full-time staff. However, that is exactly what is occurring by the prosecution of innocent mistakes of volunteers, such as the matter herein.

We urge that no further action be taken in this matter.

Respectfully submitted,

Frank Trotta
SA

Frank Trotta

FT/sa

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FEDERAL ELECTION COMMISSION
1323 K Street, N.W.
Washington, D.C. 20463
ATTN: Jon Levin, Esq.

HAND DELIVERED

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCC
TO
FROM
DATE

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November 4, 1985

MEMORANDUM

TO: The Commission
FROM: Charles N. Steele
General Counsel *CS*
SUBJECT: MUR 2022

SENSITIVE

Attached for the Commission's review are briefs stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. Copies of these briefs and a letter notifying the respondents' counsel of the General Counsel's intent to recommend to the Commission findings of probable cause to believe were mailed on November 4, 1985. Following receipt of the respondents' replies to these notices, this Office will make a further report to the Commission.

Attachments

1. Briefs (3)
2. Letter to respondents' counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Fund to Keep America #1) MUR 2022
Frank Trotta, Jr., as treasurer)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter involves the apparent receipt by the Fund to Keep America #1 ("the Committee") of contributions in excess of the limits of 2 U.S.C. § 441a(a)(1)(C).

The 1984 December Monthly Report of the Committee disclosed a \$10,000 contribution from D. Gilbert Lehrman and a \$10,000 contribution from Louis Lehrman, both on November 2, 1984. This report contained full disclosure of the contributions. Underneath each entry, the Committee typed in the following statement:

Upon realization that this contribution may have been in excess of statutory limits, the Fund immediately reimbursed the excess \$5,000.00 to the contributor. These refunds will be reflected on the December 1984 statement.

The December Report was signed by Mr. Carey on December 20, 1984, and received by the Commission on December 26. The Committee's 1984 Year End Report reveals that the Committee refunded \$5,000 to each contributor on December 19, 1984.

On June 4, 1985, the Commission found reason to believe that the Committee and Timothy S. Carey,^{1/} as its treasurer, violated 2 U.S.C. § 441a(f).

^{1/} On August 15, 1985, the Commission received a letter designating Frank Trotta, Jr., as the new treasurer of the Committee.

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Attachment 1 - p. 1 of 9

Counsel for the Committee responded to this finding in a letter received on July 22, 1985. He states that it is his understanding that D. Gilbert Lehrman and Louis Lehrman were informed by a "former member" of the Committee that the limit on contributions to the Committee was \$5,000 for the primary election and \$5,000 for the general election. According to the counsel, the "mistake" was discovered "in the course of preparing the Fund's Financial Disclosure." He maintains that, upon realization of the mistake, the Committee "immediately contacted" the Commission and, in accordance with the Commission's instructions, refunded the excess "immediately" and "not[ed] the refund on the disclosure." Counsel states that the Committee, in fact, "flagged the problems."

II. LEGAL ANALYSIS

Section 441a(a)(1)(C) of Title 2 states that no person shall make contributions to any political committee, other than a candidate's authorized political committee or a national party committee, which, in the aggregate in any calendar year, exceed \$5,000. Section 441a(f) of Title 2 prohibits the knowing acceptance or receipt of a contribution in violation of the provisions of 2 U.S.C. § 441a. In this matter, the Committee accepted two contributions which were each in excess of the limit of 2 U.S.C. § 441a(a)(1)(C) by \$5,000.

Counsel argues that no further action should be taken in this matter because the excess contributions were returned

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"immediately" and because the violations were flagged. Despite counsel's assertions that action was taken upon discovery of the violations, the refunds were made almost seven weeks after the contributions. It should be further noted that the Committee was operating at a deficit of \$11,802 at the time that it received \$10,000 in excess contributions, and that these contributions were received at a time of significant activity just prior to the general election.

Based on the foregoing analysis, the General Counsel recommends that the Commission find probable cause to believe that the committee and Mr. Trotta, as treasurer, violated 2 U.S.C. § 441a(f).

III. RECOMMENDATION

Find probable cause to believe that the fund to Keep America #1 and Frank Trotta, Jr., as treasurer, violated 2 U.S.C. § 441a(f).

Date

Charles N. Steele
General Counsel

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the Committee "immediately contacted" the Commission and, in accordance with the Commission's instructions, refunded the excess "immediately" and "not[ed] the refund on the disclosure." Counsel states that the Committee, in fact, "flagged the problems."

II. LEGAL ANALYSIS

Section 441a(a)(1)(C) of Title 2 states that no person shall make contributions to any political committee, other than a candidate's authorized political committee or a national party committee, which, in the aggregate in any calendar year, exceed \$5,000. In this matter, Mr. Lehrman made a contribution which was in excess of the limit of 2 U.S.C. § 441a(a)(1)(C) by \$5,000.

Counsel argues that no further action should be taken in this matter because the excess contribution was returned "immediately" and because the violation was flagged. Despite counsel's assertions that action was taken by the Committee upon discovery of the violation, the refunds were made almost seven weeks after the contributions. It should be further noted that the Committee was operating at a deficit of \$11,802 at the time that it received \$10,000 in excess contributions, and that these contributions were received at a time of significant activity just prior to the general election.

Based on the foregoing analysis, the General Counsel recommends that the Commission find probable cause to believe that Mr. Lehrman violated 2 U.S.C. § 441a(a)(1)(C).

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III. RECOMMENDATION

Find probable cause to believe that D. Gilbert Lehrman violated 2 U.S.C. § 441a(a)(1)(C).

Date

Charles N. Steele
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Louis Lehrman)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter involves a contribution by Louis Lehrman to the Fund to Keep America #1 ("the Committee") which appears to be in excess of the limits of 2 U.S.C. § 441a(a)(1)(C).

The 1984 December Monthly Report of the Committee disclosed a \$10,000 contribution from Louis Lehrman on November 2, 1984. This report contained full disclosure of the contribution. Underneath the entry, the Committee typed in the following statement:

Upon realization that this contribution may have been in excess of statutory limits, the Fund immediately reimbursed the excess \$5,000.00 to the contributor. These refunds will be reflected on the December 1984 statement.

The Committee's 1984 Year End Report reveals that the Committee refunded \$5,000 to Mr. Lehrman on December 19, 1984.

On June 4, 1985, the Commission found reason to believe that Mr. Lehrman violated 2 U.S.C. § 441a(a)(1)(C). Counsel for Mr. Lehrman responded to this finding in a letter received on July 22, 1985. He states that it is his understanding that Mr. Lehrman was informed by a "former member" of the Committee that the limit on contributions to the Committee was \$5,000 for the general election. According to counsel, the "mistake" was discovered "in the course of preparing the Fund's Financial Disclosure." He maintains that, upon realization of the mistake,

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the Committee "immediately contacted" the Commission and, in accordance with the Commission's instructions, refunded the excess "immediately" and "not[ed] the refund on the disclosure." Counsel states that the Committee, in fact, "flagged the problems."

II. LEGAL ANALYSIS

Section 441a(a)(1)(C) of Title 2 states that no person shall make contributions to any political committee, other than a candidate's authorized political committee or a national party committee, which, in the aggregate in any calendar year, exceed \$5,000. In this matter, Mr. Lehrman made a contribution which was in excess of the limit of 2 U.S.C. § 441a(a)(1)(C) by \$5,000.

Counsel argues that no further action should be taken in this matter because the excess contribution was returned "immediately" and because the violation was flagged. Despite counsel's assertions that action was taken by the Committee upon discovery of the violation, the refunds were made almost seven weeks after the contributions. It should be further noted that the Committee was operating at a deficit of \$11,802 at the time that it received \$10,000 in excess contributions, and that these contributions were received at a time of significant activity just prior to the general election.

Based on the foregoing analysis, the General Counsel recommends that the Commission find probable cause to believe that Mr. Lehrman violated 2 U.S.C. § 441a(a)(1)(C).

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III. RECOMMENDATION

Find probable cause to believe that Louis Lehrman violated 2
U.S.C. § 441a(a) (1) (C).

Date

Charles N. Steele
General Counsel

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1-p. 9 of 9



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Frank Trotta, Jr., Esquire
24 North Avenue
New Rochelle, NY 10805

RE: MUR 2022

Fund to Keep America #1
Frank S. Trotta, as
treasurer
D. Gilbert Lehrman
Louis Lehrman

Dear Mr. Trotta:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on June 4, 1985, found reason to believe that the Fund to Keep America #1 and Timothy S. Carey, as its treasurer, violated 2 U.S.C. § 441a(f) and that D. Gilbert Lehrman and Louis Lehrman violated 2 U.S.C. § 441a(a)(1)(C), and instituted an investigation of this matter.

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

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the 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.

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less

Assessment 2 - p 1 of 2

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than thirty, but not more than ninety, days to settle this matter through a conciliation agreement.

Should you have any questions, please contact Jonathan Levin, the attorney assigned to handle this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Briefs(3)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 4, 1985

Frank Trotta, Jr., Esquire
24 North Avenue
New Rochelle, NY 10805

RE: MUR 2022

Fund to Keep America #1
Frank S. Trotta, as
treasurer
D. Gilbert Lehrman
Louis Lehrman

Dear Mr. Trotta:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on June 4, 1985, found reason to believe that the Fund to Keep America #1 and Timothy S. Carey, as its treasurer, violated 2 U.S.C. § 441a(f) and that D. Gilbert Lehrman and Louis Lehrman violated 2 U.S.C. § 441a(a)(1)(C), and instituted an investigation of this matter.

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

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the 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.

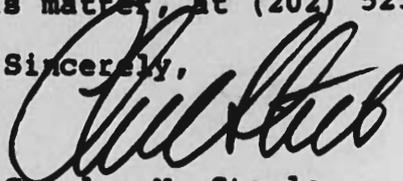
A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less

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Should you have any questions, please contact Jonathan Levin, the attorney assigned to handle this matter, at (202) 523-4000.

Sincerely,



Charles N. Steele
General Counsel

Enclosure
Briefs(3)

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Fund to Keep America #1) MUR 2022
Frank Trotta, Jr., as treasurer)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter involves the apparent receipt by the Fund to Keep America #1 ("the Committee") of contributions in excess of the limits of 2 U.S.C. § 441a(a)(1)(C).

The 1984 December Monthly Report of the Committee disclosed a \$10,000 contribution from D. Gilbert Lehrman and a \$10,000 contribution from Louis Lehrman, both on November 2, 1984. This report contained full disclosure of the contributions.

Underneath each entry, the Committee typed in the following statement:

Upon realization that this contribution may have been in excess of statutory limits, the Fund immediately reimbursed the excess \$5,000.00 to the contributor. These refunds will be reflected on the December 1984 statement.

The December Report was signed by Mr. Carey on December 20, 1984, and received by the Commission on December 26. The Committee's 1984 Year End Report reveals that the Committee refunded \$5,000 to each contributor on December 19, 1984.

On June 4, 1985, the Commission found reason to believe that the Committee and Timothy S. Carey,^{1/} as its treasurer, violated 2 U.S.C. § 441a(f).

^{1/} On August 15, 1985, the Commission received a letter designating Frank Trotta, Jr., as the new treasurer of the Committee.

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Counsel for the Committee responded to this finding in a letter received on July 22, 1985. He states that it is his understanding that D. Gilbert Lehrman and Louis Lehrman were informed by a "former member" of the Committee that the limit on contributions to the Committee was \$5,000 for the primary election and \$5,000 for the general election. According to the counsel, the "mistake" was discovered "in the course of preparing the Fund's Financial Disclosure." He maintains that, upon realization of the mistake, the Committee "immediately contacted" the Commission and, in accordance with the Commission's instructions, refunded the excess "immediately" and "not[ed] the refund on the disclosure." Counsel states that the Committee, in fact, "flagged the problems."

II. LEGAL ANALYSIS

Section 441a(a)(1)(C) of Title 2 states that no person shall make contributions to any political committee, other than a candidate's authorized political committee or a national party committee, which, in the aggregate in any calendar year, exceed \$5,000. Section 441a(f) of Title 2 prohibits the knowing acceptance or receipt of a contribution in violation of the provisions of 2 U.S.C. § 441a. In this matter, the Committee accepted two contributions which were each in excess of the limit of 2 U.S.C. § 441a(a)(1)(C) by \$5,000.

Counsel argues that no further action should be taken in this matter because the excess contributions were returned

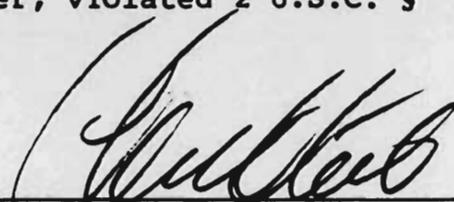
"immediately" and because the violations were flagged. Despite counsel's assertions that action was taken upon discovery of the violations, the refunds were made almost seven weeks after the contributions. It should be further noted that the Committee was operating at a deficit of \$11,802 at the time that it received \$10,000 in excess contributions, and that these contributions were received at a time of significant activity just prior to the general election.

Based on the foregoing analysis, the General Counsel recommends that the Commission find probable cause to believe that the committee and Mr. Trotta, as treasurer, violated 2 U.S.C. § 441a(f).

III. RECOMMENDATION

Find probable cause to believe that the fund to Keep America #1 and Frank Trotta, Jr., as treasurer, violated 2 U.S.C. § 441a(f).

1 November 1985
Date



Charles N. Steele
General Counsel

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the Committee "immediately contacted" the Commission and, in accordance with the Commission's instructions, refunded the excess "immediately" and "not[ed] the refund on the disclosure." Counsel states that the Committee, in fact, "flagged the problems."

II. LEGAL ANALYSIS

Section 441a(a)(1)(C) of Title 2 states that no person shall make contributions to any political committee, other than a candidate's authorized political committee or a national party committee, which, in the aggregate in any calendar year, exceed \$5,000. In this matter, Mr. Lehrman made a contribution which was in excess of the limit of 2 U.S.C. § 441a(a)(1)(C) by \$5,000.

Counsel argues that no further action should be taken in this matter because the excess contribution was returned "immediately" and because the violation was flagged. Despite counsel's assertions that action was taken by the Committee upon discovery of the violation, the refunds were made almost seven weeks after the contributions. It should be further noted that the Committee was operating at a deficit of \$11,802 at the time that it received \$10,000 in excess contributions, and that these contributions were received at a time of significant activity just prior to the general election.

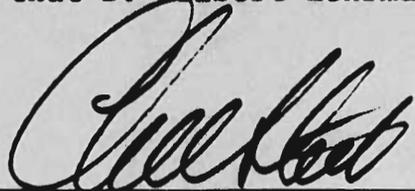
Based on the foregoing analysis, the General Counsel recommends that the Commission find probable cause to believe that Mr. Lehrman violated 2 U.S.C. § 441a(a)(1)(C).

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III. RECOMMENDATION

Find probable cause to believe that D. Gilbert Lehrman violated 2 U.S.C. § 441a(a)(1)(C).

1 Nov 20 1985
Date



Charles N. Steele
General Counsel

86040592266

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Louis Lehrman)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter involves a contribution by Louis Lehrman to the Fund to Keep America #1 ("the Committee") which appears to be in excess of the limits of 2 U.S.C. § 441a(a)(1)(C).

The 1984 December Monthly Report of the Committee disclosed a \$10,000 contribution from Louis Lehrman on November 2, 1984. This report contained full disclosure of the contribution. Underneath the entry, the Committee typed in the following statement:

Upon realization that this contribution may have been in excess of statutory limits, the Fund immediately reimbursed the excess \$5,000.00 to the contributor. These refunds will be reflected on the December 1984 statement.

The Committee's 1984 Year End Report reveals that the Committee refunded \$5,000 to Mr. Lehrman on December 19, 1984.

On June 4, 1985, the Commission found reason to believe that Mr. Lehrman violated 2 U.S.C. § 441a(a)(1)(C). Counsel for Mr. Lehrman responded to this finding in a letter received on July 22, 1985. He states that it is his understanding that Mr. Lehrman was informed by a "former member" of the Committee that the limit on contributions to the Committee was \$5,000 for the general election. According to counsel, the "mistake" was discovered "in the course of preparing the Fund's Financial Disclosure." He maintains that, upon realization of the mistake,

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the Committee "immediately contacted" the Commission and, in accordance with the Commission's instructions, refunded the excess "immediately" and "not[ed] the refund on the disclosure." Counsel states that the Committee, in fact, "flagged the problems."

II. LEGAL ANALYSIS

Section 441a(a)(1)(C) of Title 2 states that no person shall make contributions to any political committee, other than a candidate's authorized political committee or a national party committee, which, in the aggregate in any calendar year, exceed \$5,000. In this matter, Mr. Lehrman made a contribution which was in excess of the limit of 2 U.S.C. § 441a(a)(1)(C) by \$5,000.

Counsel argues that no further action should be taken in this matter because the excess contribution was returned "immediately" and because the violation was flagged. Despite counsel's assertions that action was taken by the Committee upon discovery of the violation, the refunds were made almost seven weeks after the contributions. It should be further noted that the Committee was operating at a deficit of \$11,802 at the time that it received \$10,000 in excess contributions, and that these contributions were received at a time of significant activity just prior to the general election.

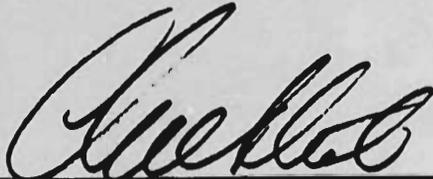
Based on the foregoing analysis, the General Counsel recommends that the Commission find probable cause to believe that Mr. Lehrman violated 2 U.S.C. § 441a(a)(1)(C).

86040592268

III. RECOMMENDATION

Find probable cause to believe that Louis Lehrman violated 2
U.S.C. § 441a(a)(1)(C).

1 November 1985
Date


Charles N. Steele
General Counsel

86040592269



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Frank Trotta, Jr., Esquire
24 North Avenue
New Rochelle, NY 10805

RE: MUR 2022
Fund to Keep America #1
Frank S. Trotta, as
treasurer
D. Gilbert Lehrman
Louis Lehrman

Dear Mr. Trotta:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on June 4, 1985, found reason to believe that the Fund to Keep America #1 and Timothy S. Carey, as its treasurer, violated 2 U.S.C. § 441a(f) and that D. Gilbert Lehrman and Louis Lehrman violated 2 U.S.C. § 441a(a)(1)(C), and instituted an investigation of this matter.

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

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the 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.

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less

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than thirty, but not more than ninety, days to settle this matter through a conciliation agreement.

Should you have any questions, please contact Jonathan Levin, the attorney assigned to handle this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Briefs(3)

86040392271



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
 FROM: Office of General Counsel *RMB*
 DATE: November 4, 1985
 SUBJECT: MUR 2022 - Memorandum to the Commission

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	[]	Closed MUR Letters	[]
Sensitive	[]	Status Sheets	[]
Non-Sensitive	[]	Advisory Opinions	[]
Information	[X]	Other (see distribution below)	[]
Sensitive	[X]		
Non-Sensitive	[]		
Other	[]		

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

85 NOV 4 P 4: 41

November 4, 1985

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel *CNS*

SENSITIVE

SUBJECT: MUR 2022

Attached for the Commission's review are briefs stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. Copies of these briefs and a letter notifying the respondents' counsel of the General Counsel's intent to recommend to the Commission findings of probable cause to believe were mailed on November 4, 1985. Following receipt of the respondents' replies to these notices, this Office will make a further report to the Commission.

Attachments

1. Briefs (3)
2. Letter to respondents' counsel

86040592273

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Fund to Keep America #1) MUR 2022
Frank Trotta, Jr., as treasurer)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter involves the apparent receipt by the Fund to Keep America #1 ("the Committee") of contributions in excess of the limits of 2 U.S.C. § 441a(a)(1)(C).

The 1984 December Monthly Report of the Committee disclosed a \$10,000 contribution from D. Gilbert Lehrman and a \$10,000 contribution from Louis Lehrman, both on November 2, 1984. This report contained full disclosure of the contributions. Underneath each entry, the Committee typed in the following statement:

Upon realization that this contribution may have been in excess of statutory limits, the Fund immediately reimbursed the excess \$5,000.00 to the contributor. These refunds will be reflected on the December 1984 statement.

The December Report was signed by Mr. Carey on December 20, 1984, and received by the Commission on December 26. The Committee's 1984 Year End Report reveals that the Committee refunded \$5,000 to each contributor on December 19, 1984.

On June 4, 1985, the Commission found reason to believe that the Committee and Timothy S. Carey,^{1/} as its treasurer, violated 2 U.S.C. § 441a(f).

^{1/} On August 15, 1985, the Commission received a letter designating Frank Trotta, Jr., as the new treasurer of the Committee.

86040592274

Attachment 1 - p. 1 of 9

Counsel for the Committee responded to this finding in a letter received on July 22, 1985. He states that it is his understanding that D. Gilbert Lehrman and Louis Lehrman were informed by a "former member" of the Committee that the limit on contributions to the Committee was \$5,000 for the primary election and \$5,000 for the general election. According to the counsel, the "mistake" was discovered "in the course of preparing the Fund's Financial Disclosure." He maintains that, upon realization of the mistake, the Committee "immediately contacted" the Commission and, in accordance with the Commission's instructions, refunded the excess "immediately" and "not[ed] the refund on the disclosure." Counsel states that the Committee, in fact, "flagged the problems."

II. LEGAL ANALYSIS

Section 441a(a)(1)(C) of Title 2 states that no person shall make contributions to any political committee, other than a candidate's authorized political committee or a national party committee, which, in the aggregate in any calendar year, exceed \$5,000. Section 441a(f) of Title 2 prohibits the knowing acceptance or receipt of a contribution in violation of the provisions of 2 U.S.C. § 441a. In this matter, the Committee accepted two contributions which were each in excess of the limit of 2 U.S.C. § 441a(a)(1)(C) by \$5,000.

Counsel argues that no further action should be taken in this matter because the excess contributions were returned

1 - p. 2 of 9

86040592275

"immediately" and because the violations were flagged. Despite counsel's assertions that action was taken upon discovery of the violations, the refunds were made almost seven weeks after the contributions. It should be further noted that the Committee was operating at a deficit of \$11,802 at the time that it received \$10,000 in excess contributions, and that these contributions were received at a time of significant activity just prior to the general election.

Based on the foregoing analysis, the General Counsel recommends that the Commission find probable cause to believe that the committee and Mr. Trotta, as treasurer, violated 2 U.S.C. § 441a(f).

III. RECOMMENDATION

Find probable cause to believe that the fund to Keep America #1 and Frank Trotta, Jr., as treasurer, violated 2 U.S.C. § 441a(f).

Date

Charles N. Steele
General Counsel

1-p 3 of 9

86040592276

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
D. Gilbert Lehrman) MUR 2022

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter involves a contribution by D. Gilbert Lehrman to the Fund to Keep America #1 ("the Committee") which appears to be in excess of the limits of 2 U.S.C. § 441a(a)(1)(C).

The 1984 December Monthly Report of the Committee disclosed a \$10,000 contribution from D. Gilbert Lehrman on November 2, 1984. This report contained full disclosure of the contribution. Underneath the entry, the Committee typed in the following statement:

Upon realization that this contribution may have been in excess of statutory limits, the Fund immediately reimbursed the excess \$5,000.00 to the contributor. These refunds will be reflected on the December 1984 statement.

The Committee's 1984 Year End Report reveals that the Committee refunded \$5,000 to Mr. Lehrman on December 19, 1984.

On June 4, 1985, the Commission found reason to believe that Mr. Lehrman violated 2 U.S.C. § 441a(a)(1)(C). Counsel for Mr. Lehrman responded to this finding in a letter received on July 22, 1985. He states that it is his understanding that Mr. Lehrman was informed by a "former member" of the Committee that the limit on contributions to the Committee was \$5,000 for the general election. According to counsel, the "mistake" was discovered "in the course of preparing the Fund's Financial Disclosure." He maintains that, upon realization of the mistake,

1- p. 4 of 9

86040592277

the Committee "immediately contacted" the Commission and, in accordance with the Commission's instructions, refunded the excess "immediately" and "not[ed] the refund on the disclosure." Counsel states that the Committee, in fact, "flagged the problems."

II. LEGAL ANALYSIS

Section 441a(a)(1)(C) of Title 2 states that no person shall make contributions to any political committee, other than a candidate's authorized political committee or a national party committee, which, in the aggregate in any calendar year, exceed \$5,000. In this matter, Mr. Lehrman made a contribution which was in excess of the limit of 2 U.S.C. § 441a(a)(1)(C) by \$5,000.

Counsel argues that no further action should be taken in this matter because the excess contribution was returned "immediately" and because the violation was flagged. Despite counsel's assertions that action was taken by the Committee upon discovery of the violation, the refunds were made almost seven weeks after the contributions. It should be further noted that the Committee was operating at a deficit of \$11,802 at the time that it received \$10,000 in excess contributions, and that these contributions were received at a time of significant activity just prior to the general election.

Based on the foregoing analysis, the General Counsel recommends that the Commission find probable cause to believe that Mr. Lehrman violated 2 U.S.C. § 441a(a)(1)(C).

1- p. 5 of 9

85040592278

III. RECOMMENDATION

Find probable cause to believe that D. Gilbert Lehrman violated 2 U.S.C. § 441a(a) (1) (C).

Date

Charles N. Steele
General Counsel

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1- p. 6 of 9

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Louis Lehrman)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter involves a contribution by Louis Lehrman to the Fund to Keep America #1 ("the Committee") which appears to be in excess of the limits of 2 U.S.C. § 441a(a)(1)(C).

The 1984 December Monthly Report of the Committee disclosed a \$10,000 contribution from Louis Lehrman on November 2, 1984. This report contained full disclosure of the contribution. Underneath the entry, the Committee typed in the following statement:

Upon realization that this contribution may have been in excess of statutory limits, the Fund immediately reimbursed the excess \$5,000.00 to the contributor. These refunds will be reflected on the December 1984 statement.

The Committee's 1984 Year End Report reveals that the Committee refunded \$5,000 to Mr. Lehrman on December 19, 1984.

On June 4, 1985, the Commission found reason to believe that Mr. Lehrman violated 2 U.S.C. § 441a(a)(1)(C). Counsel for Mr. Lehrman responded to this finding in a letter received on July 22, 1985. He states that it is his understanding that Mr. Lehrman was informed by a "former member" of the Committee that the limit on contributions to the Committee was \$5,000 for the general election. According to counsel, the "mistake" was discovered "in the course of preparing the Fund's Financial Disclosure." He maintains that, upon realization of the mistake,

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1 - p. 7 of 9

the Committee "immediately contacted" the Commission and, in accordance with the Commission's instructions, refunded the excess "immediately" and "not[ed] the refund on the disclosure." Counsel states that the Committee, in fact, "flagged the problems."

II. LEGAL ANALYSIS

Section 441a(a)(1)(C) of Title 2 states that no person shall make contributions to any political committee, other than a candidate's authorized political committee or a national party committee, which, in the aggregate in any calendar year, exceed \$5,000. In this matter, Mr. Lehrman made a contribution which was in excess of the limit of 2 U.S.C. § 441a(a)(1)(C) by \$5,000.

Counsel argues that no further action should be taken in this matter because the excess contribution was returned "immediately" and because the violation was flagged. Despite counsel's assertions that action was taken by the Committee upon discovery of the violation, the refunds were made almost seven weeks after the contributions. It should be further noted that the Committee was operating at a deficit of \$11,802 at the time that it received \$10,000 in excess contributions, and that these contributions were received at a time of significant activity just prior to the general election.

Based on the foregoing analysis, the General Counsel recommends that the Commission find probable cause to believe that Mr. Lehrman violated 2 U.S.C. § 441a(a)(1)(C).

1 - p. 8 of 9

86040592281

III. RECOMMENDATION

Find probable cause to believe that Louis Lehrman violated 2
U.S.C. § 441a(a)(1)(C).

Date

Charles N. Steele
General Counsel

86040592282

1 - p. 9 of 9



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Frank Trotta, Jr., Esquire
24 North Avenue
New Rochelle, NY 10805

RE: MUR 2022
Fund to Keep America #1
Frank S. Trotta, as
treasurer
D. Gilbert Lehrman
Louis Lehrman

Dear Mr. Trotta:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on June 4, 1985, found reason to believe that the Fund to Keep America #1 and Timothy S. Carey, as its treasurer, violated 2 U.S.C. § 441a(f) and that D. Gilbert Lehrman and Louis Lehrman violated 2 U.S.C. § 441a(a)(1)(C), and instituted an investigation of this matter.

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

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the 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.

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less

Attachment 2 - p. 1 of 2

86040592283

than thirty, but not more than ninety, days to settle this matter through a conciliation agreement.

Should you have any questions, please contact Jonathan Levin, the attorney assigned to handle this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Briefs(3)

86040592284

2-p. 2 of 2

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Fund to Keep America #1)
Frank Trotta, Jr., as treasurer) MUR 2022
)
D. Gilbert Lehrman)
)
Louis Lehrman)

GENERAL COUNSEL'S REPORT

Based on the assessment of the information presently available, the Office of the General Counsel is prepared to close the investigation in this matter as to the Fund to Keep America #1 and Frank Trotta, Jr., as treasurer, D. Gilbert Lehrman, and Louis Lehrman.

15 October 1947
Date



Charles N. Steele
General Counsel

86040592286

RECEIVED AT THE FEC
-GCC#8347
85 AUG 20 4 8: 05

15 Old Gulph Road
Gladwyne, Pennsylvania 19035
August 12, 1985

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

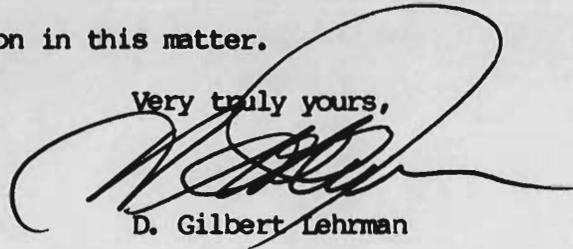
RE: MUR 2022

Dear Mr. Levin:

This serves to inform you that Frank Trotta will be acting as my counsel in the above matter.

Thank you for your attention in this matter.

Very truly yours,



D. Gilbert Lehrman

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15 Old Gulph Road
Gladwyne, Pennsylvania 19035
August 12, 1985

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

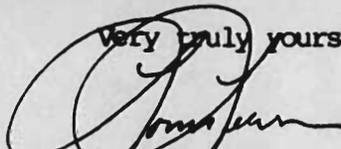
RE: MUR 2022

Dear Mr. Levin:

This serves to inform you that Frank Trotta will be acting as my counsel in the above matter.

Thank you for your attention in this matter.

Very truly yours,



Louis Lehrman

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Lehrman
15 Old Gulph Road
Gladwyne, Pennsylvania 19035

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

07 AUG 20 8:35



Frank Trotta, Jr.
ATTORNEY - AT - LAW

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GCC# 83.05

85 AUG 15 11:48

TWENTY-FOUR NORTH AVENUE
NEW ROCHELLE, NEW YORK 10805
TELEPHONE: (914) NE 2-7069

August 12, 1985

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

RE: MJR 2022

Dear Mr. Levin:

Please be advised that I am the newly designated Treasurer of the Fund to Keep America #1 (Fund). In that capacity I designate myself as attorney for the Fund.

Further, I have attempted to reach my other two clients in this matter. It is my understanding I can have a written notice of counsel from them later this week and will transmit it to you upon receipt.

Thank you for your attention in this matter.

Very truly yours,

Frank Trotta/sy
Frank Trotta

FT/sy

(Dictated and signed in Mr. Trotta's absence.)

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8 AUG 15 12:59

Frank Trotta, Jr.
ATTORNEY AT LAW

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GCC#8065
85 JUL 22 9:45

TWENTY-FOUR NORTH AVENUE
NEW ROCHELLE, NEW YORK 10805
TELEPHONE: (914) NE 2-7069

July 15, 1985

Jonathan Levin, Esq.
Federal Election Commission
1315 K Street, N.W.
Washington, D.C. 20463

5 JUL 22 11:53

RE: MJR 2022

Dear Mr. Levin:

I represent Mr. D. Gilbert Lehrman, Mr. Louis Lehrman and the Fund to Keep America #1 in the above-captioned matter. I apologize for the delay in responding, however, I have unexpectedly been called out of town. (Indeed, I have been unable to return to my office since the end of June.) Further, one of my clients is out of the country for several months and I have been unable to speak with him.

The facts, as I understand them, are that the Messrs. Lehrman were incorrectly informed by a former member of the Fund to Keep America #1, that the maximum contribution an individual could make to the PAC was \$5,000 for the General Election and \$5,000 for the Primary Election. Both Messrs. Lehrman then proceeded to make, what they believed to be the maximum contribution.

In the course of preparing the Fund's Financial Disclosure, the mistake was discovered. The Fund immediately contacted the FEC upon realizing the mistake and followed the instructions given by the FEC: (1) refund the excess contribution immediately; (2) note the refund on the disclosure. Both steps were immediately taken and in an effort to be completely forthcoming, the Fund flagged the problems on its financial disclosure forms.

We have made every effort to correct the innocent mistake and accordingly ask that this matter be dropped. Please advise us on how next to proceed.

Very truly yours,
Frank Trotta /sy
Frank Trotta

FT/sy

Postscript: For the foreseeable future, I can be reached at (202) 544-7888.

(Dictated and signed in Mr. Trotta's absence.)

8504052292



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Timothy S. Carey, Treasurer
Fund to Keep America #1
214 Massachusetts Avenue, N.E.
Suite 205
Washington, D.C. 20002

RE: MUR
Fund to Keep America #1
Timothy S. Carey, as treasurer

J I
cl 17/85

Dear Mr. Carey:

On June 4, 1985, the Federal Election Commission determined that there is reason to believe that the Fund to Keep America #1 and you, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, 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. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within fifteen days of your receipt of this letter. Statements should be submitted under oath.

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.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendation to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent will not be entertained.

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Timothy S. Carey, Treasurer
Page 2

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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.

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 Jonathan Levin, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

JJ
6/17/83

John Warren McGarry
Chairman

Enclosures

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

86040592295



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Timothy S. Carey, Treasurer
Fund to Keep America #1
214 Massachusetts Avenue, N.E.
Suite 205
Washington, D.C. 20002

RE: MUR
Fund to Keep America #1
Timothy S. Carey, as treasurer

Dear Mr. Carey:

On June 4, 1985, the Federal Election Commission determined that there is reason to believe that the Fund to Keep America #1 and you, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, 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. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within fifteen days of your receipt of this letter. Statements should be submitted under oath.

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.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendation to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent will not be entertained.

85040592296

Timothy S. Carey, Treasurer
Page 2

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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.

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 Jonathan Levin, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

John Warren McGarry
Chairman

Enclosures

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

86040392297



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 18, 1985

Timothy S. Carey, Treasurer
Fund to Keep America #1
214 Massachusetts Avenue, N.E.
Suite 205
Washington, D.C. 20002

RE: MUR 2022
Fund to Keep America #1
Timothy S. Carey, as treasurer

Dear Mr. Carey:

On June 4, 1985, the Federal Election Commission determined that there is reason to believe that the Fund to Keep America #1 and you, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, 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. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within fifteen days of your receipt of this letter. Statements should be submitted under oath.

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.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendation to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent will not be entertained.

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Timothy S. Carey, Treasurer
Page 2

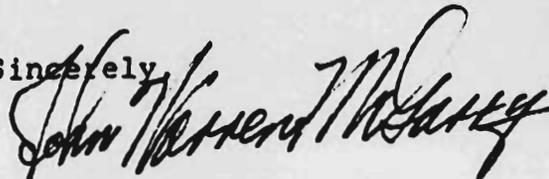
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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.

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 Jonathan Levin, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,



John Warren McGarry
Chairman

Enclosures

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

86040592299

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 2022

RESPONDENT Fund to Keep America #1
Timothy S. Carey, as treasurer

SUMMARY OF ALLEGATIONS

The Fund to Keep America #1 ("the Committee") was referred to the Office of the General Counsel on March 28, 1985, for the apparent receipt of contributions in excess of the limits of 2 U.S.C. § 441a(a)(1)(C).

FACTUAL BASIS AND LEGAL ANALYSIS

The 1984 December Monthly Report of the Fund to Keep America #1 disclosed a \$10,000 contribution from D. Gilbert Lehrman and a \$10,000 contribution from Louis Lehrman, both on November 2, 1984. This report contained full disclosure of the contributions. Underneath each entry, the Committee typed in the following statement:

Upon realization that this contribution may have been in excess of statutory limits, the Fund immediately reimbursed the excess \$5,000.00 to the contributor. These refunds will be reflected on the December 1984 statement.

The December Report was signed by Mr. Carey on December 20, 1984, and received by the Commission on December 26. The Committee's 1984 Year End Report reveals that the Committee refunded \$5,000 to each contributor on December 19, 1984.

Section 441a(a)(1)(C) of Title 2 states that no person shall make contributions to any political committee, other than a candidate's authorized political committee or a national party

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committee which, in the aggregate in any calendar year, exceed \$5,000. Section 441a(f) of Title 2 prohibits the knowing acceptance or receipt of a contribution in violation of the provisions of 2 U.S.C. § 441a. In this matter, D. Gilbert Lehrman and Louis Lehrman made contributions that were each \$5,000 in excess of the § 441a(a)(1)(C) limits. The Committee accepted these contributions and did not refund the excess until 47 days had elapsed.

Based on the foregoing analysis, the Office of the General Counsel recommends that the Commission find reason to believe that the Fund to Keep America #1 and Timothy S. Carey, as its treasurer, violated 2 U.S.C. § 441a(f).

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DESCRIPTION OF PRELIMINARY PROCEDURES
FOR PROCESSING POSSIBLE VIOLATIONS DISCOVERED BY THE
FEDERAL ELECTION COMMISSION

Possible violations discovered during the normal course of the Commission's supervisory responsibilities shall be referred to the Enforcement Division of the Office of General Counsel where they are assigned a MUR (Matter Under Review) number, and assigned to a staff member.

Following review of the information which generated the MUR, a recommendation on how to proceed on the matter, which shall include preliminary legal and factual analysis, and any information compiled from materials available to the Commission shall be submitted to the Commission. This initial report shall recommend either: (a) that the Commission find reason to believe that a possible violation of the Federal Election Campaign Act (FECA) may have occurred or is about to occur and that the Commission conduct an investigation of the matter; or (b) that the Commission find no reason to believe that a possible violation of the FECA has occurred and that the Commission close the file on the matter.

Thereafter, if the Commission decides by an affirmative vote of four (4) Commissioners that there is reason to believe that a violation of the Federal Election Campaign Act (FECA) has been committed or is about to be committed, the Office of the General Counsel shall open an investigation into the matter. Upon notification of the Commission's finding(s), within 15 days a respondent(s) may submit any factual or legal materials relevant to the allegations. During the investigation, the Commission shall have the power to subpoena documents, to subpoena individuals to appear for depositions, and to order answers to interrogatories. The respondent(s) may be contacted more than once by the Commission in its investigation.

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If, during this period of investigation, the respondent(s) indicate a desire to enter into conciliation, the Office of General Counsel staff may begin the conciliation process prior to a finding of probable cause to believe a violation has been committed. Conciliation is an informal method of conference and persuasion to endeavor to correct or prevent a violation of the Federal Election Campaign Act (FECA). Most often, the result of conciliation is an agreement signed by the Commission and the respondent(s). The Conciliation Agreement must be adopted by four votes of the Commission before it becomes final. After signature by the Commission and the respondent(s), the Commission shall make public the Conciliation Agreement.

[If the investigation warrants], and no conciliation agreement is entered into prior to a probable cause to believe finding, the General Counsel must notify the respondent(s) of his intent to proceed to a vote on probable cause to believe that a violation of the Federal Election Campaign Act (FECA) has been committed or is about to be committed. Included with the notification to the respondent(s) shall be a brief setting forth the position of the General Counsel on the legal and factual issues of the case. Within 15 days of receipt of such brief, the respondent(s) may submit a brief posing the position of respondent(s) and replying to the brief of the General Counsel. Both briefs will then be filed with the Commission Secretary and will be considered by the Commission. Thereafter, if the Commission determines by an affirmative vote of four (4) Commissioners, that there is probable cause to believe that a violation of the FECA has been committed or is about to be committed conciliation must be undertaken for a period of at least 30 days but not more than 90 days. If the Commission is unable to correct or prevent any violation of the FECA through conciliation the Office of General Counsel may recommend that the Commission file a civil suit against the respondent(s) to enforce the Federal Election Campaign Act (FECA). Thereafter, the Commission may, upon an affirmative vote of four (4) Commissioners, institute civil action for relief in the District Court of the United States.

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See 2 U.S.C. § 437g, 11 C.F.R. Part 111.

November 1980

STATEMENT OF DESIGNATION OF COUNSEL

MUR _____

NAME OF COUNSEL: _____

ADDRESS: _____

TELEPHONE: _____

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

Date

Signature

RESPONDENT'S NAME: _____

ADDRESS: _____

HOME PHONE: _____

BUSINESS PHONE: _____

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 18, 1985

D. Gilbert Lehrman
15 Old Gulph
Gladwyne, Pennsylvania 19035

RE: MUR 2022
D. Gilbert Lehrman

Dear Mr. Lehrman:

On June 4, 1985, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within fifteen days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent will not be entertained.

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Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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.

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 Jonathan Levin, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,



John Warren McGarry
Chairman

Enclosures

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

86040392306



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

D. Gilbert Lehrman
15 Old Gulph
Gladwyne, Pennsylvania 19035

RE: MUR
D. Gilbert Lehrman

JJ
6/17/85

Dear Mr. Lehrman:

On June 4, 1985, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within fifteen days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent will not be entertained.

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D. Gilbert Lehrman
Page 2

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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.

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 Jonathan Levin, the attorney assigned to this matter, at (202) 523-4000.

JF
6/17/85

Sincerely,

John Warren McGarry
Chairman

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

D. Gilbert Lehrman
15 Old Gulph
Gladwyne, Pennsylvania 19035

RE: MUR
D. Gilbert Lehrman

Dear Mr. Lehrman:

On June 4, 1985, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within fifteen days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent will not be entertained.

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D. Gilbert Lehrman
Page 2

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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.

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 Jonathan Levin, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

John Warren McGarry
Chairman

Enclosures

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

86040392310

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 2022

RESPONDENT D. Gilbert Lehrman

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of the General Counsel on March 28, 1985, for a contribution made by D. Gilbert Lehrman to the Fund to Keep America #1 which appears to be in excess of the limits of 2 U.S.C. § 441a(a)(1)(C).

FACTUAL BASIS AND LEGAL ANALYSIS

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The 1984 December Monthly Report of the Fund to Keep America #1 ("the Committee") disclosed a \$10,000 contribution from D. Gilbert Lehrman on November 2, 1984. This report contained full disclosure of the contribution. Underneath the entry, the Committee typed in the following statement:

Upon realization that this contribution may have been in excess of statutory limits, the Fund immediately reimbursed the excess \$5,000.00 to the contributor. These refunds will be reflected on the December 1984 statement.

The December Report was signed by the treasurer on December 20, 1984, and received by the Commission on December 26. The Committee's 1984 Year End Report reveals that the Committee refunded \$5,000 to Mr. Lehrman on December 19, 1984.

Section 441a(a)(1)(C) of Title 2 states that no person shall make contributions to any political committee, other than a candidate's authorized political committee or a national party committee which, in the aggregate in any calendar year, exceed

\$5,000. In this matter, Mr. Lehrman made a contribution in excess of the § 441a(a)(1)(C) limits.

Based on the foregoing analysis, the Office of the General Counsel recommends that the Commission find reason to believe that D. Gilbert Lehrman violated 2 U.S.C. § 441a(a)(1)(C).

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DESCRIPTION OF PRELIMINARY PROCEDURES
FOR PROCESSING POSSIBLE VIOLATIONS DISCOVERED BY THE
FEDERAL ELECTION COMMISSION

Possible violations discovered during the normal course of the Commission's supervisory responsibilities shall be referred to the Enforcement Division of the Office of General Counsel where they are assigned a MUR (Matter Under Review) number, and assigned to a staff member.

Following review of the information which generated the MUR, a recommendation on how to proceed on the matter, which shall include preliminary legal and factual analysis, and any information compiled from materials available to the Commission shall be submitted to the Commission. This initial report shall recommend either: (a) that the Commission find reason to believe that a possible violation of the Federal Election Campaign Act (FECA) may have occurred or is about to occur and that the Commission conduct an investigation of the matter; or (b) that the Commission find no reason to believe that a possible violation of the FECA has occurred and that the Commission close the file on the matter.

Thereafter, if the Commission decides by an affirmative vote of four (4) Commissioners that there is reason to believe that a violation of the Federal Election Campaign Act (FECA) has been committed or is about to be committed, the Office of the General Counsel shall open an investigation into the matter. Upon notification of the Commission's finding(s), within 15 days a respondent(s) may submit any factual or legal materials relevant to the allegations. During the investigation, the Commission shall have the power to subpoena documents, to subpoena individuals to appear for depositions, and to order answers to interrogatories. The respondent(s) may be contacted more than once by the Commission in its investigation.

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If, during this period of investigation, the respondent(s) indicate a desire to enter into conciliation, the Office of General Counsel staff may begin the conciliation process prior to a finding of probable cause to believe a violation has been committed. Conciliation is an informal method of conference and persuasion to endeavor to correct or prevent a violation of the Federal Election Campaign Act (FECA). Most often, the result of conciliation is an agreement signed by the Commission and the respondent(s). The Conciliation Agreement must be adopted by four votes of the Commission before it becomes final. After signature by the Commission and the respondent(s), the Commission shall make public the Conciliation Agreement.

[If the investigation warrants], and no conciliation agreement is entered into prior to a probable cause to believe finding, the General Counsel must notify the respondent(s) of his intent to proceed to a vote on probable cause to believe that a violation of the Federal Election Campaign Act (FECA) has been committed or is about to be committed. Included with the notification to the respondent(s) shall be a brief setting forth the position of the General Counsel on the legal and factual issues of the case. Within 15 days of receipt of such brief, the respondent(s) may submit a brief posing the position of respondent(s) and replying to the brief of the General Counsel. Both briefs will then be filed with the Commission Secretary and will be considered by the Commission. Thereafter, if the Commission determines by an affirmative vote of four (4) Commissioners, that there is probable cause to believe that a violation of the FECA has been committed or is about to be committed conciliation must be undertaken for a period of at least 30 days but not more than 90 days. If the Commission is unable to correct or prevent any violation of the FECA through conciliation the Office of General Counsel may recommend that the Commission file a civil suit against the respondent(s) to enforce the Federal Election Campaign Act (FECA). Thereafter, the Commission may, upon an affirmative vote of four (4) Commissioners, institute civil action for relief in the District Court of the United States.

See 2 U.S.C. § 437g, 11 C.F.R. Part 111.

November 1980

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STATEMENT OF DESIGNATION OF COUNSEL

MUR _____

NAME OF COUNSEL: _____

ADDRESS: _____

TELEPHONE: _____

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

Date

Signature

RESPONDENT'S NAME: _____

ADDRESS: _____

HOME PHONE: _____

BUSINESS PHONE: _____

86040592315



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 18, 1985

Louis Lehrman
215 Brixworth Lane
Nashville, Tennessee 37205

RE: MUR 2022
Louis Lehrman

Dear Mr. Lehrman:

On June 4, 1985, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within fifteen days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent will not be entertained.

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Louis Lehrman
Page 2

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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.

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 Jonathan Levin, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,



John Warren McGarry
Chairman

Enclosures

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

86040392317



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Louis Lehrman
215 Brixworth Lane
Nashville, Tennessee 37205

RE: MUR
Louis Lehrman

JJ
6/17/85

Dear Mr. Lehrman:

On June 4, 1985, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within fifteen days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent will not be entertained.

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Louis Lehrman
Page 2

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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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 Jonathan Levin, the attorney assigned to this matter, at (202) 523-4000.

JL
6/17/85

Sincerely,

John Warren McGarry
Chairman

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

86040592319



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Louis Lehrman
215 Brixworth Lane
Nashville, Tennessee 37205

RE: MUR
Louis Lehrman

Dear Mr. Lehrman:

On June 4, 1985, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within fifteen days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent will not be entertained.

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Louis Lehrman
Page 2

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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.

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 Jonathan Levin, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

John Warren McGarry
Chairman

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

86040592321

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 2022

RESPONDENT Louis Lehrman

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of the General Counsel on March 28, 1985, for a contribution made by Louis Lehrman to the Fund to Keep America #1 which appears to be in excess of the limits of 2 U.S.C. § 441a(a)(1)(C).

FACTUAL BASIS AND LEGAL ANALYSIS

The 1984 December Monthly Report of the Fund to Keep America #1 ("the Committee") disclosed a \$10,000 contribution from Louis Lehrman on November 2, 1984. This report contained full disclosure of the contribution. Underneath the entry, the Committee typed in the following statement:

Upon realization that this contribution may have been in excess of statutory limits, the Fund immediately reimbursed the excess \$5,000.00 to the contributor. These refunds will be reflected on the December 1984 statement.

The December Report was signed by the treasurer on December 20, 1984, and received by the Commission on December 26. The Committee's 1984 Year End Report reveals that the Committee refunded \$5,000 to Mr. Lehrman on December 19, 1984.

Section 441a(a)(1)(C) of Title 2 states that no person shall make contributions to any political committee, other than a candidate's authorized political committee or a national party committee which, in the aggregate in any calendar year, exceed

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\$5,000. In this matter, Mr. Lehrman made a contribution in excess of the § 441a(a)(1)(C) limits.

Based on the foregoing analysis, the Office of the General Counsel recommends that the Commission find reason to believe that Louis Lehrman violated 2 U.S.C. § 441a(a)(1)(C).

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DESCRIPTION OF PRELIMINARY PROCEDURES
FOR PROCESSING POSSIBLE VIOLATIONS DISCOVERED BY THE
FEDERAL ELECTION COMMISSION

Possible violations discovered during the normal course of the Commission's supervisory responsibilities shall be referred to the Enforcement Division of the Office of General Counsel where they are assigned a MUR (Matter Under Review) number, and assigned to a staff member.

Following review of the information which generated the MUR, a recommendation on how to proceed on the matter, which shall include preliminary legal and factual analysis, and any information compiled from materials available to the Commission shall be submitted to the Commission. This initial report shall recommend either: (a) that the Commission find reason to believe that a possible violation of the Federal Election Campaign Act (FECA) may have occurred or is about to occur and that the Commission conduct an investigation of the matter; or (b) that the Commission find no reason to believe that a possible violation of the FECA has occurred and that the Commission close the file on the matter.

Thereafter, if the Commission decides by an affirmative vote of four (4) Commissioners that there is reason to believe that a violation of the Federal Election Campaign Act (FECA) has been committed or is about to be committed, the Office of the General Counsel shall open an investigation into the matter. Upon notification of the Commission's finding(s), within 15 days a respondent(s) may submit any factual or legal materials relevant to the allegations. During the investigation, the Commission shall have the power to subpoena documents, to subpoena individuals to appear for depositions, and to order answers to interrogatories. The respondent(s) may be contacted more than once by the Commission in its investigation.

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If, during this period of investigation, the respondent(s) indicate a desire to enter into conciliation, the Office of General Counsel staff may begin the conciliation process prior to a finding of probable cause to believe a violation has been committed. Conciliation is an informal method of conference and persuasion to endeavor to correct or prevent a violation of the Federal Election Campaign Act (FECA). Most often, the result of conciliation is an agreement signed by the Commission and the respondent(s). The Conciliation Agreement must be adopted by four votes of the Commission before it becomes final. After signature by the Commission and the respondent(s), the Commission shall make public the Conciliation Agreement.

[If the investigation warrants], and no conciliation agreement is entered into prior to a probable cause to believe finding, the General Counsel must notify the respondent(s) of his intent to proceed to a vote on probable cause to believe that a violation of the Federal Election Campaign Act (FECA) has been committed or is about to be committed. Included with the notification to the respondent(s) shall be a brief setting forth the position of the General Counsel on the legal and factual issues of the case. Within 15 days of receipt of such brief, the respondent(s) may submit a brief posing the position of respondent(s) and replying to the brief of the General Counsel. Both briefs will then be filed with the Commission Secretary and will be considered by the Commission. Thereafter, if the Commission determines by an affirmative vote of four (4) Commissioners, that there is probable cause to believe that a violation of the FECA has been committed or is about to be committed conciliation must be undertaken for a period of at least 30 days but not more than 90 days. If the Commission is unable to correct or prevent any violation of the FECA through conciliation the Office of General Counsel may recommend that the Commission file a civil suit against the respondent(s) to enforce the Federal Election Campaign Act (FECA). Thereafter, the Commission may, upon an affirmative vote of four (4) Commissioners, institute civil action for relief in the District Court of the United States.

See 2 U.S.C. § 437g, 11 C.F.R. Part 111.

November 1980

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STATEMENT OF DESIGNATION OF COUNSEL

MUR _____

NAME OF COUNSEL: _____

ADDRESS: _____

TELEPHONE: _____

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

Date

Signature

RESPONDENT'S NAME: _____

ADDRESS: _____

HOME PHONE: _____

BUSINESS PHONE: _____

85040592326

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Fund to Keep America #1)
 Timothy S. Carey, as) RAD 85L-13
 treasurer)
D. Gilbert Lehrman)
Louis Lehrman)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of June 4, 1985, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in the above-captioned matter:

1. Open a MUR.
2. Find reason to believe that D. Gilbert Lehrman violated 2 U.S.C. § 441a(a) (1) (C).
3. Find reason to believe that Louis Lehrman violated 2 U.S.C. § 441a(a) (1) (C).
4. Find reason to believe that the Fund to Keep America #1 and Timothy S. Carey, as its treasurer, violated 2 U.S.C. § 441a(f).

(continued)

86040592327

5. Approve the letters and Factual and Legal Analyses attached to the General Counsel's report dated May 21, 1985.

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

Attest:

6/5/85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

86040542328



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Rad*
DATE: May 22, 1985
SUBJECT: RAD Referral 85L-13 - First General Counsel's Rpt.

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

CIRCULATIONS

48 Hour Tally Vote
 Sensitive
 Non-Sensitive

24 Hour No Objection
 Sensitive
 Non-Sensitive

Information
 Sensitive
 Non-Sensitive

Other

DISTRIBUTION

Compliance
Audit Matters

Litigation
Closed MUR Letters

Status Sheets
Advisory Opinions

Other (see distribution
 below)

86040392329

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

FIRST GENERAL COUNSEL'S REPORT MAY 72 P12: 19

DATE AND TIME OF TRANSMITTAL BY
OGC TO THE COMMISSION _____

RAD No. 85L-13
STAFF MEMBER
Jonathan Levin

SENSITIVE

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

RESPONDENTS' NAMES: Fund to Keep America #1
Timothy S. Carey, as treasurer
D. Gilbert Lehrman
Louis Lehrman

RELEVANT STATUTE: 2 U.S.C. § 441a(a)(1)(C)
2 U.S.C. § 441a(f)

INTERNAL REPORTS
CHECKED: Public Records

FEDERAL AGENCIES
CHECKED: None

SUMMARY OF ALLEGATIONS

The Fund to Keep America #1 ("the Committee") was referred to the Office of the General Counsel on March 28, 1985, for the apparent receipt of contributions in excess of the limits of 2 U.S.C. § 441a(a)(1)(C).

FACTUAL AND LEGAL ANALYSIS

The 1984 December Monthly Report of the Fund to Keep America #1 disclosed a \$10,000 contribution from D. Gilbert Lehrman and a \$10,000 contribution from Louis Lehrman, both on November 2, 1984. This report contained full disclosure of the contributions. Underneath each entry, the Committee typed in the following statement:

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Upon realization that this contribution may have been in excess of statutory limits, the Fund immediately reimbursed the excess \$5,000.00 to the contributor. These refunds will be reflected on the December 1984 statement.

The December Report was signed by Mr. Carey on December 20, 1984, and received by the Commission on December 26. The Committee's 1984 Year End Report reveals that the Committee refunded \$5,000 to each contributor on December 19, 1984.

Section 441a(a)(1)(C) of Title 2 states that no person shall make contributions to any political committee, other than a candidate's authorized political committee or a national party committee which, in the aggregate in any calendar year, exceed \$5,000. Section 441a(f) of Title 2 prohibits the knowing acceptance or receipt of a contribution in violation of the provisions of 2 U.S.C. § 441a. In this matter, D. Gilbert Lehrman and Louis Lehrman made contributions that were each \$5,000 in excess of the § 441a(a)(1)(C) limits. The Committee accepted these contributions and did not refund the excess until 47 days had elapsed.

Based on the foregoing analysis, the Office of the General Counsel recommends that the Commission open a Matter Under Review and find reason to believe that D. Gilbert Lehrman and Louis Lehrman violated 2 U.S.C. § 441a(a)(1)(C) and that the Fund to Keep America #1 and Timothy S. Carey, as its treasurer, violated 2 U.S.C. § 441a(f).

86040592331

RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that D. Gilbert Lehrman violated 2 U.S.C. § 441a(a)(1)(C).
3. Find reason to believe that Louis Lehrman violated 2 U.S.C. § 441a(a)(1)(C).
4. Find reason to believe that the Fund to Keep America #1 and Timothy S. Carey, as its treasurer, violated 2 U.S.C. § 441a(f).
5. Approve the attached letters with the General Counsel's Factual and Legal Analyses.

Charles N. Steele
General Counsel

May 21, 1965
Date

BY:

Kenneth A. Gross
Associate General Counsel

Attachments

1. Referral from RAD
2. Letter and analysis to D. Gilbert Lehrman
3. Letter and analysis to Louis Lehrman
4. Letter and analysis to the Committee and Mr. Carey

86040592332



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

28 March 1985

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA *151*
STAFF DIRECTOR

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

SUBJECT: REFERRAL OF FUND TO KEEP AMERICA #1

This is a referral of Fund To Keep America #1 ("the Fund") for receiving a total of \$10,000 in excessive contributions from two individuals in 1984.

For your information, the Fund was referred for disclosing no or limited administrative expenses during 1983. (See 84L-26, now MUR 1872). In addition to the above referenced matter, the Fund was referred for failure to file the 12 Day Pre-General Report by Election Day 1984 (See 85NF-16).

If you have any questions, please contact Doris Gardner or Michael Filler at 523-4048.

Attachment

Attachment 1 - p 1 of 6

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FEDERAL ELECTION COMMISSION
 COMMITTEE TO REFORM FEDERAL ELECTION PROCEDURES (84-84)

DATE: 07MAR85
 PAGE: 1

NON-PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	* OF PAGES	MIKROFILM LOCATION
	FUND TO FEED AMERICA #1 CONNECTED ORGANIZATION: NONE			NON-PARTY QUALIFIED		ID #C00167007
1983	STATEMENT OF ORGANIZATION			FEBY83	2	84FEC/271/2520
	MID-YEAR REPORT	108,646	47,256	APR83 - 30JUN83	29	84FEC/279/4338
	MID-YEAR REPORT - AMENDMENT	-	-	1JAN83 - 30JUN83	1	84FEC/315/5258
	MID-YEAR REPORT - AMENDMENT	-	-	6APR83 - 30JUN83	2	84FEC/319/3
	MID-YEAR REPORT - AMENDMENT	-	-	6APR83 - 30JUN83	3	84FEC/322/4
	REQUEST FOR ADDITIONAL INFORMATION			6APR83 - 30JUN83	2	84FEC/308/0041
	REQUEST FOR ADDITIONAL INFORMATION END			6APR83 - 30JUN83	2	84FEC/313/3224
	REQUEST FOR ADDITIONAL INFORMATION			6APR83 - 30JUN83	2	84FEC/316/2001
	REQUEST FOR ADDITIONAL INFORMATION END			6APR83 - 30JUN83	3	84FEC/319/1921
	YEAR-END	3,829	30,843	1JUL83 - 31DEC83	9	84FEC/296/1632
	YEAR-END - AMENDMENT	-	-	1JUL83 - 31DEC83	2	84FEC/313/3388
	YEAR-END - AMENDMENT	-	-	1JUL83 - 31DEC83	1	84FEC/318/5209
	YEAR-END - AMENDMENT	-	-	1JUL83 - 31DEC83	1	84FEC/323/3029
	REQUEST FOR ADDITIONAL INFORMATION			1JUL83 - 31DEC83	1	84FEC/308/1502
	REQUEST FOR ADDITIONAL INFORMATION END			1JUL83 - 31DEC83	1	84FEC/313/2912
	REQUEST FOR ADDITIONAL INFORMATION			1JUL83 - 31DEC83	1	84FEC/316/2062
	REQUEST FOR ADDITIONAL INFORMATION END			1JUL83 - 31DEC83	1	84FEC/319/1958
1984	FEBRUARY MONTHLY	0	6,154	1JAN84 - 31JAN84	4	84FEC/297/2520
	MARCH MONTHLY	2,080	3,000	1FEB84 - 29FEB84	5	84FEC/299/3050
	APRIL MONTHLY	0	413	1MAR84 - 31MAR84	4	84FEC/312/4433
	MAY MONTHLY	-	1,000	1APR84 - 30APR84	4	84FEC/315/0424
	JUNE MONTHLY	-	1,255	1MAY84 - 31MAY84	5	84FEC/317/3164
	JULY MONTHLY	0	2,136	1JUN84 - 30JUN84	4	84FEC/323/2416
	AUGUST MONTHLY	0	5,643	1JUL84 - 31JUL84	4	84FEC/325/3878
	SEPTEMBER MONTHLY	13,750	12,489	1AUG84 - 31AUG84	8	84FEC/329/3
	OCTOBER MONTHLY	1,105	16,186	1SEP84 - 30SEP84	9	84FEC/345/07
	NOTICE OF FAILURE TO FILE			1OCT84 - 17OCT84	1	84FEC/349/0511
	NOVEMBER MONTHLY	11,815	27,591	1OCT84 - 31OCT84	13	84FEC/349/2800
	DECEMBER MONTHLY	25,450	9,343	1NOV84 - 30NOV84	8	84FEC/357/3663
	YEAR-END	10,225	11,580	1DEC84 - 31DEC84	9	85FEC/362/0922
	LETTED INFORMATIONAL SERVICE			1DEC84 - 31DEC84	3	85FEC/368/1637
	TOTAL	177,819	0 175,639	0	142	TOTAL PAGES

1-p. 3 of 6

ATTACHMENT #1

All reports have been reviewed.
 Ending cash-on-hand (12/31/84): \$2,184
 Outstanding debts owed by the committee: \$10,000
 Outstanding debts owed to the committee: 0

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)

FUND TO KEEP AMERICA #1

1984 December Monthly Report

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
D. Gilbert Lehrman 15 Old Gulph Gladwyne, PA 19035	Self-employed Investor Aggregate Year-to-Date—\$	11/2/84	10,000.00
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
B. Full Name, Mailing Address and ZIP Code Upon realization that this contribution may have been in excess of statutory limits, the Fund immediately reimbursed the excess (\$5,000.00) to the contributor. These refunds will be reflected on the December 1984 statement.	Name of Employer Occupation Aggregate Year-to-Date—\$	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
C. Full Name, Mailing Address and ZIP Code Louis Lehrman 215 Brixworth Lane Nashville, TN 37205	Name of Employer Occupation Aggregate Year-to-Date—\$	Date (month, day, year) 11/2/84	Amount of Each Receipt This Period 10,000.00
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
D. Full Name, Mailing Address and ZIP Code Upon realization that this contribution may have been in excess of statutory limits, the Fund immediately reimbursed the excess (\$5,000.00) to the contributor. These refunds will be reflected on the December 1984 statement.	Name of Employer Occupation Aggregate Year-to-Date—\$	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
E. Full Name, Mailing Address and ZIP Code Charles L. Stillman, Jr. 3814 Meadowlake Lane Houston, Texas 77027	Name of Employer Occupation Aggregate Year-to-Date—\$	Date (month, day, year) 11/1/84	Amount of Each Receipt This Period 1,000.00
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
F. Full Name, Mailing Address and ZIP Code Elbridge T. Gerry, Jr. 4 Laurel Lane Locust Valley, NY 11560	Name of Employer Occupation Aggregate Year-to-Date—\$	Date (month, day, year) 11/1/84	Amount of Each Receipt This Period 1,000.00
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
G. Full Name, Mailing Address and ZIP Code Laurence D. Lovett 1878 Avondale Circle Jacksonville, FL 32201	Name of Employer Occupation Aggregate Year-to-Date—\$	Date (month, day, year) 11/1/84	Amount of Each Receipt This Period 1,000.00
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
SUBTOTAL of Receipts This Page (optional).....			23,000.00
TOTAL This Period (see also this line number only).....			1-p. 4 of 6

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SCHEDULE B

Attachment #3
ITEMIZED DISBURSEMENTS

Page 1 of 3 for
LOVE ISLANDA 26A
(It is important to attach a copy of the Detailed Summary Page)

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 donor.

Name of Committee (in Full)		1984 Year-End Report	
Fund to Keep America #1			
A. Full Name, Mailing Address and ZIP Code D. Gilbert Lehrman 15 Old Gulph Road Gladwyne, PA 19035	Purpose of Disbursement • contribution refund Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 12/19/84	Amount of Each Disbursement This Period 5,000.00
B. Full Name, Mailing Address and ZIP Code Louis Lehrman 215 Brixworth Lane Nashville, TN 37205	Purpose of Disbursement • contribution refund Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 12/19/84	Amount of Each Disbursement This Period 5,000.00
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)			10,000.00
TOTAL This Period (last page this line number only)			10,000.00

820928

1-p. 5 of 6

• See our November 1984 report; a copy of the appropriate page is attached



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

20-5

Timothy S. Carey, Treasurer
Fund to Keep America #1
214 Massachusetts Avenue, NE
Washington, DC 20002

MAR 15 1985

Identification Number: C00167007

Reference: Year End Report (??) /84-12/31/84)

Dear Mr. Carey:

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 A of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. The Act precludes a committee from receiving contributions from another political committee or a person in excess of \$5,000 per calendar year. 2 U.S.C. §441a(f).

The Commission notes your refund of the excessive contribution(s). Although the Commission may take further legal steps concerning the acceptance of an excessive contribution(s), your prompt action in refunding the contribution(s) will be taken into consideration.

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) 573-4048.

Sincerely,

Doris M. Gardner
Reports Analyst
Reports Analysis Division

1 - p. 6 of 6

86040592337
35733681677



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

D. Gilbert Lehrman
15 Old Gulph
Gladwyne, Pennsylvania 19035

RE: MUR
D. Gilbert Lehrman

Dear Mr. Lehrman:

On , 1985, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, 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.

Attachment 2 - p. 1 of 4

86040592338

D. Gilbert Lehrman
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 Jonathan Levin, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

John Warren McGarry
Chairman

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

86040592339

2 - p. 2 of 4

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. _____

RESPONDENT D. Gilbert Lehrman

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of the General Counsel on March 28, 1985, for a contribution made by D. Gilbert Lehrman to the Fund to Keep America #1 which appears to be in excess of the limits of 2 U.S.C. § 441a(a)(1)(C).

FACTUAL BASIS AND LEGAL ANALYSIS

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The 1984 December Monthly Report of the Fund to Keep America #1 ("the Committee") disclosed a \$10,000 contribution from D. Gilbert Lehrman on November 2, 1984. This report contained full disclosure of the contribution. Underneath the entry, the Committee typed in the following statement:

Upon realization that this contribution may have been in excess of statutory limits, the Fund immediately reimbursed the excess \$5,000.00 to the contributor. These refunds will be reflected on the December 1984 statement.

The December Report was signed by the treasurer on December 20, 1984, and received by the Commission on December 26. The Committee's 1984 Year End Report reveals that the Committee refunded \$5,000 to Mr. Lehrman on December 19, 1984.

Section 441a(a)(1)(C) of Title 2 states that no person shall make contributions to any political committee, other than a candidate's authorized political committee or a national party committee which, in the aggregate in any calendar year, exceed

\$5,000. In this matter, Mr. Lehrman made a contribution in excess of the § 441a(a)(1)(C) limits.

Based on the foregoing analysis, the Office of the General Counsel recommends that the Commission find reason to believe that D. Gilbert Lehrman violated 2 U.S.C. § 441a(a)(1)(C).

86040592341

2 - p. 4 of 4



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Louis Lehrman
215 Brixworth Lane
Nashville, Tennessee 37205

RE: MUR
Louis Lehrman

Dear Mr. Lehrman:

On , 1985, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, 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.

Attachment 3 - p. 1 of 4

86040592342

Louis Lehrman
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 Jonathan Levin, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

John Warren McGarry
Chairman

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

86040592343

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GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. _____

RESPONDENT Louis Lehrman

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of the General Counsel on March 28, 1985, for a contribution made by Louis Lehrman to the Fund to Keep America #1 which appears to be in excess of the limits of 2 U.S.C. § 441a(a)(1)(C).

FACTUAL BASIS AND LEGAL ANALYSIS

The 1984 December Monthly Report of the Fund to Keep America #1 ("the Committee") disclosed a \$10,000 contribution from Louis Lehrman on November 2, 1984. This report contained full disclosure of the contribution. Underneath the entry, the Committee typed in the following statement:

Upon realization that this contribution may have been in excess of statutory limits, the Fund immediately reimbursed the excess \$5,000.00 to the contributor. These refunds will be reflected on the December 1984 statement.

The December Report was signed by the treasurer on December 20, 1984, and received by the Commission on December 26. The Committee's 1984 Year End Report reveals that the Committee refunded \$5,000 to Mr. Lehrman on December 19, 1984.

Section 441a(a)(1)(C) of Title 2 states that no person shall make contributions to any political committee, other than a candidate's authorized political committee or a national party committee which, in the aggregate in any calendar year, exceed

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86040592344

\$5,000. In this matter, Mr. Lehrman made a contribution in excess of the § 441a(a)(1)(C) limits.

Based on the foregoing analysis, the Office of the General Counsel recommends that the Commission find reason to believe that Louis Lehrman violated 2 U.S.C. § 441a(a)(1)(C).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Timothy S. Carey, Treasurer
Fund to Keep America #1
214 Massachusetts Avenue, N.E.
Suite 205
Washington, D.C. 20002

RE: MUR
Fund to Keep America #1
Timothy S. Carey, as treasurer

Dear Mr. Carey:

On , 1985, the Federal Election Commission determined that there is reason to believe that the Fund to Keep America #1 and you, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, 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. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter. Statements should be submitted under oath.

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.

Attachment 4 - p. 1 of 4

86040592346

Timothy S. Carey, 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 Jonathan Levin, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

John Warren McGarry
Chairman

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

86040392347

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GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. _____

RESPONDENT Fund to Keep America #1
Timothy S. Carey, as treasurer

SUMMARY OF ALLEGATIONS

The Fund to Keep America #1 ("the Committee") was referred to the Office of the General Counsel on March 28, 1985, for the apparent receipt of contributions in excess of the limits of 2 U.S.C. § 441a(a)(1)(C).

FACTUAL BASIS AND LEGAL ANALYSIS

The 1984 December Monthly Report of the Fund to Keep America #1 disclosed a \$10,000 contribution from D. Gilbert Lehrman and a \$10,000 contribution from Louis Lehrman, both on November 2, 1984. This report contained full disclosure of the contributions. Underneath each entry, the Committee typed in the following statement:

Upon realization that this contribution may have been in excess of statutory limits, the Fund immediately reimbursed the excess \$5,000.00 to the contributor. These refunds will be reflected on the December 1984 statement.

The December Report was signed by Mr. Carey on December 20, 1984, and received by the Commission on December 26. The Committee's 1984 Year End Report reveals that the Committee refunded \$5,000 to each contributor on December 19, 1984.

Section 441a(a)(1)(C) of Title 2 states that no person shall make contributions to any political committee, other than a candidate's authorized political committee or a national party

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86040592348

committee which, in the aggregate in any calendar year, exceed \$5,000. Section 441a(f) of Title 2 prohibits the knowing acceptance or receipt of a contribution in violation of the provisions of 2 U.S.C. § 441a. In this matter, D. Gilbert Lehrman and Louis Lehrman made contributions that were each \$5,000 in excess of the § 441a(a)(1)(C) limits. The Committee accepted these contributions and did not refund the excess until 47 days had elapsed.

Based on the foregoing analysis, the Office of the General Counsel recommends that the Commission find reason to believe that the Fund to Keep America #1 and Timothy S. Carey, as its treasurer, violated 2 U.S.C. § 441a(f).

86040592349

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

28 March 1985

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA *JCS*
STAFF DIRECTOR

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

SUBJECT: REFERRAL OF FUND TO KEEP AMERICA #1

This is a referral of Fund To Keep America #1 ("the Fund") for receiving a total of \$10,000 in excessive contributions from two individuals in 1984.

For your information, the Fund was referred for disclosing no or limited administrative expenses during 1983. (See 84L-26, now MUR 1872). In addition to the above referenced matter, the Fund was referred for failure to file the 12 Day Pre-General Report by Election Day 1984 (See 85NF-16).

If you have any questions, please contact Doris Gardner or Michael Filler at 523-4048.

Attachment

96040592350

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FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (83-84)DATE 27MAR85
PAGE 1

NON-PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
FUND TO KEEP AMERICA #1 CONNECTED ORGANIZATION: NONE				NON-PARTY QUALIFIED		ID #C00167007
1983	STATEMENT OF ORGANIZATION			3MAY83	2	83FEC/271/2520
	MID-YEAR REPORT	108,646	47,256	6APR83 -30JUN83	29	83FEC/279/4238
	MID-YEAR REPORT - AMENDMENT	-	-	1JAN83 -30JUN83	1	84FEC/315/5258
	MID-YEAR REPORT - AMENDMENT	-	-	6APR83 -30JUN83	2	84FEC/318/3500
	MID-YEAR REPORT - AMENDMENT	-	-	6APR83 -30JUN83	3	84FEC/322/4440
	REQUEST FOR ADDITIONAL INFORMATION			6APR83 -30JUN83	2	84FEC/308/0041
	REQUEST FOR ADDITIONAL INFORMATION 2ND			6APR83 -30JUN83	3	84FEC/313/2226
	REQUEST FOR ADDITIONAL INFORMATION			6APR83 -30JUN83	2	84FEC/316/2001
	REQUEST FOR ADDITIONAL INFORMATION 2ND			6APR83 -30JUN83	3	84FEC/318/1921
	YEAR-END	3,838	30,943	1JUL83 -31DEC83	9	84FEC/296/1632
	YEAR-END - AMENDMENT	-	-	1JUL83 -31DEC83	2	84FEC/313/3388
	YEAR-END - AMENDMENT	-	-	1JUL83 -31DEC83	1	84FEC/318/5209
	YEAR-END - AMENDMENT	-	-	1JUL83 -31DEC83	1	84FEC/323/2029
	REQUEST FOR ADDITIONAL INFORMATION			1JUL83 -31DEC83	1	84FEC/308/1502
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL83 -31DEC83	1	84FEC/313/2912
	REQUEST FOR ADDITIONAL INFORMATION			1JUL83 -31DEC83	1	84FEC/316/2062
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL83 -31DEC83	1	84FEC/318/1958
1984	FEBRUARY MONTHLY	0	6,154	1JAN84 -31JAN84	4	84FEC/297/2520
	MARCH MONTHLY	2,000	3,000	1FEB84 -29FEB84	5	84FEC/299/3050
	APRIL MONTHLY	0	413	1MAR84 -31MAR84	4	84FEC/312/4433
	MAY MONTHLY	-	1,000	1APR84 -30APR84	4	84FEC/315/0424
	JUNE MONTHLY	-	1,255	1MAY84 -31MAY84	5	84FEC/317/3164
	JULY MONTHLY	0	2,136	1JUN84 -30JUN84	4	84FEC/323/2416
	AUGUST MONTHLY	0	5,643	1JUL84 -31JUL84	4	84FEC/325/3872
	SEPTEMBER MONTHLY	13,750	12,489	1AUG84 -31AUG84	8	84FEC/329/3998
	OCTOBER MONTHLY	1,105	16,186	1SEP84 -30SEP84	9	84FEC/345/0200
	NOTICE OF FAILURE TO FILE			1OCT84 -17OCT84	1	84FEC/349/0500
	NOVEMBER MONTHLY	12,815	27,591	1OCT84 -31OCT84	10	84FEC/349/2800
	DECEMBER MONTHLY	25,450	9,093	1NOV84 -30NOV84	8	84FEC/357/3603
	YEAR-END	10,225	12,580	1DEC84 -31DEC84	9	85FEC/362/0922
	1ST LETTER INFORMATIONAL NOTICE			1DEC84 -31DEC84	3	85FEC/368/1637
	TOTAL	177,829	0 175,639	0	142	TOTAL PAGES

ATTACHMENT #1

All reports have been reviewed.
 Ending cash-on-hand (12/31/84): \$2,184
 Outstanding debts owed by the committee: \$10,000
 Outstanding debts owed to the committee: 0

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) **FUND TO KEEP AMERICA #1** 1984 December Monthly Report

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
D. Gilbert Lehrman 15 Old Galph Gladys, PA 19835	Self-employed Investor	11/2/84	10,000.00
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Aggregate Year-to-Date—\$			
B. Full Name, Mailing Address and ZIP Code Upon realization that this contribution may have been in excess of statutory limits, the Fund immediately reimbursed the excess (\$5,000.00) to the contributor. These refunds will be reflected on the December 1984 statement.	Name of Employer Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Aggregate Year-to-Date—\$			
C. Full Name, Mailing Address and ZIP Code Louis Lehrman 215 Brixworth Lane Nashville, TN 37205	Name of Employer Occupation Student	Date (month, day, year) 11/2/84	Amount of Each Receipt This Period 10,000.00
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Aggregate Year-to-Date—\$			
D. Full Name, Mailing Address and ZIP Code Upon realization that this contribution may have been in excess of statutory limits, the Fund immediately reimbursed the excess (\$5,000.00) to the contributor. These refunds will be reflected on the December 1984 statement.	Name of Employer Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Aggregate Year-to-Date—\$			
E. Full Name, Mailing Address and ZIP Code Charles L. Stillman, Jr. 3814 Meadowlake Lane Houston, Texas 770.7	Name of Employer Occupation Self-employed Investment	Date (month, day, year) 11/1/84	Amount of Each Receipt This Period 1,000.00
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Aggregate Year-to-Date—\$			
F. Full Name, Mailing Address and ZIP Code Elbridge T. Gerry, Jr. 4 Laurel Lane Locust Valley, NY 11560	Name of Employer Occupation Brown Brother Harriman Banker	Date (month, day, year) 11/1/84	Amount of Each Receipt This Period 1,000.00
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Aggregate Year-to-Date—\$			
G. Full Name, Mailing Address and ZIP Code Laurence D. Lovett 1878 Avondale Circle Jacksonville, FL 32201	Name of Employer Occupation Commodores Point Terminal Corp. Office & Director	Date (month, day, year) 11/1/84	Amount of Each Receipt This Period 1,000.00
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Aggregate Year-to-Date—\$			
SUBTOTAL of Receipts This Page (optional)			23,000.00
TOTAL This Period (last page this line number only)			

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SCHEDULE B

Attachment #3
ITEMIZED DISBURSEMENTS

Page 1 of 1 for
LINE NUMBER 22A
(file separate schedules for each
category of the Detailed
Summary Page)

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)		1984 Year-End Report	
Fund to Keep America #1			
A. Full Name, Mailing Address and ZIP Code D. Gilbert Lehman 13 Old Galph Road Gladwyne, PA 19035	Purpose of Disbursement • contribution refund Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 12/19/84	Amount of Each Disbursement This Period 5,000.00
B. Full Name, Mailing Address and ZIP Code Louis Lehman 215 Brixworth Lane Nashville, TN 37205	Purpose of Disbursement • contribution refund Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 12/19/84	Amount of Each Disbursement This Period 5,000.00
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)			10,000.00
TOTAL This Period (last page this line number only)			10,000.00

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* See our November 1984 report; a copy of the appropriate page is attached



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

20-5

Timothy S. Carey, Treasurer
Fund to Keep America #1
214 Massachusetts Avenue, NE
Washington, DC 20002

NOV 15 1985

Identification Number: C00167007

Reference: Year End Report (12/84-12/31/84)

Dear Mr. Carey:

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 A of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. The Act precludes a committee from receiving contributions from another political committee or a person in excess of \$5,000 per calendar year. 2 U.S.C. §461a(f).

The Commission notes your refund of the excessive contribution(s). Although the Commission may take further legal steps concerning the acceptance of an excessive contribution(s), your prompt action in refunding the contribution(s) will be taken into consideration.

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) 573-4048.

Sincerely,

Doris M. Gardner
Reports Analyst
Reports Analysis Division

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8 5 7 3 3 6 8 1 6 7 7



FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, D.C. 20463

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THIS IS THE BEGINNING OF MUR # 2022

Date Filmed 6/13/86 Camera No. --- 2

Cameraman J.A.D.



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 2022 .

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RECEIVED AT THE FEC

86 JUN 26 P12: 11

GEORGE D. WEBSTER
CHARLES E. CHAMBERLAIN
J. COLEMAN BEAN
ARTHUR L. HEROLD
ALAN P. DYE
BURKETT VAN KIRK
FRANK M. NORTHAM
C. MICHAEL DEESE
GERARD P. PANARO
JOHN W. HAZARD, JR.
BRAD D. WEISS
CHARLES M. WATKINS
PETER J. CINQUEGRANI

LAW OFFICES
WEBSTER, CHAMBERLAIN & BEAN
1747 PENNSYLVANIA AVENUE, N. W.
WASHINGTON, D. C. 20006
(202) 785-9500

RECEIVED
GENERAL COUNSEL
86 JUN 26 P 3: 37

June 25, 1986

Jonathan Levin, Esq.
Office of the General Counsel
Federal Election Commission
Sixth Floor
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2022

Dear Mr. Levin:

I have been advised by counsel for Respondent Fund to Keep America #1 that the civil penalty prescribed in Paragraph VII of the Conciliation Agreement in the above-referenced matter has been paid. Accordingly, and pursuant to Paragraph X of the Agreement, notice is hereby given to the Commission that the requirements of the agreement have been complied with and implemented by Respondents D. Gilbert Lehrman and Louis Lehrman II.

Very truly yours,

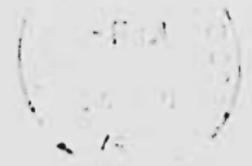


C. Michael Deese

CMD:aj

36040594479

LAW OFFICES
ER. CHAMBERLAIN & BEAN
PENNSYLVANIA WENGE N.W.
ASHINGTON, D.C. 20006



Jonathan Levin, Esq.
Office of the General Counsel
Federal Election Commission
Sixth Floor
999 F Street, N.W.
Washington, D.C. 20463

JUN 22 1971